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House of Representatives

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

PRAYER

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

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

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

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

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

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

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

IMPROVING THE ECONOMY AND CREATING JOBS

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

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

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

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

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

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

□ 1010

CONGRATULATING US1 RADIO ON ITS 30TH ANNIVERSARY

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

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

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

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

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT

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

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

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

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

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

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

A PLEDGE TO AMERICA WITH TAX CUTS

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

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

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

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

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

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

PROGRESS FOR AMERICAN SMALL BUSINESS

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

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

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

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

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

BORDER FENCE

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

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

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

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

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

And that's just the way it is.

PASS THE MIDDLE CLASS TAX CUTS

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

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

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

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

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

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

TAX AND SPEND DEMOCRATS

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

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

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

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

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

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

□ 1020

TAX CUT EXTENSIONS

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

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

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

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

HONORING HINSDALE DEPUTY FIRE CHIEF MARK JOHNSON

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

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

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

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

DEPARTMENT OF DEFENSE INDEMNIFICATION

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

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

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

EXTENDING THE TAX CUTS

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

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

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

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

AWARDING THE PURPLE HEART

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

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

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

STOP JOB-KILLING TAX INCREASES

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

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

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

REMEMBERING THE AID WORKERS LOST IN AFGHANISTAN

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

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

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

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

HONORING AMIR ABO-SHAEER

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

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

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

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

□ 1030

AMERICA IS NOT FOR SALE

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

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

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

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

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

EXTENDING TAX CUTS

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

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

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

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

HONORING THE LIFE OF BISHOP KENNETH H. MOALES

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

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

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

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

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

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

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

HONORING THE LIFE OF CORPORAL PHILIP CHARTE

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

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

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

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

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

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

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

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

NASA REAUTHORIZATION BILL

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

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

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

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

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

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

YOU CAN'T HAVE IT BOTH WAYS

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

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

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

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

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

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

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

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

The Clerk read the resolution, as follows:

H. RES. 1674

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

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

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

□ 1040

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

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

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I reserve the balance of my time.

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

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

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

□ 1050

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

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

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

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

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

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

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

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

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

I reserve the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1100

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

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

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

Vote for the rule and vote for the bipartisan bill.

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

Mr. PAULSEN. I thank the gentleman for yielding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. REYES. I thank the gentleman for yielding.

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

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

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

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

Mrs. BIGGERT. I thank the gentleman for yielding.

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

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

□ 1110

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

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

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

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

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

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

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

How long do those first responders have to wait?

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

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

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

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

I ask my colleagues to support the rule.

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

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

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

It is part of a larger pattern.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. CANTOR. I thank the gentleman from Florida.

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

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

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

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

□ 1120

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

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

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

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

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

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

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

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

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

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

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

Mrs. MALONEY. I thank the gentleman.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1130

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. PENCE. I thank the gentleman for yielding.

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

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

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

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

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

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

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

□ 1140

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

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

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

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

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

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

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

MOTION TO ADJOURN

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

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

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

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

The yeas and nays were ordered.

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

[Roll No. 545]

YEAS—2

Rangel
Young (AK)

NAYS—409

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

ANSWERED ''PRESENT''—1

Cleaver

NOT VOTING—20

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

□ 1214

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

So the motion was rejected.

The result of the vote was announced as above recorded.

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

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

The Chair recognizes the gentleman from New York.

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

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

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

There was no objection.

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

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

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

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

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

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

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

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

□ 1220

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

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

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

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

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

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

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

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

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 321

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

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

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

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

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

The yeas and nays were ordered.

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

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

[Roll No. 546]

YEAS—210

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

NAYS—209

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

NOT VOTING—14

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1247

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

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

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

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

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

[Roll No. 547]

YEAS—235

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

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

NAYS—183

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

NOT VOTING—14

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1257

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

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

[Roll No. 548]

YEAS—234

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

NAYS—183

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

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

NOT VOTING—15

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1306

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

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

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010

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

The Clerk read the title of the bill.

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

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

H.R. 847

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''James Zadroga 9/11 Health and Compensation Act of 2010''.

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

Sec. 1. Short title; table of contents.

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

Sec. 101. World Trade Center Health Program.

''TITLE XXXIII—WORLD TRADE CENTER HEALTH PROGRAM

''Subtitle A—Establishment of Program; Advisory Committee

''Sec. 3301. Establishment of World Trade Center Health Program.
''Sec. 3302. WTC Health Program Scientific/Technical Advisory Committee; WTC Health Program Steering Committees.
''Sec. 3303. Education and outreach.
''Sec. 3304. Uniform data collection and analysis.
''Sec. 3305. Clinical Centers of Excellence and Data Centers.
''Sec. 3306. Definitions.

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

''PART 1—WTC RESPONDERS

''Sec. 3311. Identification of WTC responders and provision of WTC-related monitoring services.
''Sec. 3312. Treatment of enrolled WTC responders for WTC-related health conditions.
''Sec. 3313. National arrangement for benefits for eligible individuals outside New York.

''PART 2—WTC SURVIVORS

''Sec. 3321. Identification and initial health evaluation of screening-eligible and certified-eligible WTC survivors.
''Sec. 3322. Followup monitoring and treatment of certified-eligible WTC survivors for WTC-related health conditions.
''Sec. 3323. Followup monitoring and treatment of other individuals with WTC-related health conditions.

''PART 3—PAYOR PROVISIONS

''Sec. 3331. Payment of claims.
''Sec. 3332. Administrative arrangement authority.

''Subtitle C—Research Into Conditions

''Sec. 3341. Research regarding certain health conditions related to September 11 terrorist attacks.
''Sec. 3342. World Trade Center Health Registry.

''Subtitle D—Funding

''Sec. 3351. World Trade Center Health Program Fund.

TITLE II—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

Sec. 201. Definitions.
Sec. 202. Extended and expanded eligibility for compensation.
Sec. 203. Requirement to update regulations.
Sec. 204. Limited liability for certain claims.
Sec. 205. Funding; attorney fees.

TITLE III—LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS; TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

Sec. 301. Limitation on treaty benefits for certain deductible payments.
Sec. 302. Time for payment of corporate estimated taxes.

TITLE IV—BUDGETARY EFFECTS

Sec. 401. Compliance with Statutory Pay-As-You-Go Act of 2010.

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

SEC. 101. WORLD TRADE CENTER HEALTH PROGRAM.

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

''TITLE XXXIII—WORLD TRADE CENTER HEALTH PROGRAM

''Subtitle A—Establishment of Program; Advisory Committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(f) ANNUAL PROGRAM REPORT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(a) ADVISORY COMMITTEE.—

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

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

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

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

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

''(D) 2 representatives of WTC responders;

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

''(F) an industrial hygienist;

''(G) a toxicologist;

''(H) an epidemiologist; and

''(I) a mental health professional.

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

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

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

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

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

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

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

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

''(2) MEMBERSHIP.—

''(A) WTC RESPONDERS STEERING COMMITTEE.—

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

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

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

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

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

''(B) WTC SURVIVORS STEERING COMMITTEE.—

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

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

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

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

of subtitle B and organizations advocating on their behalf; and

''(IV) New York City.

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

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

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

''SEC. 3303. EDUCATION AND OUTREACH.

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

''(1) shall include—

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

''(B) meetings with potentially eligible populations;

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

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

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

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

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

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

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

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

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

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

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

''(a) IN GENERAL.—

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

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

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

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

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

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

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

''(2) CONTRACTS WITH DATA CENTERS.—

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

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

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

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

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

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

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

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

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

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

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

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

''(b) CENTERS OF EXCELLENCE.—

''(1) CLINICAL CENTERS OF EXCELLENCE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(c) PAYMENT FOR INFRASTRUCTURE COSTS.—

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

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

''SEC. 3306. DEFINITIONS.

''In this title:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''PART 1—WTC RESPONDERS

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

''(a) WTC RESPONDER DEFINED.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(3) ENROLLMENT PROCESS.—

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

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

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

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

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

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

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

''(B) TIMING.—

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

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

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

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

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

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

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

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

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

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

''(b) MONITORING BENEFITS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(A) AERODIGESTIVE DISORDERS.—

''(i) Interstitial lung diseases.

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

''(iii) Asthma.

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

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

''(vi) Chronic cough syndrome.

''(vii) Upper airway hyperreactivity.

''(viii) Chronic rhinosinusitis.

''(ix) Chronic nasopharyngitis.

''(x) Chronic laryngitis.

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

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

''(B) MENTAL HEALTH CONDITIONS.—

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

''(ii) Major depressive disorder.

''(iii) Panic disorder.

''(iv) Generalized anxiety disorder.

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

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

''(vii) Acute stress disorder.

''(viii) Dysthymic disorder.

''(ix) Adjustment disorder.

''(x) Substance abuse.

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

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

''(4) MUSCULOSKELETAL DISORDERS.—

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

''(i) Low back pain.

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

''(iii) Other musculoskeletal disorders.

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

''(5) CANCER.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(3) REQUIREMENT OF MEDICAL NECESSITY.—

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

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

''(4) SCOPE OF TREATMENT COVERED.—

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

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

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

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

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

''(1) MEDICAL TREATMENT.—

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

''(B) PHARMACEUTICALS.—

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

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

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

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

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

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

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

''(3) DETERMINATION OF MEDICAL NECESSITY.—

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

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

''(d) MEDICAL TREATMENT PROTOCOLS.—

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

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

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

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

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

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

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

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

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

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

''PART 2—WTC SURVIVORS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(II) TIMING.—

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

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

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

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

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

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

''(ii) TIMING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(1) AERODIGESTIVE DISORDERS.—

''(A) Interstitial lung diseases.

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

''(C) Asthma.

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

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

''(F) Chronic cough syndrome.

''(G) Upper airway hyperreactivity.

''(H) Chronic rhinosinusitis.

''(I) Chronic nasopharyngitis.

''(J) Chronic laryngitis.

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

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

''(2) MENTAL HEALTH CONDITIONS.—

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

''(B) Major depressive disorder.

''(C) Panic disorder.

''(D) Generalized anxiety disorder.

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

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

''(G) Acute stress disorder.

''(H) Dysthymic disorder.

''(I) Adjustment disorder.

''(J) Substance abuse.

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

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

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

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

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

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

''(c) LIMITATION.—

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

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

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

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

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

''PART 3—PAYOR PROVISIONS

''SEC. 3331. PAYMENT OF CLAIMS.

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

''(b) WORKERS' COMPENSATION PAYMENT.—

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

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

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

''(c) HEALTH INSURANCE COVERAGE.—

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

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

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

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

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

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

''(1) CONTRACT REQUIREMENT.—

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

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

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

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

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

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

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

''(E) COMPLIANCE.—

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

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

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

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

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

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

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

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

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

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

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

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

''SEC. 3332. ADMINISTRATIVE ARRANGEMENT AUTHORITY.

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

''Subtitle C—Research Into Conditions

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

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

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

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

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

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

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

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

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

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

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

''SEC. 3342. WORLD TRADE CENTER HEALTH REGISTRY.

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

''Subtitle D—Funding

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

''(a) ESTABLISHMENT OF FUND.—

''(1) IN GENERAL.—There is established a fund to be known as the World Trade Center Health Program Fund (referred to in this section as the 'Fund').

''(2) FUNDING.—Out of any money in the Treasury not otherwise appropriated, there shall be deposited into the Fund for each of fiscal years 2012 through 2020 (and the last calendar quarter of fiscal year 2011)—

''(A) the Federal share, consisting of an amount equal to the lesser of—

''(i) 90 percent of the expenditures in carrying out this title for the respective fiscal year (initially based on estimates, subject to subsequent reconciliation based on actual expenditures); or

''(ii)(I) $71,000,000 for the last calendar quarter of fiscal year 2011, $318,000,000 for fiscal year 2012, $354,000,000 for fiscal year 2013, $382,000,000 for fiscal year 2014, $431,000,000 for fiscal year 2015, $481,000,000 for fiscal year 2016, $537,000,000 for fiscal year 2017, $601,000,000 for fiscal year 2018, and $173,000,000 for fiscal year 2019; and

''(II) subject to paragraph (4), an additional $499,000,000 for fiscal year 2019 and $743,000,000 for fiscal year 2020; plus

''(B) the New York City share, consisting of the amount contributed under the contract under section 3331(d).

''(3) CONTRACT REQUIREMENT.—

''(A) IN GENERAL.—No funds may be disbursed from the Fund unless New York City has entered into a contract with the WTC Program Administrator under section 3331(d)(1).

''(B) BREACH OF CONTRACT.—In the case of a failure to pay the amount so required under the contract—

''(i) the amount is recoverable under subparagraph (E)(ii) of such section;

''(ii) such failure shall not affect the disbursement of amounts from the Fund; and

''(iii) the Federal share described in paragraph (2)(A) shall not be increased by the amount so unpaid.

''(4) AGGREGATE LIMITATION ON FUNDING BEGINNING WITH FISCAL YEAR 2019.—Beginning with fiscal year 2019, in no case shall the share of Federal funds deposited into the Fund under paragraph (2) for such fiscal year and previous fiscal years and quarters exceed the sum of the amounts specified in paragraph (2)(A)(ii)(I).

''(b) MANDATORY FUNDS FOR MONITORING, INITIAL HEALTH EVALUATIONS, TREATMENT, AND CLAIMS PROCESSING.—

''(1) IN GENERAL.—The amounts deposited into the Fund under subsection (a)(2) shall be available, without further appropriation, consistent with paragraph (2) and subsection (c), to carry out subtitle B and sections 3302(a), 3303, 3304, 3305(a)(2), 3305(c), 3341, and 3342.

''(2) LIMITATION ON MANDATORY FUNDING.—This title does not establish any Federal obligation for payment of amounts in excess of the amounts available from the Fund for such purpose.

''(3) LIMITATION ON AUTHORIZATION FOR FURTHER APPROPRIATIONS.—This title does not establish any authorization for appropriation of amounts in excess of the amounts available from the Fund under paragraph (1).

''(c) LIMITS ON SPENDING FOR CERTAIN PURPOSES.—Of the amounts made available under subsection (b)(1), not more than each of the following amounts may be available for each of the following purposes:

''(1) SURVIVING IMMEDIATE FAMILY MEMBERS OF FIREFIGHTERS.—For the purposes of carrying out subtitle B with respect to WTC responders described in section 3311(a)(2)(A)(ii)—

''(A) for the last calendar quarter of fiscal year 2011, $100,000;

''(B) for fiscal year 2012, $400,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(2) WTC HEALTH PROGRAM SCIENTIFIC/TECHNICAL ADVISORY COMMITTEE.—For the purpose of carrying out section 3302(a)—

''(A) for the last calendar quarter of fiscal year 2011, $25,000;

''(B) for fiscal year 2012, $100,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(3) EDUCATION AND OUTREACH.—For the purpose of carrying out section 3303—

''(A) for the last calendar quarter of fiscal year 2011, $500,000;

''(B) for fiscal year 2012, $2,000,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(4) UNIFORM DATA COLLECTION.—For the purpose of carrying out section 3304 and for reimbursing Data Centers (as defined in section 3305(b)(2)) for the costs incurred by such Centers in carrying out activities under contracts entered into under section 3305(a)(2)—

''(A) for the last calendar quarter of fiscal year 2011, $2,500,000;

''(B) for fiscal year 2012, $10,000,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(5) RESEARCH REGARDING CERTAIN HEALTH CONDITIONS.—For the purpose of carrying out section 3341—

''(A) for the last calendar quarter of fiscal year 2011, $3,750,000;

''(B) for fiscal year 2012, $15,000,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(6) WORLD TRADE CENTER HEALTH REGISTRY.—For the purpose of carrying out section 3342—

''(A) for the last calendar quarter of fiscal year 2011, $1,750,000;

''(B) for fiscal year 2012, $7,000,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.''.

TITLE II—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

SEC. 201. DEFINITIONS.

Section 402 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in paragraph (6) by inserting '', or debris removal, including under the World Trade Center Health Program established under section 3001 of the Public Health Service Act, and payments made pursuant to the

settlement of a civil action described in section 405(c)(3)(C)(iii)'' after ''September 11, 2001'';

(2) by inserting after paragraph (6) the following new paragraphs and redesignating subsequent paragraphs accordingly:

''(7) CONTRACTOR AND SUBCONTRACTOR.—The term 'contractor and subcontractor' means any contractor or subcontractor (at any tier of a subcontracting relationship), including any general contractor, construction manager, prime contractor, consultant, or any parent, subsidiary, associated or allied company, affiliated company, corporation, firm, organization, or joint venture thereof that participated in debris removal at any 9/11 crash site. Such term shall not include any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center, on September 11, 2001, whether fee simple, leasehold or easement, direct or indirect.

''(8) DEBRIS REMOVAL.—The term 'debris removal' means rescue and recovery efforts, removal of debris, cleanup, remediation, and response during the immediate aftermath of the terrorist-related aircraft crashes of September 11, 2001, with respect to a 9/11 crash site.'';

(3) by inserting after paragraph (10), as so redesignated, the following new paragraph and redesignating the subsequent paragraphs accordingly:

''(11) IMMEDIATE AFTERMATH.—The term 'immediate aftermath' means any period beginning with the terrorist-related aircraft crashes of September 11, 2001, and ending on August 30, 2002.''; and

(4) by adding at the end the following new paragraph:

''(14) 9/11 CRASH SITE.—The term '9/11 crash site' means—

''(A) the World Trade Center site, Pentagon site, and Shanksville, Pennsylvania site;

''(B) the buildings or portions of buildings that were destroyed as a result of the terrorist-related aircraft crashes of September 11, 2001;

''(C) any area contiguous to a site of such crashes that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or building collapses (including the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured individuals); and

''(D) any area related to, or along, routes of debris removal, such as barges and Fresh Kills.''.

SEC. 202. EXTENDED AND EXPANDED ELIGIBILITY FOR COMPENSATION.

(a) INFORMATION ON LOSSES RESULTING FROM DEBRIS REMOVAL INCLUDED IN CONTENTS OF CLAIM FORM.—Section 405(a)(2)(B) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in clause (i), by inserting '', or debris removal during the immediate aftermath'' after ''September 11, 2001'';

(2) in clause (ii), by inserting ''or debris removal during the immediate aftermath'' after ''crashes''; and

(3) in clause (iii), by inserting ''or debris removal during the immediate aftermath'' after ''crashes''.

(b) EXTENSION OF DEADLINE FOR CLAIMS UNDER SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001.—Section 405(a)(3) of such Act is amended to read as follows:

''(3) LIMITATION.—

''(A) IN GENERAL.—Except as provided by subparagraph (B), no claim may be filed under paragraph (1) after the date that is 2 years after the date on which regulations are promulgated under section 407(a).

''(B) EXCEPTION.—A claim may be filed under paragraph (1), in accordance with subsection (c)(3)(A)(i), by an individual (or by a personal representative on behalf of a deceased individual) during the period beginning on the date on which the regulations are updated under section 407(b) and ending on December 22, 2031.''.

(c) REQUIREMENTS FOR FILING CLAIMS DURING EXTENDED FILING PERIOD.—Section 405(c)(3) of such Act is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph:

''(A) REQUIREMENTS FOR FILING CLAIMS DURING EXTENDED FILING PERIOD.—

''(i) TIMING REQUIREMENTS FOR FILING CLAIMS.—An individual (or a personal representative on behalf of a deceased individual) may file a claim during the period described in subsection (a)(3)(B) as follows:

''(I) In the case that the Special Master determines the individual knew (or reasonably should have known) before the date specified in clause (iii) that the individual suffered a physical harm at a 9/11 crash site as a result of the terrorist-related aircraft crashes of September 11, 2001, or as a result of debris removal, and that the individual knew (or should have known) before such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the date that is 2 years after such specified date.

''(II) In the case that the Special Master determines the individual first knew (or reasonably should have known) on or after the date specified in clause (iii) that the individual suffered such a physical harm or that the individual first knew (or should have known) on or after such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the last day of the 2-year period beginning on the date the Special Master determines the individual first knew (or should have known) that the individual both suffered from such harm and was eligible to file a claim under this title.

''(ii) OTHER ELIGIBILITY REQUIREMENTS FOR FILING CLAIMS.—An individual may file a claim during the period described in subsection (a)(3)(B) only if—

''(I) the individual was treated by a medical professional for suffering from a physical harm described in clause (i)(I) within a reasonable time from the date of discovering such harm; and

''(II) the individual's physical harm is verified by contemporaneous medical records created by or at the direction of the medical professional who provided the medical care.

''(iii) DATE SPECIFIED.—The date specified in this clause is the date on which the regulations are updated under section 407(a).''.

(d) CLARIFYING APPLICABILITY TO ALL 9/11 CRASH SITES.—Section 405(c)(2)(A)(i) of such Act is amended by striking ''or the site of the aircraft crash at Shanksville, Pennsylvania'' and inserting ''the site of the aircraft crash at Shanksville, Pennsylvania, or any other 9/11 crash site''.

(e) INCLUSION OF PHYSICAL HARM RESULTING FROM DEBRIS REMOVAL.—Section 405(c) of such Act is amended in paragraph (2)(A)(ii), by inserting ''or debris removal'' after ''air crash''.

(f) LIMITATIONS ON CIVIL ACTIONS.—

(1) APPLICATION TO DAMAGES RELATED TO DEBRIS REMOVAL.—Clause (i) of section 405(c)(3)(C) of such Act, as redesignated by subsection (c), is amended by inserting '', or for damages arising from or related to debris removal'' after ''September 11, 2001''.

(2) PENDING ACTIONS.—Clause (ii) of such section, as so redesignated, is amended to read as follows:

''(ii) PENDING ACTIONS.—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this title—

''(I) during the period described in subsection (a)(3)(A) unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 407(a); and

''(II) during the period described in subsection (a)(3)(B) unless such individual withdraws from such action by the date that is 90 days after the date on which the regulations are updated under section 407(b).''.

(3) SETTLED ACTIONS; AUTHORITY TO REINSTITUTE CERTAIN LAWSUITS.—Such section, as so redesignated, is further amended by adding at the end the following new clauses:

''(iii) SETTLED ACTIONS.—In the case of an individual who settled a civil action described in clause (i), such individual may not submit a claim under this title unless such action was commenced after December 22, 2003, and a release of all claims in such action was tendered prior to the date on which the James Zadroga 9/11 Health and Compensation Act of 2010 was enacted.

''(iv) AUTHORITY TO REINSTITUTE CERTAIN LAWSUITS.—In the case of a claimant who was a party to a civil action described in clause (i), who withdrew from such action pursuant to clause (ii), and who is subsequently determined to not be an eligible individual for purposes of this subsection, such claimant may reinstitute such action without prejudice during the 90-day period beginning after the date of such ineligibility determination.''.

SEC. 203. REQUIREMENT TO UPDATE REGULATIONS.

Section 407 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) by striking ''Not later than'' and inserting ''(a) IN GENERAL.—Not later than''; and

(2) by adding at the end the following new subsection:

''(b) UPDATED REGULATIONS.—Not later than 90 days after the date of the enactment of the James Zadroga 9/11 Health and Compensation Act of 2010, the Special Master shall update the regulations promulgated under subsection (a) to the extent necessary to comply with the provisions of title II of such Act.''.

SEC. 204. LIMITED LIABILITY FOR CERTAIN CLAIMS.

Section 408(a) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by adding at the end the following new paragraphs:

''(4) LIABILITY FOR CERTAIN CLAIMS.—Notwithstanding any other provision of law, liability for all claims and actions (including claims or actions that have been previously resolved, that are currently pending, and that may be filed through December 22, 2031) for compensatory damages, contribution or indemnity, or any other form or type of relief, arising from or related to debris removal, against the City of New York, any entity (including the Port Authority of New York and New Jersey) with a property interest in the World Trade Center on September 11, 2001 (whether fee simple, leasehold or easement, or direct or indirect) and any contractors and subcontractors, shall not be in an amount that exceeds the sum of the following, as may be applicable:

''(A) The amount of funds of the WTC Captive Insurance Company, including the cumulative interest.

''(B) The amount of all available insurance identified in schedule 2 of the WTC Captive Insurance Company insurance policy.

''(C) As it relates to the limitation of liability of the City of New York, the amount that is the greater of the City of New York's insurance coverage or $350,000,000. In determining the amount of the City's insurance coverage for purposes of the previous sentence, any amount described in clauses (i) and (ii) shall not be included.

''(D) As it relates to the limitation of liability of any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center on September 11, 2001 (whether fee simple, leasehold or easement, or direct or indirect), the amount of all available liability insurance coverage maintained by any such entity.

''(E) As it relates to the limitation of liability of any individual contractor or subcontractor, the amount of all available liability insurance coverage maintained by such contractor or subcontractor on September 11, 2001.

''(5) PRIORITY OF CLAIMS PAYMENTS.—Payments to plaintiffs who obtain a settlement or judgment with respect to a claim or action to which paragraph (4)(A) applies, shall be paid solely from the following funds in the following order, as may be applicable:

''(A) The funds described in clause (i) or (ii) of paragraph (4)(A).

''(B) If there are no funds available as described in clause (i) or (ii) of paragraph (4)(A), the funds described in clause (iii) of such paragraph.

''(C) If there are no funds available as described in clause (i), (ii), or (iii) of paragraph (4)(A), the funds described in clause (iv) of such paragraph.

''(D) If there are no funds available as described in clause (i), (ii), (iii), or (iv) of paragraph (4)(A), the funds described in clause (v) of such paragraph.

''(6) DECLARATORY JUDGMENT ACTIONS AND DIRECT ACTION.—Any party to a claim or action to which paragraph (4)(A) applies may, with respect to such claim or action, either file an action for a declaratory judgment for insurance coverage or bring a direct action against the insurance company involved.''.

SEC. 205. FUNDING; ATTORNEY FEES.

Section 406 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in subsection (a), by striking ''Not later than'' and inserting ''Subject to the limitations under subsection (d), not later than'';

(2) in subsection (b)—

(A) by inserting ''in the amounts provided under subsection (d)(1)'' after ''appropriations Acts''; and

(B) by inserting ''subject to the limitations under subsection (d)'' before the period; and

(3) by adding at the end the following new subsections:

''(d) LIMITATION.—

''(1) IN GENERAL.—The total amount of Federal funds paid for compensation under this title, with respect to claims filed on or after the date on which the regulations are updated under section 407(b), shall not exceed $8,400,000,000. Of such amounts, $4,200,000,000 shall be available to pay such claims during the 10-year period beginning on such date and $4,200,000,000 shall be available to pay such claims after such period.

''(2) PRO-RATION AND PAYMENT OF REMAINING CLAIMS.—

''(A) IN GENERAL.—With respect to the one-year period beginning on the date on which the first payment is made under this title for claims filed pursuant to the regulations updated under section 407(b), the Special Master shall examine the total number of such claims paid during such period and the amounts of the payments made for such claims to project the total number and amount of claims expected to be paid under this title during the 10-year period described in paragraph (1). If, based on such projection, the Special Master determines that there will be insufficient funds available under paragraph (1) to pay such claims during such 10-year period, beginning on the first day following such one-year period, the Special Master shall ratably reduce the amount of compensation due claimants under this title in a manner to ensure, to the extent possible, that—

''(i) all claimants who, before application of the limitation under the second sentence of paragraph (1), would have been determined to be entitled to a payment under this title during such 10-year period, receive a payment during such period; and

''(ii) the total amount of all such payments made during such 10-year period do not exceed the amount available under the second sentence of paragraph (1) to pay claims during such period.

''(B) PAYMENT OF REMAINDER OF CLAIM AMOUNTS.—In any case in which the amount of a claim is ratably reduced pursuant to subparagraph (A), on or after the first day after the 10-year period described in paragraph (1), the Special Master shall pay to the claimant the amount that is equal to the difference between—

''(i) the amount that the claimant would have been paid under this title during such period without regard to the limitation under the second sentence of paragraph (1) applicable to such period; and

''(ii) the amount the claimant was paid under this title during such period.

''(e) ATTORNEY FEES.—

''(1) IN GENERAL.—Notwithstanding any contract, and except as provided in paragraphs (2) and (3), the representative of an individual may not charge, for services rendered in connection with the claim of an individual under this title, more than 10 percent of an award made under this title on such claim.

''(2) LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of an individual who was charged a legal fee in connection with the settlement of a civil action described in section 405(c)(3)(C)(iii), the representative of the individual may not charge any amount for compensation for services rendered in connection with a claim filed under this title.

''(B) EXCEPTION.—If the legal fee charged in connection with the settlement of a civil action described in section 405(c)(3)(C)(iii) of an individual is less than 10 percent of the aggregate amount of compensation awarded to such individual through such settlement and the claim of the individual under this title, the representative of such individual may charge an amount for compensation for services rendered in connection with such claim under this title to the extent that such amount charged is not more than—

''(i) 10 percent of such aggregate amount, minus

''(ii) the total amount of all legal fees charged for services rendered in connection with such settlement.

''(3) EXCEPTION.—With respect to a claim made on behalf of an individual for whom a lawsuit was filed in the Southern District of New York prior to January 1, 2009, in the event that the representative believes in good faith that the fee limit set by paragraph (1) or (2) will not provide adequate compensation for services rendered in connection with such claim because of the substantial amount of legal work provided on behalf of the claimant (including work performed before the enactment of this legislation), application for greater compensation may be made to the Special Master. Upon such application, the Special Master may, in his or her discretion, award as reasonable compensation for services rendered an amount greater than that allowed for in paragraph (1). Such fee award will be final, binding, and non-appealable.''.

TITLE III—LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS; TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

SEC. 301. LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.

(a) IN GENERAL.—Section 894 of the Internal Revenue Code of 1986 (relating to income affected by treaty) is amended by adding at the end the following new subsection:

''(d) LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.—

''(1) IN GENERAL.—In the case of any deductible related-party payment, any withholding tax imposed under chapter 3 (and any tax imposed under subpart A or B of this part) with respect to such payment may not be reduced under any treaty of the United States unless any such withholding tax would be reduced under a treaty of the United States if such payment were made directly to the foreign parent corporation.

''(2) DEDUCTIBLE RELATED-PARTY PAYMENT.—For purposes of this subsection, the term 'deductible related-party payment' means any payment made, directly or indirectly, by any person to any other person if the payment is allowable as a deduction under this chapter and both persons are members of the same foreign controlled group of entities.

''(3) FOREIGN CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'foreign controlled group of entities' means a controlled group of entities the common parent of which is a foreign corporation.

''(B) CONTROLLED GROUP OF ENTITIES.—The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1), except that—

''(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

''(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

''(4) FOREIGN PARENT CORPORATION.—For purposes of this subsection, the term 'foreign parent corporation' means, with respect to any deductible related-party payment, the common parent of the foreign controlled group of entities referred to in paragraph (3)(A).

''(5) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as are necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provide for—

''(A) the treatment of two or more persons as members of a foreign controlled group of entities if such persons would be the common parent of such group if treated as one corporation, and

''(B) the treatment of any member of a foreign controlled group of entities as the common parent of such group if such treatment is appropriate taking into account the economic relationships among such entities.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 302. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 3 percentage points.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour, with 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from California (Mr. WAXMAN) and the gentleman from Texas (Mr. BARTON) each will control 15 minutes. The gentleman from New York (Mr. NADLER) and the gentleman from Texas (Mr. SMITH) each will control 10 minutes. The gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the James Zadroga 9/11 Health and Compensation Act.

On September 11, 2001, al Qaeda orchestrated the deadliest terrorist attack in American history, killing almost 3,000 people and wounding thousands more. The attacks created an environmental nightmare as hundreds of tons of every contaminant known to man and woman came into the streets and the canyons of Manhattan and Brooklyn.

□ 1310

You can see pictures of this in front of us. Into this toxic crowd ran firefighters and police and other first responders. First responders came from all 50 States to aid in the rescue and cleanup of the subsequent days. The Environmental Protection Agency, the EPA, despite ample evidence to the contrary, kept falsely proclaiming that the air was safe to breathe. It wasn't. The terrorists caused the environmental catastrophe, but the Federal Government compounded the damage by telling people that the environment was safe when it wasn't, and now thousands of people are sick and in need of special care.

We have a moral obligation to treat those who became ill, and that is what this bill is all about. For 8 years, Representative MALONEY and I, supported in a bipartisan basis by the New York delegation and others, have worked to bring this bill to the floor. Now it is finally time to pass it.

Time and again as we moved this bill through the legislative process, we have adjusted it, reduced its size and scope, limited its cost, and made concessions to broaden the coalition and lower the cost to the taxpayers. We worked with our colleagues on the other side of the aisle to reopen the Victim Compensation Fund in a responsible way in order to protect contractors from liability so they would not find they sacrificed their businesses to serve their country. We even agreed to cap attorney's fees.

On the Victim Compensation Fund, this House, indeed this Congress, passed the Victim Compensation Fund almost unanimously a week or two after 9/11. Unfortunately, people who should have been compensated by that fund could not be because their sicknesses did not become evident until after the fund closed.

Had we known that they would become ill, we certainly would have included them unanimously. That is why Ken Feinberg, testifying before the Judiciary Committee, urged us to reopen the fund, which is one-half of this bill.

Feinberg said in March of last year, ''It is truly ironic that many of these very individuals who have filed lawsuits seeking compensation are the same type of individuals who received payments from the 9/11 fund. Had these individuals manifested a physical injury before the 9/11 fund expired, they too would have received compensation without litigating.''

He went on to say, ''Reenacting the law establishing the Federal September 11th Victim Compensation Fund for an additional period of years in order to provide the same public compensation to eligible physical claimants could be justified on grounds of basic fairness.'' Now is our chance to right that wrong and provide that basic fairness of which he speaks.

I know that some Members are concerned about the cost of providing the Victim Compensation Fund assistance and the health care for the survivors and first responders. Let me emphasize: This bill is fiscally responsible and balances the needs of our 9/11 heroes with fiscal restraints.

It is completely paid for. We have achieved this by closing a tax loophole which allows foreign companies to evade U.S. taxes. Second, we have capped the funding level, capped the number of people who can participate, and capped the number of years the program can continue. We have consistently worked to reduce its cost, and in the month of July alone we brought the cost of this bill down an additional $3 billion.

Now let me appeal to my colleagues on the other side of the aisle. I understand that some may have a problem with the offset, even though it is not aimed at U.S. companies and is simply designed to improve withholding of taxes that are legally due. I understand.

But I have to ask this: Just consider for a moment what we are talking about. Balance that tax rate against the needs of our 9/11 heroes, needs that are so great, so raw, and so obvious, and let our moral obligation to the heroes of 9/11, our obligation, as Lincoln said, ''to care for him who shall have borne the battle,'' prevail. Let us do the honorable thing and vote for this bill.

Mr. Speaker, the choice is simple. I will be voting today for the firefighters, for the police, for the first responders, for the survivors of the attacks. I urge every Member of the house to do the same.

I want to thank Congresswoman MALONEY, Congressman KING, the New York delegation, the Speaker, the majority leader, the chairmen of the various committees, subcommittee chairs PALLONE and LOFGREN, and all the organizations like the State AFL–CIO from New York, the International Association of Firefighters, and the National Association of Police Organizations for their invaluable support for this bill.

Mr. Speaker, my colleagues, do the right thing. Do the moral thing. Do the only moral thing. Vote for this bill.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are guests of the House, and any manifestation of approval or disapproval of the proceedings is a violation of the rules of the House.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill presents a sensitive issue with regard to compensation for those who are suffering ailments as a result of the recovery and cleanup efforts at the World Trade Center site. No doubt there are many with legitimate claims as a result of their efforts at Ground Zero. However, this legislation as written creates a huge $8.4 billion slush fund paid for by taxpayers that is open to abuse, fraud, and waste. That is because the legislation creates an inexplicable and unprecedented 21-year long fund.

The case of the bill's namesake, James Zadroga, is indicative of the problems with this bill. Rather than finding that Detective Zadroga's death was the result of exposure to Ground Zero dust, the New York City medical examiner concluded that, ''It is our unequivocal opinion, with certainty beyond doubt, that the foreign material

in Detective Zadroga's lungs did not get there as a result of inhaling dust at the World Trade Center or elsewhere.'' So the bill is deceptive, starting with its title.

The danger here is not simply the occasional unsupported claim, as in the case of Detective Zadroga, but the creation of a massive and expensive compensation system that will be subject to pervasive problems over the unprecedented 21 years it will be open to claimants.

The legislation also vastly extends the geographic scope of the fund to cover ''routes of debris removal.'' This will result in the potential for a huge number of additional claimants with tenuous connections between their medical problems and the cleanup efforts at Ground Zero.

The bill allows claims to be filed until the year 2031, an unjustifiable length of time. As Ken Feinberg, Special Master of the original 9/11 fund and the administrator of the BP oil spill claims process stated, ''no latent claims need such an extended date.''

Additionally, the bill permits those who have settled their lawsuits to reopen their claims and seek additional taxpayer-funded compensation through the 9/11 fund. This is contrary to both the terms of the original 9/11 fund and to normal legal principles regarding final settlements.

By greatly expanding the fund's eligibility criteria, these proposed changes not only will increase the cost of the fund, but will present more opportunities for fraud and abuse of taxpayer dollars.

Also the bill does little, if anything, to limit the special master's unbounded authority. The amount of discretion given to the Special Master may have been acceptable under the original 9/11 fund because it was designed to compensate a limited number of claimants with relatively noncontroversial claims as soon as possible. However, this amount of discretion will not work for the 21-year-long fund created by this bill with its larger set of potential claimants who have injuries with more ambiguous causation. If nothing else, this structure will be an open invitation for spurious claims.

The original 9/11 fund was an understandable expression of a nation's compassion and generosity following the deaths of thousands of innocent people. It was designed to settle the claims of those covered once and for all. Maybe that claim should be reopened to protect the construction contractors from the financially ruinous litigation they now face. But if we are going to reopen the funds, we should do so in a much more narrow way, with far less discretion for the Special Master than that provided for in H.R. 847.

It is hard to explain spending billions of additional taxpayer dollars when Special Master Ken Feinberg has emphatically stated that the $1.5 billion in taxpayer money, charitable contributions, and insurance coverage currently available for distribution is ''more than sufficient to pay all eligible claims, as well as lawyers' fees and costs.''

Why does Congress continue to overreach and consider taxpayers to be their personal slush fund? There is no excuse for this kind of legislation, and I hope thoughtful Members will want to oppose the bill.

Mr. Speaker, I reserve the balance of my time.

□ 1320

Mr. NADLER of New York. Mr. Speaker, I yield 1 minute to the distinguished chairperson of the House Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I thank the gentleman for yielding.

I am proud to rise in support of the men and women who risked their lives for their fellow citizens following the attacks on September 11. On that day in 2001, tens of thousands of Americans raced to rescue those injured in the terrorist attacks. In the course of the work that day and the days following, they were exposed to dangerous toxins and physical hazards. After giving so much of themselves, many of the firefighters, police officers, and bystanders face serious respiratory, gastrointestinal, and mental health conditions. While Ground Zero is 7 hours away from my own district in Rochester, the New Yorkers banded together as they joined the chorus of Americans asking how we could help. Just the other day, I talked to a captain of the Niagara Falls Fire Company who broke his leg at Ground Zero in an effort to rescue those trapped under rubble, many of western New Yorkers who answered the call to serve.

We recently observed the anniversary of the 9/11 terrorist attacks, and we can't forget those who risked everything to help the victims at Ground Zero. For this reason, I support H.R. 847, the 9/11 Health and Compensation Fund.

Mr. SMITH of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER of New York. Mr. Speaker, I now yield 1 minute to the gentleman from New York (Mr. MAFFEI).

Mr. MAFFEI. I thank my distinguished colleague from New York.

September 11, 2001, it's a day we will never forget. Many people lost family members and neighbors, but alongside the sorrow and loss, we witnessed incredible acts of heroism and bravery. Thousands of emergency responders and volunteers risked their lives and came to our country's aid when we needed them most. Many of them were my constituents, even though I'm from upstate New York. Many came down in the months following and the weeks following.

Thomas Kwasnaza from Marietta, New York, was one of the heroes that day. He was working as a police officer on 9/11, and he actually trained with James Zadroga, who was one of the first NYPD officers whose death is attributed to toxic chemicals.

Mr. Speaker, on that day Members of Congress and all Americans alike, Republicans and Democrats, pledged to do anything we could—anything we could—for the victims, their families, and the rescuers who went in after them. We didn't say we would do anything as long as it doesn't cost too much. We didn't say we would do anything as long as there was no chance that an undocumented worker could possibly benefit. We didn't say we would do anything as long as it protects offshore companies that get away with sheltering their taxes. We said we would do anything. And that's what we have to do.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members shall heed the gavel.

Mr. SMITH of Texas. Mr. Speaker, may I ask how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 5 minutes remaining. The gentleman from New York has 3 minutes remaining.

Mr. SMITH of Texas. Mr. Speaker, I am prepared to close on this side; so at the appropriate time I will do so. Meanwhile, I reserve the balance of my time.

Mr. NADLER of New York. Mr. Speaker, I now yield 1 minute to the gentleman from New York (Mr. MCMAHON).

Mr. MCMAHON. I just want to be very clear that we all owe a great debt of gratitude to Congress Members MALONEY and NADLER from New York for their leadership on this issue.

Mr. Speaker, my district of Staten Island was particularly hard hit from the 9/11 attacks. Nearly 300 of my constituents were murdered, including one-third of the firefighters killed on that day, and sick today are those uniformed and hard hat-wearing heroes—the operating engineers, the laborers, the steelworkers, ironworkers, and all the volunteers and residents.

When I think about why we need this law, I think about Marty Fullam, a 30-year veteran FDNY lieutenant from Staten Island, who spent weeks going through toxic debris in the wake of 9/11, and years later his doctors confirmed his illness related thereto. He was told he would die without a new lung. And while he ultimately received a new lung earlier this year, his health continues to suffer. The last time he was here in July to fight for this bill, he actually made his condition worse. And he continues to recover from that. Our thoughts go out to him and his wife, Trish, and their daughters.

Despite their deteriorating health, many first responders like Marty send this message. For that reason, Mr. Speaker, we must pass this bill. We must pass this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair requests that all Members respect the gavel.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this legislation represents an irresponsible overreach and does not contain the protections necessary to safeguard valuable taxpayer dollars from abuse, waste, and fraud. Ken Feinberg, Special Master of the original 9/11 Fund, testified twice before the Judiciary Committee on this legislation. Both times Mr. Feinberg advocated reenacting the 9/11 fund, but doing so on a much more limited basis than is done in this legislation. Why are we ignoring his advice?

Mr. Feinberg stated that if the fund is reenacted, it should be for ''a window of 5 years,'' not 21, and that it should be done with ''the understanding that there would be no changes in the rules and regulations governing the original fund and that the new law would simply be a 'one line' reaffirmation of the original 9/11 fund.'' Mr. Feinberg warned that ''any attempt to modify the statutory provisions and accompanying regulations of the original fund will undercut political consensus.''

Unfortunately, Mr. Feinberg's sound advice was ignored there, too. Instead, we are considering a bill that creates a fund with an unnecessary 21-year long duration and that contains special protections for trial lawyers; unnecessarily extends the original fund's eligibility criteria; and does not include the protections necessary to safeguard the fund from abuse, waste, and fraud. This is another example of Congress' insatiable appetite for the taxpayers' hard-earned dollars. I urge my colleagues to vote ''no'' on this bill.

I yield back the balance of my time.

Mr. NADLER of New York. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from New York has 2 minutes remaining.

Mr. NADLER of New York. Mr. Speaker, I then yield the balance of my time to my partner for the last 6 years on this bill, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for his leadership and for yielding and for his hard work for 6 years. It took us 4 years in college, and it has been 6 years on this bill. The time to pass the James Zadroga 9/11 Health and Compensation Act is now. It is bipartisan. It is patriotic. And it is overwhelmingly supported by Americans across this country.

James Zadroga's father is with us today, as well as many hardworking men and women who worked on that pile, who selflessly risked their health and their lives to help others. And I thank the New York State AFL–CIO'S Dennis Hughes and Suzie Ballentine; the firefighters and fire officers who are here with us today, Al Hagen and Steve Cassidy; the police, Pat Lynch; the laborers, the construction workers; D.C. 37, Lee Clark, Mike McIntyre, John Feal. Many of you have received praise for your work, but many of you have said all you want is your health care.

An estimated 36,000 Americans have received treatment for illnesses as a direct result of 9/11. Those who are suffering come from all of our 50 States and 428 of the 435 congressional districts nationwide were represented at 9/11. Here is a map of locations in Florida and in California where health care providers have provided medical services to 9/11 responders. Nearly every Member of this House of Representatives have people that worked there. And they are losing their health.

Thousands of people lost their lives 9 years ago, but thousands and thousands more lost their health. This is not an entitlement. This is a responsibility to take care of those who took care of us when our country was attacked.

Mr. Speaker, I would ask people to go to our Web site that outlines the participants from across this country and all of our congressional districts.

It is now time for this Congress to do what we should have done long ago: provide proper care for those who lost their health because of 9/11.

We have a moral obligation to help those who were harmed by the attacks on America.

In the spirit of patriotism and common purpose Congress showed the world in the aftermath of the 9/11 attacks, and for the sake of the thousands of 9/11 first responders and survivors who are suffering, I implore my colleagues to vote ''yes'' on this legislation.

□ 1330

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BARTON) each will control 15 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I rise in strong support of H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010. This important legislation was reported by the Energy and Commerce Committee with bipartisan support on May 25 by a vote of 33–12.

I would like to take a moment to thank the bill's sponsors, Representative CAROLYN MALONEY and JERRY NADLER; as well as my colleagues from New York on the committee, ELIOT ENGEL and ANTHONY WEINER, for their tireless work on behalf of this legislation.

Now, beyond the immediate loss of life on September 11, today, thousands of people are suffering debilitating illnesses from its aftermath. H.R. 847 would establish the World Trade Center Health Program, a program to screen, monitor and treat eligible responders and survivors who are suffering from World Trade Center-related diseases, most commonly from the massive toxic dust cloud that enveloped lower Manhattan. The bill also funds research to improve our understanding of the health effects of the exposures over time.

Federal spending for the WTC Health Program is capped at $3.2 billion and is fully paid for. The version before the House today is more than $1 billion less expensive than that reported with bipartisan support from the Energy and Commerce Committee.

Mr. Speaker, Congress must ensure that the appropriate resources are available to take care of those who risked their own lives to save others on September 11, so I urge my colleagues to pass the bill.

I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 5 minutes.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise in respectful but sincere opposition to the pending bill. I have no disrespect for the victims or for the namesake's sponsor and his family, but I also have a sincere regard for the United States taxpayer, who is going to have to pay for this new entitlement program.

The first myth that I want to relate is the implication that we don't have an existing victims' compensation fund. That is simply not true, Mr. Speaker. Twelve days after the attack back in September of 2001, we passed Public Law 107–42, the Victim Compensation Fund of 2001. We gave 2 years, or a year and a half, for people to submit claims, and 97 percent of the eligible victims or their families filed injury or death claims by December 22, 2003. Of the 2,973 victims, 2,880 families filed claims. The average award for the families of the victims actually killed in the attack averaged $2 million per victim while 70 people chose to file lawsuits and 23 eligible families took no action. In addition to death claims, 2,680 injury claims have been filed and processed. The average award for injured victims is nearly $400,000 per injury. Overall, this fund has paid out over $7 billion in the last 9 years.

We also passed the Victims of Terrorism Tax Relief Act back in 2001 so that the families of the victims would not be subject to Federal income taxes for the year of the attack and also for the previous year to the attack.

We currently have an existing 9/11 benefit program. President Obama requested $150 million for this budget year. In the years that this program has been in existence, in addition to the program I just explained, it has paid out $373 million.

As of September 30 of last year, there have been 55,331 first responders in the monitoring and treatment programs that I have just discussed. Of those, 44,754 have received initial exams, and 13,000 have been treated for World Trade Center-related health conditions in the past 12 months alone.

So, in point of fact, we have an existing fund that has paid out over $7 billion. We have an ongoing fund. The President has asked for $150 million per year, which the Republicans support.

On top of that, we are expected to vote for this new entitlement program, which is over $7 billion.

My good friend from New Jersey said that it is going to save $1 billion over the bill that was reported out of the Energy and Commerce Committee several months ago. What he doesn't tell you is the way they do that, which is by using a budget gimmick that simply doesn't fund the program in the year 2019. In fiscal year 2018, the amount provided in the bill would be $601 million. In 2019, that drops to $173 million. In fiscal year 2020, there is no funding at all. So they have simply decided that, at a date certain, they would start reducing the amount of money so they could get under their self-imposed budget window.

Mr. Speaker, we want to help the victims of 9/11 in New York City. We certainly want to help the first responders. What we don't want to do is put on the average American taxpayers all around the country a $7 billion to $8 billion brand new entitlement program that compensates at health care/Medicare rates of 140 percent above the baseline. As Congressman SMITH just pointed out, it reopens some of these lawsuits and some of these cases that have already been solved.

So, if you want help, we are willing to help, but let's use the existing program. Let's not create a new program, especially a new entitlement program, which we simply cannot afford at this point in time.

Mr. Speaker, I ask unanimous consent that the gentleman from Illinois (Mr. SHIMKUS), the ranking member of the Health Subcommittee, be given the opportunity to control the balance of the time for the Energy and Commerce Committee's minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL), who has been a champion on this legislation and who also managed it through the Rules Committee yesterday.

Mr. ENGEL. I thank my friend from New Jersey.

Mr. Speaker, I rise in strong support of this bill.

You know, I am going to try to speak from the heart. Those of us who represent districts in and around New York City all had constituents who died on 9/11. We all had friends who died on 9/11.

Remember after 9/11 how we all banded together as Americans? Remember singing ''God Bless America'' on the steps of the Capitol? Remember how it didn't matter if you were Democrat or Republican—we were all Americans that day, and we should all still be Americans above and beyond anything else?

I remember, on the Friday after the Tuesday attack, going with President Bush to Ground Zero, where he stood with a bullhorn and a fireman with him, where he pledged that there would be help forthcoming from the Federal Government. All we are asking now is to help these people who got sick—who were selfless, who didn't think of themselves, who responded, and who only wanted to try to help other people. They are now getting sick. They are now dying. They now need our help.

You know, it's not true, my friends, to say, Well, I'm for helping these people, but I'm not for this bill.

The bottom line is this: If you want to help the heroes of 9/11 and the first responders, you vote ''yes'' on the bill. If you don't want to help them and if you want to make excuses, you vote ''no'' on the bill. It's as simple as that. Yes or no. Yes or no.

Do we help the people who need our help now, those who responded on 9/11 when government officials told them that the air was clean and that it was okay to go down to Ground Zero, and they went there?

□ 1340

This is not a New York problem or a New Jersey problem or a Connecticut problem. This is an American problem. People are sick from 431 districts of the 435 districts, and who are we to turn our backs on them now?

So I beg my friends on both sides of the aisle, this is bipartisan. We're all American. Vote ''yes.''

Mr. SHIMKUS. Mr. Speaker, I yield 5 minutes to my colleague and friend, the gentleman from New York (Mr. KING).

Mr. KING of New York. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 847, and at the outset, let me commend my colleagues, CAROLYN MALONEY and JERRY NADLER, for the truly outstanding job they've done for all these years and for their directness and for their candor and for always being there when the tough decisions had to be made.

Let me also thank former Congressman Vito Fossella for the work that he did for a number of years when he was here in the Congress on this bill as well.

Let me commend the leadership in both parties. I commend the Democratic leadership for bringing this back up for a majority vote. I commend them for it. I know it's been tough. Some tough decisions had to be made, and they've made them. I thank them for that. I also thank the leadership for the Republican Party for working with a number of us to make sure that it would be a fair and open vote and debate here today. So I thank them for that.

Let me also say that all of us know this has been a long and tortuous route to get this bill to the House floor today. During that time, there's been frustration, tempers have flared, but also, probably most importantly, people have died, and that's what we have to keep in mind. This is a real human issue. We have people sitting here in the gallery today. Many of them have breathing problems. Many of them have pulverized glass in their lungs. Many have poisonous toxins in their bloodstream. So this is real. This is a real human issue.

And I share some of the concerns that Republicans have regarding, for instance, the funding stream, how this is going to be paid for. But the fact is, this is a good bill. We cannot allow the perfect to be the enemy of the good. It's more important to me, I believe, that we take care of those who are truly in need and we look at the bill in full perspective and in full view and keep that in mind. Keep in mind the victims, the men and women who went to Ground Zero on September 11 and stayed there for the days, weeks, and months afterward, and they were on that pile, and they're now suffering the most horrible diseases, diseases and illnesses which we see in our districts when we meet these people. We see them in the stores. We see them at ball games. We see them in church. So this, again, is for real.

So let's, today, try to have the debate as we are, I think, in a very civil way. Let's realize there are honest differences of opinions on both sides, but the reality is, the people in galleries, those who couldn't make it to the gallery today, they don't have the luxury of waiting another 1 year or 2 years or 3 years or 4 years.

I know that people on the Republican side have spoken about various programs that are available. The fact is this is such a unique type of disaster. The illnesses that have come from Ground Zero are very unique to Ground Zero, unfortunately. These are 9/11-type illnesses—the rarest types of cancer, the rarest types of blood disorders. It's essential we have a permanent registry so we will know exactly how these illnesses be treated, so that those in the other 430 districts around the country who could be suffering, for instance, from a cough, which a doctor may think is an innocent cough, will not realize it is a 9/11 cough; those who have symptoms which may otherwise be undetected, they will not realize how significant they are and how they could be directly related to 9/11.

And also, as far as whether or not this is an entitlement, or whatever term we want to use, the fact is, when it came to nuclear workers, Federal nuclear workers, we set up the exact same type of program. Call it entitlement, if you will. That program was set up to take care and compensate those who suffered serious illnesses resulting from their work in nuclear plants on nuclear projects.

As far as the issue of the Victims Compensation Fund and all those who were compensated, the fact is the people we are talking about today, the victims we are talking about today, were people who didn't realize their illness until after the deadline had expired, people who are today just finding out

about their illness. It's latent. It's in their bloodstreams. It's in their lungs. And back in 2003 when this program closed, virtually no one knew the extent of the illnesses and diseases that would stem from September 11.

The fact is they are there and they are getting worse and worse, and, as you know, Congressman WEINER just walked in, and he and I always haven't had the highest things to say about each other on the House floor. We're standing here together on this bill today. As he pointed out in the Energy and Commerce Committee hearing, the one thing we can be certain of is that the number of those who are entitled to take part in this program, that number is going to diminish. It is going to diminish because they're dying one by one. So let's keep that in mind.

Again, it goes to the heart of what we should be as a Congress, what we should be as Republicans and Democrats, what we should be as Americans. And those of us, we all stood together on September 11, and 9 years have gone by. And to many people it's something that happened a long time ago, but for those who are suffering today, it's something they live with every moment.

So, with that, I urge everyone to make this as much of a bipartisan vote as possible. Send a message to the country, send a message to the world, and send a message to the victims that they are not forgotten. And not only that, we're not giving them any charity. We're not giving them anything. We're just rewarding them what they're entitled to receive for them putting their lives on the line for us.

With that, I urge adoption of H.R. 847.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to remind all Members that remarks in debate may not call attention to visitors in the gallery.

Mr. PALLONE. Mr. Speaker, at this time, I would yield 1 minute to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentleman.

Mr. Speaker, in the weeks after 9/11, I remember colleagues from throughout the Congress approaching those of us who suffered loss and who lost constituents saying, What can I do to help? What do you need? How can I assist? Today, we're taking you up on your offer.

A few weeks ago, we commemorated the ninth anniversary of 9/11 and many people said the right prayers and they gave the right speeches, but now it's time to do the right thing.

To the gentlemen and gentlewomen from Louisiana, when the hurricane swept through, New Yorkers paid to rebuild Louisiana.

To the gentlemen and the gentlewomen from California, when the fires burned, New Yorkers ponied up to help California.

To the gentleman from Texas who spoke earlier today, when Hurricane Alex ripped through Texas, New Yorkers helped pay the bill for recovery.

And I want to be able to say to those gentlemen and gentlewomen that, when the terrorists came to New York, you were there for us, and not just New Yorkers who happened to be there that day, but the 11,000 people who are suffering and ill today.

They're not just New Yorkers. They're Americans living in your districts.

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. At this time, I yield 1 minute to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. Mr. Speaker, I thank the chairman for yielding.

I rise in strong support of H.R. 847, the James Zadroga 9/11 Health and Compensation Act.

We cannot talk about the 9/11 attacks without remembering the first responders who answered that call that day and safeguard us here every day. Police officers, firefighters, EMTs, and ordinary American citizens rushed into crumbling buildings and then worked countless hours in the days and weeks that followed; and now, more than 9 years later, many of those courageous first responders are suffering from serious illnesses caused by inhaling toxic fumes and particles in air that they were told was clear and safe to breathe.

It is our patriotic duty to protect those who sacrificed for their fellow Americans. This is not a partisan issue. This is an issue of responsibility. Many of my constituents lost loved ones on that day, spent months combing through the rubble for remains, and are now suffering health problems as a result.

Let's honor those who selflessly returned to Ground Zero to save those they did not know by standing together and passing this bill.

Mr. SHIMKUS. I continue to reserve my time.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. This is the United States House of Representatives, the United States of America. This is an institution that I am proud to be a Member of, and there comes a point in time in our lives when we just simply must do the right thing, keeping our priorities straight.

This is a political body, but this is not a political issue. It should not be. It was not political when every man and woman went out to save and to sacrifice their own lives, in essence, on 9/11. They went out there not because they were Democrats or Republicans, they're black or white, they're from here or there. They went out there because this is the United States of America. This is the people's House. There comes a time for us not to be political but to take care of our own, and that's what this is all about.

□ 1350

Our own are sick. Our own are dying. And we, in the people's House, need to come to their aid and come to their aid now.

Mr. SHIMKUS. I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, can I just ask the gentleman from Illinois if he has any additional speakers?

I yield to the gentleman.

Mr. SHIMKUS. I don't think we do. I mean, I'm not trying to game you here on this process. I just don't think there are any more, and I would like to close.

Mr. PALLONE. Thank you.

I yield 1½ minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. I want to thank the gentleman for yielding.

Mr. Speaker, as is often the case with disasters, on 9/11 and in the weeks that followed, the best of America was on display. Neighborhoods came together to comfort and support one another. Communities in every corner of the country rallied together. In New York City, our brave first responders answered the call valiantly, putting their lives at risk to protect the rest of us.

Over the last 9 years, the full scope of this tragedy's health effects has become increasingly clear. Firefighters, police officers, EMTs, and rescue workers are all suffering respiratory problems. Even schoolchildren and those who work in the area have exhibited health problems. It is estimated that 36,000 people have sought treatment after being exposed to the toxic dust at the World Trade Center site. It is not just New Yorkers who are affected. Ten thousand people traveled from every State of the Union, including Puerto Rico and the territories, to assist in the aftermath of these attacks. Like all of America, these heroes were a diverse group, representing every age, race, religion, and even status. No one asked them for their citizenship status when they stepped in to help. They were all there, and they were all heroes.

This legislation will provide needed benefits for all those who are suffering from the toxins they were exposed to. This is the right thing to do. These brave individuals cast aside their own safety to assist their fellow human beings.

Mr. SHIMKUS. I continue to reserve the balance of my time, Mr. Speaker.

Mr. PALLONE. Mr. Speaker, I now yield 3 minutes to another champion of this bill from our committee, the gentleman from New York (Mr. WEINER).

Mr. WEINER. I thank the gentleman from New Jersey.

You know, I have heard some people describe this bill as an entitlement bill, as if people are lining up to get this benefit. Like someone would really want to be on the list of people eligible to get the money that's eligible under this bill to get the health care. The idea that someone would volunteer or be eager to get the benefits that, in order to get them, you have to have a stew of toxic dust in your lungs, so much that you can't breathe normally,

and you cough. And when you hear that 9/11 cough in New York, everyone knows it.

The idea that it's open-ended—no, it's actually a pretty close-ended program in the most final sense of the word, in that many people who have the illnesses that we are trying to treat with this legislation are dying. There are people in this Chamber who are watching these proceedings and those that are home who once upon a time were the most vigorous, fit people imaginable. And it was because of that vigor and that fitness that they went down to Ground Zero on September 11. They didn't ask to be chosen. They didn't fill out a form. They didn't even wear protective gear. They went down because they felt it was their obligation. They didn't just come from Lower Manhattan. They didn't just come from New York.

As I've said many times, if you were in New York the days after September 11, the streets were clogged with parked ambulances and firetrucks and cars, every license plate imaginable. Those people aren't asking for anything beyond just being able to cure the diseases that they got because they served. That's what this is about.

To my colleagues who oppose this, yeah, I imagine there are 100 different ways you can describe it and you can look at line 7 and page 6 and come up with some reason to be against it. But I would ask my colleagues to take a step back. And every single one of us on September 11 stood up in our districts and said, We are not going to forget the commitment that we made that day. Well, this is the moment. You can't stand up in your district on September 11 and say you won't forget, and have a red light next to your name today. It just doesn't wash. This is the day we repay our debts.

You want to call it an entitlement bill? Okay, they are entitled. They are entitled to our care. They are entitled to our respect. They are entitled to the health care that they need, and they're entitled to a ''yes'' vote today. Let's give it to them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

Mr. SHIMKUS. Mr. Speaker, may I ask for how much time is remaining and how many speakers my colleague from New Jersey has.

The SPEAKER pro tempore. The gentleman from Illinois has 5 minutes, and the gentleman from New Jersey has 4½ minutes.

Mr. PALLONE. At this point, I would just close myself, unless someone else comes down. So if you would like to close on our Energy and Commerce time, then I will follow you.

Mr. SHIMKUS. Mr. Speaker, I yield myself the balance of the time.

Our great friends from both sides of the aisle, our great friends from New York, it has been an interesting battle, one that is very tough to be engaged in. They are right. You know, the folks who responded need care. They need to be supported, and that's what we think we have been doing.

When we started marking up this bill, there was $130 million in the fund. That was still there, cash on hand. The President, in his budget, said, We can do better than that. We need $150 million. So that started the process of us deciding what did we need to do and how did we need to do it, especially from the funding perspective.

Now the entitlement debate is an interesting one to get involved in. I am a military veteran. I served actively for 5½ years. I served another 23 in the Reserves. The first line responders are heroes. But our men and women in uniform in Afghanistan, our men and women in Iraq, and our men and women around the world, they are heroes too. They don't have an entitlement program. They go through the regular authorization process. They go through the appropriation process. And you know what? When we go into the political battle, which we are coming upon, people attack folks about whether they are authorizing enough money or whether they are spending enough money. This is what happens here.

We can spin it any way we want, but that's part of our debate. Do you use the same process to authorize funding to fight for the money and spend the money? And we would say, We should use the same categories we do with our military veterans, that we should use the same process we use for our active military forces. Again, the President wanted $150 million. That's what we agreed upon. That's the amendment that we authorized in the marked-up bill. And some would argue and say, Gosh, there must be nothing being done. Nothing is being done. Well, we know that's not true. CDC has been before the committee twice, saying they have a list. They do have a registry. They are following up. In fact, as of September 30, the World Trade Center Program has enrolled 55,331 responders. There are 55,331 responders in the program now. It's not like we're not doing anything.

There are other issues with the bill. One of the concerns is, when the new health care law cuts money to hospitals under part A, about $150 billion in payments, the CMS actuary says, Guess what? Ten percent of all hospitals are going to close.

□ 1400

That is under the new health care bill. And it is rural hospitals that are the targets under the new health care law.

Well, this provides more money under Medicare to New York City hospitals, at 140 percent of Medicare payments. We only pay 70 percent of Medicare payments in this country as a whole. But under this law, we are going to provide New York hospitals 140 percent of Medicare costs. So there are real issues of concern here, and it is unfortunate because it didn't have to be this way.

All we asked for was the number that President Obama thought was good. He said $150 million. We said, fine, 20 million more than what the money was still in the fund at the time.

And we are also saying they are all heroes. The 9/11 responders are heroes. Let's treat them like our veterans. Let's treat them like our active military. Why should we have a double standard? Can't we fight for their authorizations on an annual basis like we do for our active military and for our veterans? Of course we can.

So, with that, Mr. Speaker, it is, again, unfortunate that we are in this position. We could have had a strong bipartisan bill. We don't have that. People will cast their votes, and they will be held accountable.

I yield back the balance of my time.

Mr. PALLONE. At this time I would like to yield 1 minute to the Speaker of the House and point out that if it wasn't for her efforts, we would not be here today moving this legislation.

Ms. PELOSI. I thank the gentleman, but I, in turn, want to salute Congressman PETER KING, Congresswoman CAROLYN MALONEY, Congressman JERRY NADLER, and the entire bipartisan New York delegation for giving us this opportunity today to do what is right and fair and just.

Mr. Speaker, in observance of 9/11 earlier this month, we stood on the steps of the Capitol, Democrats and Republicans alike, to honor the memory that we lost that day. As we were standing there, I was thinking back to my first visit to Ground Zero. When you went there at that time following the tragedy, you knew that when you stepped there you were walking on sacred ground. There was an incredible silence as the workers feverishly, feverishly tried to retrieve the remains of those who were lost, and just repair the damage that was done to clear the wreckage.

No pictures were allowed in recognition that we were on sacred ground. No photographs were allowed, and of course, silence was generally observed so that those who were working could hear each other as they quietly went about their very, very sad assignment.

They, and those who rushed to the scene in real time when it happened, risked their lives and their health to do so. They didn't ask any questions: Is anybody going to take care of me? They were there to help.

Again, back to the steps of the Capitol. When we were standing there earlier this month, I am sure Congresswoman MALONEY, Congressman NADLER, Congressman KING and others recall that many signs went up in the crowd that was gathered there. It said: ''Remember us next week.'' That was in anticipation that the bill might

come up the following week. Well, it is another week later. And we are here today to say that we do remember you this week. We remember what you did at the time. And it isn't only your sacrifice. It is the sacrifice of your families, of your health and the impact that that has on your family. You are community to New York, so there is the impact that it has on the community, and also the impact on our conscience to do what is right by those who we call heroes and we want to treat as such.

Today we remember all the heroes of 9/11. We praise the strength of thousands of firefighters, rescue workers, first responders and medical personnel who turned tragedy into inspiration and gave of themselves to help a city and our Nation rebuild.

We promised to help those who spent days, weeks and months doing the hard work our government and the American people expected them to do in the recovery effort. They went above and beyond the call of duty. We all know that. We all looked in frustration to think, if only we could help. But they were there. It was emotional, but it was professional. And we pledged to do everything in our power to ensure that their health and well-being would be taken care of. We did not want them to be unsung heroes. We wanted them to be recognized heroes.

Today we are here to honor that pledge. It is long overdue, but nonetheless we are here to do right by these workers and vote for the James Zadroga 9/11 Health and Compensation Act.

Words are, of course, inadequate to recognize and honor the bravery and courage of these brave Americans. But by this act of Congress, more than words, but by this act of Congress, we can truly express our gratitude to the ordinary men and women. Ordinary? No. Extraordinary men and women who took extraordinary action at that time.

Named for Officer James Zadroga, a hero of the New York Police Department who died from respiratory disease contracted during the Ground Zero recovery effort, this legislation will help those who jeopardized their health to rescue others secure necessary medical treatment, especially for the unique exposures suffered at Ground Zero which are real; and ensure survivors and victims' families can obtain compensation for their losses through a reopened 9/11 victims compensation fund.

It is fully paid for. This legislation does not increase the deficit. It is the least we can do for those who answered the call of duty and continue to suffer the ill health effects of their service. On September 11, 2001, all Americans were shocked by the horrifying images of terror and destruction. Yet, in the aftermath of that dark day, we responded in the best possible way, the best way Americans can: with resolve, with courage, with unity and with hope for a better future.

So many of us couldn't be at the scene ourselves. We all were willing to help. People from all over were trying to send assistance. Those who did, though, did not do so for recognition or accolades or awards or medals. They did it because their fellow Americans were in need. In those acts they became heroes.

The American people are looking to us to cast a vote that will allow these heroes to live out their lives with health and happiness.

Again, I want to commend Congresswoman CAROLYN MALONEY, Congressman JERRY NADLER, Congressman PETER KING—thank you, PETER—for their efforts to bring this bipartisan bill to the floor.

We are all inspired by the firefighters and first responders who have advocated so hard and so long on behalf of their fellow heroes. And I am so pleased that so many of them are with us today to help us make this historic decision.

We must now join together to provide this critical assistance. We must vote ''aye'' for the Health and Compensation Act. We must do so in a strong, bipartisan manner.

I thank our colleagues for the personal involvement that they have taken in this. At times it has been emotional. There is a lot of passion in this issue, but this bill is a very dispassionate response to the needs of our heroes. Let's get a great big vote for it today.

□ 1410

Mr. PALLONE. Mr. Speaker, can I inquire how much time remains?

The SPEAKER pro tempore. The gentleman from New Jersey has 3½ minutes.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I have heard Members on the other side of the aisle talk about this as an entitlement program. I want to stress it is not an entitlement program. It is not a budget gimmick. The program sunsets in 10 years. The funding is capped. Enrollment is capped. The population can't grow beyond the enrollment cap in the bill.

I hear from the opponents all about money, how much money is going to New York hospitals. I want to stress that this isn't really about who is going to pay for somebody's health insurance.

One of the centers where people go for treatment is in my home State of New Jersey, in my district, at Rutgers, and my understanding is many, if not most of the people who go there, actually have health insurance. The problem is that we are creating these centers, and we want to make sure that they are there for a long time because they serve a very important purpose. People go there because they have particular diseases that come from the World Trade Center attack that can't be treated at other locations. And even if they go to their doctor, they end up coming here because they know how to treat and get the specialty care that they need.

They also provide research. Many of these people don't contract the diseases until later in life; and I think, as time goes on, we are going to see, unfortunately, even more problems. At these centers they do the research to look and see what kind of treatment might be necessary as more and more people, unfortunately, come down with the diseases that resulted from the World Trade Center attack.

So I know there is a lot of talk about money from the other side. And I don't mean to say that money isn't important, but I want people to understand, I want everyone to understand, this is not really about money. This is really about having a specialized program where people can be treated who sacrificed everything for America, and these centers need to be here. They need to be here a long time from now, even when there aren't people that are going to be down here and asking that this program continue. That is why this program has to be set up in this fashion today. It has to be properly funded. It has to be available for anyone who suffered any kind of disorder from this World Trade Center attack.

Do I have any additional time, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 1 minute remaining.

Mr. PALLONE. I would yield that to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I traveled this journey with all of you. And Congresswoman MALONEY, I wanted to come and thank you, along with the chairpersons of the Energy and Commerce and the Judiciary Committees, for never giving up.

I think it is important to note that this bill will cover Pennsylvania, the Pentagon, and New York. And for those of us who listened to the families and the witnesses or the first responders themselves who saw the pain, and particularly those who already lost their lives, I think that this is a major step of balance, putting this in a system and a structure that has oversight, that provides ongoing care and provides for the coverage of those who, to this date, have suffered without coverage and comfort.

So I rise to support this legislation, and I am very glad that the Judiciary Committee and Energy and Commerce continued to work, even when we were thwarted and rejected. We are now back with, I hope, the right approach, bipartisan approach. And I would ask all of my colleagues to ask the question what would they want to do for 9/11 responders, and that is, vote ''yes.''

Mr. Speaker, I stand in support of H.R. 847, the James Zadroga 9/11 Health and Compensation Act. As this Nation remembers, September 11, 2001, terrorists attacked the World Trade Center and the Pentagon. An airplane was also crashed by terrorists in

Shanksville, Pennsylvania. The first responders including firefighters and emergency personnel, who assisted to the heinous attacks on the World Trade Center, were exposed to extremely toxic dust resulting from the collapse of the Twin Towers.

This exposure has resulted in serious respiratory, related illnesses and serious medical conditions. I concur with my colleagues, enacting this offset into law has far reaching ramifications nationwide. This critical health program would monitor and provide specialized treatment through Centers of Excellence for responders including emergency personnel, rescue, and clean-up workers who responded to the 9/11 attacks on the World Trade Center, the Pentagon, and Shanksville, as well as residents, workers, and students who returned to the World Trade Center area shortly after the attacks.

Seventy-one thousand individuals are enrolled in the World Trade Center Health Registry, indicating they were exposed to the toxins. 36,000 Americans have received treatment for 9/11 related illnesses or injuries and over 53,000 responders are enrolled in medical monitoring. Additionally, over 10,000 people from across the country were on hand to assist in the aftermath of the 9/11 attacks. These responders came from nearly every congressional district and all 50 States. Funding for this health program to monitor and treat these responders and residents for resulting health conditions stemming from the terrorist attacks.

Due diligence has been taken to assure that this offset will not adversely affect most foreign multinationals corporations by this offset. Most foreign multinationals will not be affected; given that these companies are organized in countries the U.S. has income tax treaties.

It is imperative that we represent the tax payers of this Nation and close a loophole that has provided those multinational corporations, unfair competitive advantage over U.S. firms—allowing them to hide or shield their taxable income. This offset that must be enacted into law, would provide greater U.S. competition over rival foreign companies and illegal tax structures. Under the previous administration, the Under Secretary for Tax Policy clearly indicated some countries the U.S. has tax treaties negotiated decades ago, have adjusted their tax laws to become more like tax shelters.

Must we allow this to continue and unfairly allow the shifting of income out of the U.S. tax jurisdiction and further erode our U.S. corporate tax base. This offset will aid U.S. based companies and eliminate their unfair competitive advantage afforded them through the U.S. tax code to these companies that have become tax shelters. Let us be clear, this offset seeks only those companies that have intentionally attempted to avoid U.S. taxes and disadvantage their U.S. competitors.

As we enact fiscally sound and responsible legislation, it is important to note, this critical change is estimated to increase revenues by an estimated $7.4 billion over 2011 through 2020.

We must live up to our obligation and not let the tragedy of 9/11 persist and continue to deeply scar those who we should laud as this Nation's heroes. We must applaud our responders and show them that assistance is clearly at hand. I was pleased to work long years on the Judiciary Committee with Chairman CONYERS to come to this day.

I thank Representative CAROLYN MALONEY and my colleagues in advance who will rise in support of this important Act and reconfirm our commitment to this nation, and our first responders.

Mr. Speaker, I strongly support H.R. 847 and ask for its immediate adoption.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from the sovereign State of New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, many folks from New Jersey, both first responders and workers, went to New York after this tragedy. There is no question that, when you look at the records, that there were people from all 50 States in Lower Manhattan on 9/11 and after 9/11. There are 435 congressional districts, and 430 of them were represented by the names of constituents on the World Trade Center Health Registry.

But you don't need that. You need to look at the two reports from Mount Sinai Hospital, a great hospital in New York City, to see the number of people that went to that hospital who worked on that pile even after they were given the all-clear signal by the government, not self-imposed.

What in God's name are we doing to ourselves and arguing amongst ourselves when we know that this is the right thing to do? Get out of the bureaucracy nightmare. Let's do something together for a change. The only thing we have to show for it is bickering over the last 2 years, and what did that bring us? These folks deserve our help, and they deserve it now.

Mr. Speaker, I am so proud to standing here to support our heroes from 9/11.

Today—more than four and a half years after the death of NYPD Det. James Zadroga—I am here to say that we need to pass the James Zadroga 9/11 Health and Compensation Act right away because we are losing these brave souls as we speak.

I'm sad to say its now been nine years since 9/11 and we still haven't passed the James Zadroga 9/11 Health and Compensation Act—nine years is too long to wait and watch as our first responders from that day continue to suffer physically and emotionally—nine years is late, BUT its not too late to do the right thing. We need to pass this bill and we need to pass it now.

Nine years ago we gave those brave souls the ''all clear'' sign, but the government now knows that we were exposing those men and women to a poisonous dust that would stay with them for the rest of their lives.

I have to admit it bothers me greatly that there were Members of this body who not only voted against the 9/11 Health Bill the last time, but spoke strongly against it as well.

And yet I imagine earlier this month on the ninth anniversary of the attacks they spoke eloquently about the loss we all suffered as a nation—and they would be right on that point, but they would also be hypocrites if they vote against the 9/11 Health Bill today.

I am proud to say that as a member of the Ways & Means Committee we found a way to pay for this bill so that we can do the right thing for our 9/11 workers AND for our children who will bear the debt of the decisions we make today.

So the choice is clear do we support a responsible course to do right by our heroes—or do we support keeping open foreign tax loopholes?

This isn't just a bill for New York and New Jersey—This is a bill for all Americans.

We know that people from all 50 states were in lower Manhattan on or after 9/11 and now are facing serious health concerns—there are 435 Congressional Districts and 431 of them are represented by the names of constituents on the World Trade Center Health Registry.

After 9/11 we all said we would be there for these brave first responders—but today if we vote against this bill we are asking those same brave individuals to come to Washington, year after year to fight for their health benefits—do we expect them to come here ten years form now?

By then it may be too late for many of these men and women who responded to their nation's call of duty.

I urge all my colleagues to support the James Zadroga 9/11 Health and Compensation Act.

Mr. BOUSTANY. I yield myself such time as I may consume.

(Mr. BOUSTANY asked and was given permission to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, everyone in this Chamber salutes the heroic actions of those countless brave Americans, both first responders and ordinary citizens, who put sacrifice over self in responding to the tragic events of 9/11. In the wake of unspeakable tragedy in New York City, at the Pentagon, and in Shanksville, Pennsylvania, we also saw America at its best.

Now, we have already heard considerable debate today, passionate debate, about the new health care entitlement this bill would create, and I think reasonable people can disagree about whether that program, that particular entitlement is appropriate. But I want to focus my remarks on the other part of this bill and on the unfortunate decision of our friends in the majority to pay for this legislation with a highly controversial tax increase on employers that our economy and our workforce simply cannot afford.

Mr. Speaker, the bill would impose a $7.4 billion tax hike on U.S. businesses that happen to be headquartered overseas but that create good, high-paying American jobs right here at home in communities across this great country. These ''insourcing'' companies provide significant employment in the United States, with many of these jobs in the manufacturing sector.

This tax increase will make it less attractive for many of these insourcing companies to initiate or expand operations here in the United States, potentially encouraging them to ship these jobs overseas. With the unemployment rate hovering near 10 percent

and businesses across the country continuing to struggle to meet payroll, now is the worst possible time for a tax hike on employers that will cost us more jobs.

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This is not the first time House Democrats have tried to enact this particular tax hike, and it probably won't be the last. That is because even the Senate, Senate Democrats, continue to reject it, since it would not only cost jobs, but also violate our international treaty obligations. Even the Obama administration's own Treasury Department has testified before the House Ways and Means Committee that it ''has concerns about the specifics of this provision and whether it will override many of our income tax treaties.''

Mr. Speaker, all of us, all of us in this Chamber recognize the hardships experienced by those brave Americans who responded to the events of 9/11. But a tax increase on employers that will cost other Americans their jobs is not the answer. We could have done this in a bipartisan way, but it is unfortunate we are not there today. I urge my colleagues to reject this harmful, misguided tax increase.

I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself 1 minute.

This is not a tax question. This is a moral question. This is one of the most serious abuses that we have in the Tax Code. It has come before this august body before and it has been supported for sound tax reasons.

We are here today because we were given the opportunity by Mrs. MALONEY and Mr. NADLER and the people of the State of New York to bring this before the House, with the support of the Speaker of the House. We had hoped so badly that this bipartisan issue would get a bipartisan vote.

We have an opportunity to say thank you, not for those people who are jobless and helpless, but for those people who gave up their lives and their families that are surviving, and those heroes that came to the site, came to the pile, and exposed themselves to these death-threatening diseases.

We have a chance not to talk about loopholes that we have in our Tax Code, but loopholes we have in the hearts of people who want to say thank you to these brave men and women. From all over the country people came, and they didn't thank New Yorkers, they thanked the people who cared about what was happening to the United States of America.

This flag is up, this flag is waving, and we really hope everyone gets a chance to salute it by saluting these people to be an example for Americans when anybody attacks us.

I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume

I am from Louisiana and we are no stranger to tragedies, but this is being presented on the other side as an either/or proposition. The bottom line is we could have actually done better, we could have done better, and I am deeply concerned about those who will lose their jobs as a result of these tax provisions. It is important to recognize that.

Don't just take my word for it. I have three letters here that I want to enter into the RECORD. These were addressed to the House Ways and Means Committee leadership. One is from the Organization For International Investment, a second from the U.S. Chamber of Commerce, and a third from the National Foreign Trade Council, all of which highlight the potential for significant job loss.

As a physician I can say one of the first maxims I have always followed is first do no harm. We could have done better, Mr. Speaker.

ORGANIZATION FOR INTERNATIONAL INVESTMENT,
September 29, 2010.

Hon. SANDER LEVIN,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.
Hon. DAVE CAMP,
Ranking Member, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN LEVIN AND REPRESENTATIVE CAMP: On behalf of the Organization for International Investment (OFII), I am writing to express continued concern with section 301 of the James Zadroga 9/11 Health and Compensation Act (H.R. 847). While we recognize the need for revenue, we must oppose this provision as an offset because it represents a clear and harmful override of our existing U.S. income tax treaties. Although positive changes were made to this proposal since it was originally introduced as an offset to the 2007 Farm Bill (H.R. 2419), OFII remains opposed because it still uniquely discriminates against U.S. subsidiaries of companies headquartered abroad and clearly violates many of our international agreements.

OFII is the largest association of U.S. subsidiaries of companies headquartered abroad. U.S. subsidiaries play an important role in the growth and vitality of the U.S. economy. They provide high-paying jobs for over five million Americans and account for almost one-fifth of all U.S. exports. A discriminatory tax increase sends a negative signal to international investors and may dissuade these companies from choosing the United States as a location for job creating investment.

As drafted, this proposal would unilaterally override many of our bilateral income tax treaties and could lead to retaliatory actions by other countries or withdrawal by our treaty partners from existing treaties, negatively impacting international business transactions. The Senate has opposed this and similar provisions twice in the past two years for these reasons.

Congress has not held any hearings to examine this issue and whether the proposal is the appropriate remedy to address any perceived concerns. In this regard, there is no evidence that existing safeguards, including the substantial and restrictive anti-treaty shopping provisions (so-called ''Limitation on Benefits'' (LOB) provisions) contained in most of our current U.S. income tax treaties, are ineffective. Further, if material tax abuses were evident, the Treasury could implement changes to the U.S. Model Tax Treaty that would avoid the negative consequences of violating our international agreements.

Since a similar proposal was introduced in 2007, the Treasury has taken great strides to update the three bilateral tax treaties without LOB provisions (Iceland, Hungary, Poland).

A protocol adding an LOB provision to the Iceland treaty was negotiated by Treasury and ratified by the Senate in 2008. A similar protocol with Hungary has been negotiated and initialed and could be ratified this year. Treasury is expected to pursue a similar amendment to the treaty with Poland during 2010–2011.

Consistent with the conclusions in the Treasury Report that was released in November 2007 that reviewed potential abuse of income tax treaties, OFII believes re-negotiation of existing income tax treaties without LOB provisions is a more appropriate way to address the concerns underlying this provision and we urge you to oppose including this provision in the final version 9/11 Health and Compensation Act. We would be glad to discuss our concerns with your staff in greater detail.

Sincerely,

NANCY L. MCLERNON,
President & CEO.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, September 28, 2010.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, urges that a provision related to taxation of foreign owned companies be removed from H.R. 847, the ''James Zadroga 9/11 Health and Compensation Act of 2010,'' because H.R. 847 is an inappropriate vehicle for such esoteric and unrelated concerns.

The Chamber strongly opposes a tax on foreign-owned companies doing business in the United States. The provision included in H.R. 847 would raise taxes on foreign corporations that invest and create jobs domestically, would discourage foreign investment in the United States, override long-standing tax treaties, damage U.S. relationships with major trading partners, and could prompt retaliation by foreign governments against U.S. companies operating abroad.

Furthermore, the provision would further aggravate already unsettled financial markets. At a time when governments around the world are enhancing their companies' competitiveness by cutting corporate taxes, this provision would create an even more hostile tax environment in the United States. Such a provision sends precisely the wrong message to those firms wanting to invest in America.

This taxation provision should not be shoehorned into H.R. 847, which is legislation targeted at the needs of some responders to the 9/11 terrorist attack. Should Congress seek to consider tax-related legislation during the few remaining session days before the election, the Chamber believes Congress should take up legislation that would help promote economic growth, especially legislation to extend all of the expiring 2001 and 2003 tax provisions and the tax provisions that expired at the end of 2009.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President, Government Affairs.

NATIONAL FOREIGN
TRADE COUNCIL, INC.,
Washington, DC.

Hon. SANDER LEVIN,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.
Hon. DAVE CAMP,
Ranking Member, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER CAMP: The NFTC, organized in 1914, is an association of some 300 U.S. business enterprises engaged in all aspects of international trade and investment. Our membership covers the full spectrum of industrial, commercial, financial, and service activities, and we seek to foster an environment in which U.S. companies can be dynamic and effective competitors in the international business arena. The NFTC opposes the provision included with the ''James Zadroga 9/11 Health and Compensation Act of 2010'' that would undermine and override our existing U.S. bilateral income tax treaties.

The NFTC has long supported the expansion and strengthening of the U.S. tax treaty network. Tax treaties reduce certain taxes on cross-border investment and offer other provisions that will greatly benefit U.S. trade and investment. The abrupt changes to the U.S. tax treaties inherent in this legislation could seriously impair the ability of the U.S. Treasury to negotiate tax treaties and protocols with our trading partners.

The provision would raise taxes on foreign corporations that invest and create jobs in the United States, would further discourage foreign investment in the U.S., and damage U.S. relationships with our major trading partners.

The provision could also prompt retaliation by foreign governments and would damage the credibility of our tax treaty negotiators. The Treasury Department places a high priority on preventing abuse or misuse of tax treaties. The broad brush approach that overrides existing agreements could impair on improving limitation on benefit provisions in future treaties and protocols.

Congress has not directly held any hearings to examine this issue and whether the proposal is the appropriate remedy to address any perceived concerns. Treasury has taken great strides to update tax treaties to tighten the limitation on benefit provisions. Any changes to the limitation on benefits provisions should be negotiated by the U.S. Treasury, and should not be dealt with through legislation.

The NFTC urges Congress to remove this provision from the legislation to avoid undermining our existing income tax treaty system.

Sincerely,

CATHERINE SCHULTZ,
Vice President for Tax Policy.

Mr. Speaker, I yield back the balance of my time.

Mr. RANGEL. Mr. Speaker, before I recognize the next speaker, I would just like to say when voters get an opportunity to ask the question, ''and what did you do to help these people who have given so much of their lives to this cause,'' that you just won't have to say that you tried to save jobs through an abusive tax provision.

Our country wants to say thank you. Certainly our New York delegation in Congress does too.

One of our Members felt this strongly. He felt it as an American, but he felt it also as a relative that had lost so much in this attack on the United States of America.

For purposes of closing, Mr. Speaker, I recognize JOSEPH CROWLEY from the State of New York.

Mr. CROWLEY. I thank my colleague and friend from New York (Mr. RANGEL) for yielding me this time.

Mr. Speaker, I rise in strong support of this bill. I would like to thank those who are here today for the debate who served our Nation so nobly on 9/11 and the days and months following. We thank you for your bravery and for your service.

It has been 9 years since the terrorist attack that took the lives of close to 3,000 of our fellow Americans. Over those years, speeches have been offered and medals have been awarded and promises have been made—promises have been made, and yet not fulfilled—all regarding our 9/11 heroes. But 9 years later, the most important commitment and tribute remains to be fulfilled.

The first responders, the first rebuilders, and the residents who risked their lives at Ground Zero are still waiting for much-needed health care services. These are the heroes who dug through the broken glass and the debris, and, yes, through human remains. These are the heroes who were urged by our Federal officials, return to life as usual in downtown New York because ''the air is safe.''

Well, the government was wrong. The air was not safe, and now many, too many, are suffering as a result.

Today we once again have the opportunity to honor our commitment that we made to those who answered the call to service. By passing the James Zadroga 9/11 Health and Compensation Act, we will provide critical health care service to those who stood up for America.

As many of you know, my cousin, Battalion Chief John Moran, died on September 11. Many in the gallery above us knew my cousin John. As I mentioned back in July, his last known words to his driver that day were, ''Let me off here. I am going to try to make a difference.'' ''Here'' was World Trade Center Tower Two.

John died with honor and in service to his country, and I know that he would have wanted it no other way. But John, like the thousands of others who perished that day, would also want us to know that he would want the victims and the heroes of 9/11 who survived not to be forgotten.

We don't need all of our colleagues' votes. What we need is your respect for the victims, for the families, for the survivors. And for one hour, and for one day, and with one vote, do not do what is politically correct, but do what is patriotically correct, and vote for this bill.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise again today in support of H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010.

Voting for this bill is essential if we want to honor the true heroes of 9/11. These heroes are the firefighters, police officers, rescue workers, and volunteers who risked their lives to help the country during one of its darkest periods only to be misinformed by that country with respect to conditions at the World Trade Center crash site. They deserve our help. It is our duty to provide it to them.

In the days after 9/11, Congress came together and—in a truly bipartisan effort—conceived of a system through which the victims of those terrible attacks could obtain medical treatment and just compensation. As we learned in various hearings and markups before the Judiciary Committee, that system was a stunning success.

The 9/11 Victims Compensation Fund, for example, quickly compensated those who were injured or lost close family members in the attacks. Just over $7 billion was paid out in a 33-month period, with overhead costs of less than 3 percent, and with 97 percent of the families of deceased victims opting into the fund rather than pursuing tort relief in the courts. As Special Master Kenneth Feinberg stated in his written testimony before our committee earlier this year, ''this was one of the most efficient, streamlined and cost effective programs in American history.''

Despite its incredible success, however, the job is not quite done. There remain thousands of people who require the protection of the VCF, but who—by no fault of their own—were unable to take advantage of it when it was available. This includes first responders, workers, and volunteers from around the country who rallied to help locate survivors, recover the dead, and clean up debris from the fallen towers. These are the people that the Nation and the world watched on television as they dropped everything in their own lives to rush to aid those who needed it the most.

They were told by their government that the air was safe to breathe. But many are now sick and suffering because of their exposure to the toxic dust that covered much of lower Manhattan.

People are sick and will continue to get sick because of their exposure to World Trade Center dust. We must resolve this problem, and that means passing H.R. 847.

The bill would provide medical monitoring and treatment to the continuing victims of the 9/11 attacks. It would also reopen the 9/11 Victims Compensation Fund to provide compensation to those victims.

One thing is clear: the status quo is unacceptable. Worker's compensation has failed. Medical programs aren't covering enough people. And the World Trade Center Captive Insurance Fund, created by Congress to resolve claims such as those that remain outstanding, has instead used the money appropriated to contest each and every one of those claims. Six years and $300 million in administrative and legal costs later, the Captive Insurance Fund has settled less than 10 claims.

I believe this bill, while perhaps not perfect, goes a long way to establishing a fair and just program to care for and compensate those who continue to bear the deep scars from 9/11. I urge my colleagues to support this bill, which is the result of a great deal of work on both sides of the aisle, and in the end is just the right thing to do.

I congratulate Ms. MALONEY, Mr. NADLER, Mr. KING of New York and the other members of the New York delegation for their long struggle to bring this bill to the floor. I also

thank Speaker PELOSI for her strong commitment to helping the heroes and heroines of 9/11.

Mr. HOLT. Mr. Speaker, as a cosponsor of the James Zadroga 9/11 Health and Compensation Act of 2010, I urge passage of this important bill.

Today the House has the opportunity to honor the rescue and recovery workers who served our Nation after the devastating attacks at the World Trade Center on September 11, 2001 and, more important than empty honor, to provide for their care. My district suffered causalities that day and nine years later, the memory of that terrible day is still fresh in our minds.

Along with the victims of 9/11, there were thousands of rescue and recovery workers who came to the aid of our Nation that day. These brave women and men rushed to Ground Zero to help the fallen and to participate in the clean-up effort without thinking about their health or safety. These workers were exposed to environmental hazards and have developed significant respiratory illnesses, chronic infections, and other medical conditions. Further, many first responders are only now being diagnosed with illnesses that are related to their exposure at Ground Zero.

The Zadroga 9/11 Health and Compensation Act of 2010 would create the World Trade Center Health Program (WTCHP). The program would provide medical monitoring and treatment benefits to first responders and workers who were directly affected by the attacks. Additionally, the program would establish education and outreach programs and conduct research on physical and mental health conditions related to the 9/11 attacks. The program would continue until 2020 and the total federal spending would be capped at $4.6 billion. The WTCHP program would serve more than 75,000 survivors, recovery workers, and members of the affected communities.

This bill provides long-term health care and compensation for thousands of responders and survivors. By passing this bill, we will be paying tribute to the sacrifice and courage of these women and men and we will be paying a debt. This bill will be paid for with a partnership with New York City and by closing tax loopholes.

When this bill was considered by the House before, some in the minority party put politics over these brave first responders. Today, we get a second chance to approve this important piece of legislation. We cannot let our first responders down.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 847, the ''James Zadroga 9/11 Health and Compensation Act,'' which will ensure that 9/11 emergency responders receive quality health care to address the lingering health effects resulting from their brave service on September 11, 2001.

I thank Chairman WAXMAN for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congresswoman MALONEY, for her attention to this important issue.

Mr. Speaker the courageous men and women who responded to the attacks of September 11, 2001 thrust themselves into a life-threatening situation, risking everything to respond to one of our Nation's most devastating tragedies. Many of these firefighters and emergency responders died in the aftermath of the attacks; I am forever grateful for these men and women who made the ultimate sacrifice. Many of those who survived continue to suffer from serious health issues, ranging from respiratory illness to post-traumatic stress syndrome. These individuals deserve our assurance that they will always receive first-rate care.

Unfortunately, since the closing of the 9/11 Compensation Fund on March 31, 2003, many first responders have had to fight just to get the medical treatment that they need. This bill will change that. H.R. 847 will fund through 2019 the World Trade Center Health Program, ensuring that first responders suffering from 9/11-related health problems will be able to get care. The bill will also establish medical centers of excellence throughout the country to serve 9/11 responders. Currently many 9/11 emergency responders who no longer live in New York/New Jersey metro area are required to return there in order to receive care, a requirement that is often prohibitively inconvenient.

Mr. Speaker, H.R. 847 is part of our ongoing obligation to the brave men and women who responded to 9/11. I urge my colleagues to join me in supporting this bill.

Mr. ACKERMAN. Mr. Speaker, I rise today in the strongest possible support of the 9/11 Health and Compensation Act, H.R. 847.

Mr. Speaker, we are here again on the floor of the House to consider doing the decent thing: helping the living victims of the 9/11 who continue to suffer the terrible effects of that day. For too long, the federal government has not stepped-up enough to help the responders, volunteers, workers and residents that went to Ground Zero during and after the horrific 9/11 attack. For too long, this Congress has not acted to help these victims on a permanent basis. Tragically, some of the very people that we want to help with this legislation have already died. Thousands of Americans who responded need medical treatment now. Thousands more will need treatment in the future. Nine years is too long: we must show the American people today that their representatives can put away their differences and work together to pass this bill. The sick and injured don't care about offsets and they don't care about election-year politics.

The horrific attack of 9/11 wasn't just an attack on New York City; it was an attack upon the entire United States. The brave men and women in uniform who risk their lives every day in Afghanistan and elsewhere aren't defending just New York City, they're defending America. Responders came to Ground Zero in the thousands from all around the country, from almost every Congressional District. Over 13,000 responders to Ground Zero are sick now and already are receiving medical treatment. Another 53,000 responders are currently being medically monitored and 71,000 individuals are enrolled in the World Trade Center Registry, meaning they were exposed to toxins at some point. In the coming years, these numbers will only increase as symptoms and conditions related to exposure to Ground Zero begin to manifest themselves in the victims. This measure would monitor and provide treatment to responders to Ground Zero and build on the existing monitoring and treatment programs. There's also an economic component to this bill. Victims would be able to be compensated for their economic losses and contractors would receive liability protection. We must pass this bill not only because it's the right thing to do for those people who are sick, but for the next generation of responders who will have to think twice about volunteering and working at a the site of a terrorist attack.

So, Mr. Speaker, I urge all my colleagues to support the 9/11 Health and Compensation Act so that all the victims of 9/11 will receive the medical care and help they need and deserve.

Mr. BISHOP of New York. Mr. Speaker, I rise in strong support of this bill and thank the leadership for giving it a second chance. The heroes who responded on September 11th certainly deserve a second chance.

Those heroes didn't hesitate. Americans united immediately on September 11th. But 9 years later, this House remains divided.

First responders, survivors, and their families have waited too long for Congress to act. On this congressional session's final day, we must fulfill our promise to care for them and treat them for their exposure to toxins at Ground Zero.

Residents of Eastern Long Island, who I proudly represent, are getting sick, as are thousands who came from nearly every state. This isn't just a New York issue, it's an American issue.

I urge my colleagues on both sides of the aisle to unite in support of our heroes by voting for the 9/11 Health and Compensation Act.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1674, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. LEE of New York. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEE of New York. In its present form.

Mr. WAXMAN. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lee of New York moves to recommit the bill H.R. 847 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

In subparagraph (A) of section 3312(c)(1) of the Public Health Service Act, as added by section 101 of the bill, strike ''the payment rates that would apply to the provision of such treatment and services by the facility under the Federal Employees Compensation Act'' and insert ''payment rates equal to the payment rates for similar services under parts A and B of title XVIII of the Social Security Act''.

Strike title III and insert the following (and make such changes to the table of contents in section 1(b) as may be necessary):

TITLE III—REPEAL OF CERTAIN SPENDING PROVISIONS IN PATIENT PROTECTION AND AFFORDABLE CARE ACT

SEC. 301. REPEALS.

(a) IN GENERAL.—The following provisions are hereby repealed:

(1) Subsections (a), (b), (c), (e), (g), (h), (i), (j), (k), (l), and (m) of section 1899A of the Social Security Act (relating to Independent Payment Advisory Board) and subsections (b) and (c) of section 3403 of the Patient Protection and Affordable Care Act (and the amendments made by such subsections).

(2) Section 4002 of such Act (relating to the Prevention and Public Health Fund).

(3) Subsections (a), (b), (c), and (d) of section 6301 of such Act (and the amendments made by such subsections) (relating to patient-centered outcomes research).

(4) Section 10502 of such Act (relating to improving infrastructure of a single health care facility).

(b) CONFORMING AMENDMENTS.—In the table of contents in section 101 of the Patient Protection and Affordable Care Act, strike the items relating to sections 3403, 4002, and 10502.

At the end of the bill, add the following new title (and make such changes to the table of contents in section 1(b) as may be necessary):

TITLE V—ENACTING REAL MEDICAL LIABILITY REFORM

SEC. 501. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

The time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years after the date of manifestation of injury unless tolled for any of the following—

(1) upon proof of fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

Actions by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that actions by a minor under the full age of 6 years shall be commenced within 3 years of manifestation of injury or prior to the minor's 8th birthday, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care organization have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

SEC. 502. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, nothing in this title shall limit a claimant's recovery of the full amount of the available economic damages, notwithstanding the limitation in subsection (b).

(b) ADDITIONAL NONECONOMIC DAMAGES.—In any health care lawsuit, the amount of noneconomic damages, if available, may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same injury.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—For purposes of applying the limitation in subsection (b), future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the maximum award for noneconomic damages. An award for noneconomic damages in excess of $250,000 shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law. If separate awards are rendered for past and future noneconomic damages and the combined awards exceed $250,000, the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. Whenever a judgment of liability is rendered as to any party, a separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 503. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) 40 percent of the first $50,000 recovered by the claimant(s).

(2) 33⅓ percent of the next $50,000 recovered by the claimant(s).

(3) 25 percent of the next $500,000 recovered by the claimant(s).

(4) 15 percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—The limitations in this section shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section. The requirement for court supervision in the first two sentences of subsection (a) applies only in civil actions.

SEC. 504. ADDITIONAL HEALTH BENEFITS.

In any health care lawsuit involving injury or wrongful death, any party may introduce evidence of collateral source benefits. If a party elects to introduce such evidence, any opposing party may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the opposing party to secure the right to such collateral source benefits. No provider of collateral source benefits shall recover any amount against the claimant or receive any lien or credit against the claimant's recovery or be equitably or legally subrogated to the right of the claimant in a health care lawsuit involving injury or wrongful death. This section shall apply to any health care lawsuit that is settled as well as a health care lawsuit that is resolved by a fact finder. This section shall not apply to section 1862(b) (42 U.S.C. 1395y(b)) or section 1902(a)(25) (42 U.S.C. 1396a(a)(25)) of the Social Security Act.

SEC. 505. PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may, if otherwise permitted by applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer. In any health care lawsuit where no judgment for compensatory damages is rendered against such person, no punitive damages may be awarded with respect to the claim in such lawsuit. No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages. At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(1) whether punitive damages are to be awarded and the amount of such award; and

(2) the amount of punitive damages following a determination of punitive liability.

If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages, if awarded, in a health care lawsuit, the trier of fact shall consider only the following—

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages, if awarded, in a health care lawsuit may be as much as $250,000 or as much as two times the amount of economic damages awarded, whichever is greater. The jury shall not be informed of this limitation.

SEC. 506. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments. In any health care lawsuit, the court may be guided by the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this title.

SEC. 507. DEFINITIONS.

In this title:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term ''alternative dispute resolution system'' or ''ADR'' means a system that provides for the resolution of

health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term ''claimant'' means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity, or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term ''collateral source benefits'' means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product, or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers' compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income-disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term ''compensatory damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term ''compensatory damages'' includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) CONTINGENT FEE.—The term ''contingent fee'' includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) ECONOMIC DAMAGES.—The term ''economic damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) HEALTH CARE LAWSUIT.—The term ''health care lawsuit'' means any health care liability claim concerning the provision of health care goods or services or any medical product affecting interstate commerce, or any health care liability action concerning the provision of health care goods or services or any medical product affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim. Such term does not include a claim or action which is based on criminal liability; which seeks civil fines or penalties paid to Federal, State, or local government; or which is grounded in antitrust.

(8) HEALTH CARE LIABILITY ACTION.—The term ''health care liability action'' means a civil action brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(9) HEALTH CARE LIABILITY CLAIM.—The term ''health care liability claim'' means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(10) HEALTH CARE ORGANIZATION.—The term ''health care organization'' means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement with a health care organization to provide or administer any health benefit.

(11) HEALTH CARE PROVIDER.—The term ''health care provider'' means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(12) HEALTH CARE GOODS OR SERVICES.—The term ''health care goods or services'' means any goods or services provided by a health care organization, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, or treatment of any human disease or impairment, or the assessment or care of the health of human beings.

(13) MALICIOUS INTENT TO INJURE.—The term ''malicious intent to injure'' means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) MEDICAL PRODUCT.—The term ''medical product'' means a drug, device, or biological product intended for humans, and the terms ''drug'', ''device'', and ''biological product'' have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(g)(1) and (h)) and section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), respectively, including any component or raw material used therein, but excluding health care services.

(15) NONECONOMIC DAMAGES.—The term ''noneconomic damages'' means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(16) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, or supplier of a medical product. Punitive damages are neither economic nor noneconomic damages.

(17) RECOVERY.—The term ''recovery'' means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys' office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(18) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 508. EFFECT ON OTHER LAWS.

(a) VACCINE INJURY.—

(1) To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this title does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such title XXI shall not apply to such action.

(2) If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(b) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this title shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 509. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this title preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this title. The provisions governing health care lawsuits set forth in this title supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this title; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(b) PROTECTION OF STATES' RIGHTS AND OTHER LAWS.—(1) Any issue that is not governed by any provision of law established by or under this title (including State standards of negligence) shall be governed by otherwise applicable State or Federal law.

(2) This title shall not preempt or supersede any State or Federal law that imposes greater procedural or substantive protections for health care providers and health

care organizations from liability, loss, or damages than those provided by this title or create a cause of action.

(c) STATE FLEXIBILITY.—No provision of this title shall be construed to preempt—

(1) any State law (whether effective before, on, or after the date of the enactment of this Act) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this title, notwithstanding section 502(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 510. APPLICABILITY; EFFECTIVE DATE.

This title shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this Act, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this Act shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

Mr. LEE of New York (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. WAXMAN. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

□ 1450

Mr. WAXMAN (during the reading). Mr. Speaker, I ask unanimous consent that the remainder of the motion to recommit be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Does the gentleman from California continue to reserve his point of order?

Mr. WAXMAN. I withdraw my point of order.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York is recognized for 5 minutes in support of his motion.

Mr. LEE of New York. Mr. Speaker, I, like many of my colleagues, am a strong supporter of the underlying provisions in H.R. 847, the James Zadroga 9/11 health bill. In fact, I am a cosponsor of the bill and believe we should pass it for our 9/11 heroes. Unfortunately, H.R. 847 is not on the floor today because the same harmful, job-killing tax hikes that were added to the bill in July are still here today.

I'm a new Member of Congress. I'm from New York. I spent my entire career in the private sector before coming here, not in politics, focused on growing jobs in the manufacturing sector, and I can tell you firsthand these taxes will kill jobs in the United States. These are taxes on new jobs.

I share the frustration of so many Americans when Congress talks a good game about creating jobs but does everything possible to send them offshore. These taxes, without a doubt, will send more jobs offshore. And with 15 million American workers out of work, it is unwise and unnecessary to pit America's jobless against the 9/11 heroes.

Earlier today, I signed a letter, with the entire New York delegation, to the House leadership urging that this bill be considered without procedural games or poison pills meant to make the other party look bad. This motion to recommit lives up to that request.

Specifically, this motion eliminates the job-killing tax hikes and, instead, finances the bill through spending cuts, just as the American people are urging us to do this in each and every one of our districts.

It eliminates the duplicative Public Health Service Act slush fund. It repeals the poorly drafted comparative effectiveness research program and the Medicare Independent Payment Advisory Board. It also eliminates incentives to overutilize services by changing reimbursement rates. In addition, CBO says the motion reduces the deficit over the next 10 years. I want to repeat that. It reduces the deficit.

It takes the additional step to save money and improve care for everyone by enacting something that was missing from the health care bill that was passed earlier this year. It enacts meaningful medical liability reform, reform supported by both sides of the aisle.

By passing this motion to recommit, we can remove the harmful job-killing tax hikes and do what's right for these 9/11 heroes and leave the politics aside.

I urge adoption of this motion.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. This legislation is designed to provide health care services for the heroes of 9/11, the policemen and the firemen who didn't know what would be in store for them when they went into the World Trade Center. Many of them are suffering from the health consequences of their activities, and we have an obligation to provide the services that they need.

What does this motion to recommit do? It would, first of all, reduce payments to health care providers, making it harder for those people to get access to hospitals to treat them. But the worst thing about this motion to recommit is that it strikes a pay-for that's been passed three times already in the House, and it eliminates areas of the health care reform law that are designed to save money and to prevent costly health problems.

There are 248 organizations that have signed a letter opposing these kinds of cuts. This same kind of proposal was offered in the Senate and rejected very soundly. These are groups that are concerned that we have a health system that is there to protect the public health. Can you imagine the irony that the public health measures we're trying to put in place so that we can deal with chronic disease would be struck? They would wipe that out in order to pay for this bill.

That is not the way to pay for this legislation. Groups such as the American Heart Association, the American Cancer Society, the American Diabetes Association, the American Lung Association, maternal and child health associations, and dozens of others all urge a ''no'' vote on this motion to recommit.

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. WIENER), a very important member of our committee and a champion for this legislation.

Mr. WEINER. You know, here in Washington, there are a couple of different ways you can kill a bill. One is the honest way—you vote ''no.'' Put your card in, you press the ''no'' vote. It shows ''no'' up on the board. Another way you can kill legislation in this town is by offering up amendments or offering up procedures and offering up confusion about the bill, that it goes down for that reason and you don't quite have your fingerprints on it.

Mr. LEE's an honorable man, he's a good man. But I have to tell you it as simply as I can. If you vote for his motion to recommit, the bill dies. If you vote for this motion that says, essentially, we're going to take out the money for the care, it doesn't matter how many 9/11 events you go to, doesn't matter how many times you send out press releases that say you care, if you vote for this motion, you vote to kill the bill, period.

And there's a lot of talk about what's in it. You want to relitigate the health care bill? Okay. We're going to get to do that the first Tuesday in November. People are going to be talking, oh, the health care bill is a good bill or bad bill. Let's do that later. Let's do the politics later. Let's do the right thing now. Let's try to take care of the people in this bill with money to do it.

I understand this is a political town and we're in the midst of a political season, but can't we look around? Can't we, at this moment, look around and say this isn't the time for a parliamentary move or a clever motion to recommit?

My colleagues, when you come down here, the only way you can go home and say that you care for the victims of September 11 is if you vote a ''no'' on this motion and a ''yes'' on final passage. That's it.

□ 1500

The people in this room and back home are too smart to be fooled by anything else. ''I want it paid for this way.'' ''I want it paid for that way.''

As Mr. WAXMAN just said, if you pass this amendment, it essentially says, We are going to go back and argue about the health care bill again. What is next? Are we going to go argue abortion or immigration? No, let's not do

that anymore. Well, if we are going to do it, let's do it in November on elections. We are going to have TV commercials and ads. Now let's just do the right thing. I want to see every Republican and every Democrat say, You know what, if there is one thing we agree upon, it's that the people who gave up their health on September 11 and the days after deserve our care and our respect. We need a ''no'' vote, my colleagues.

I have to tell you something, I have worked with the people who were advocating for 9/11 health for 9 years, and some of them are here. They are too smart. They are going to know that if you vote in favor of this motion to recommit, plain and simple, you are voting to kill this bill. We are not going to let it happen. Nine years is too long.

But I'll tell you something about time, it's also pretty darn close to election day. In 434 districts in this country are people who have a 9/11 cough. I hope they are watching this debate, and I hope they watch not just final passage, which hopefully we get to, because if this Lee amendment passes, this bill is going down. We can't let that happen.

I urge a ''no'' vote on the motion to recommit and a ''yes'' vote on passage.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEE of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; and motions to suspend the rules with respect to H.R. 3685, H.R. 5993, and House Resolution 1326.

The vote was taken by electronic device, and there were—yeas 185, nays 244, not voting 4, as follows:

[Roll No. 549]

YEAS—185

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NAYS—244

Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—4

Blunt
Boyd
Fallin
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, and any manifestation of approval or disapproval of the proceedings are in violation of the rules of the House.

□ 1529

Mrs. NAPOLITANO, Messrs. BUTTERFIELD, SCHRADER, Ms. EDWARDS of Maryland, Ms. SPEIER, Messrs. CARSON of Indiana, SPRATT, BLUMENAUER, WELCH, and DELAHUNT changed their vote from ''yea'' to ''nay.''

Mrs. LUMMIS, Messrs. GARRETT of New Jersey, POSEY, Ms. FOXX, Mrs. EMERSON, and Messrs. WITTMAN and COLE changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WAXMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 268, noes 160, not voting 5, as follows:

[Roll No. 550]

AYES—268

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa

Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Roe (TN)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—160

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—5

Blunt
Boyd
Diaz-Balart, L.
Fallin
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and any manifestations of approval or disapproval of the proceedings is in violation of the rules of the House.

□ 1537

Ms. ESHOO changed her vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will once again remind all persons in the gallery that they are here as guests of the House and any manifestations of approval or disapproval of the proceedings is in clear violation of the rules of the House.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

REQUIRING HYPERLINK TO VETSUCCESS WEBSITE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3685) to require the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 7, as follows:

[Roll No. 551]

YEAS—425

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette

Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—7

Blunt
Boyd
Chandler
Fallin
Lowey
Poe (TX)
Young (FL)

□ 1546

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SECURING AMERICA'S VETERANS INSURANCE NEEDS AND GOALS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5993) to amend title 38, United States Code, to ensure that beneficiaries of Servicemembers' Group Life Insurance receive financial counseling and disclosure information regarding life insurance payments, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 358, nays 66, not voting 8, as follows:

[Roll No. 552]

YEAS—358

Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—66

Aderholt
Bachus
Bartlett
Barton (TX)
Blackburn
Bonner
Brady (TX)
Broun (GA)
Buyer
Campbell
Cantor
Carter
Coble
Coffman (CO)
Conaway
Flake
Fleming
Foxx
Franks (AZ)
Gingrey (GA)
Granger
Graves (GA)
Griffith
Hall (TX)
Harper
Hastings (WA)
Hensarling
Hoekstra
Inglis
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Latta
Linder
Lummis
Marchant
McHenry
McKeon
Miller, Gary
Myrick
Neugebauer
Nunes
Paul
Pence
Pitts
Poe (TX)
Price (GA)
Radanovich
Roe (TN)
Rogers (AL)
Rohrabacher
Ryan (WI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (NE)
Thornberry
Tiahrt
Walz
Wamp
Young (AK)

NOT VOTING—8

Blunt
Boehner
Boyd
Fallin
Kirk
Polis (CO)
Scott (VA)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1554

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CALLING ON JAPAN TO ADDRESS CHILD ABDUCTION CASES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to

the resolution (H. Res. 1326) calling on the Government of Japan to immediately address the growing problem of abduction to and retention of United States citizen minor children in Japan, to work closely with the Government of the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination in the United States, to provide left-behind parents immediate access to their children, and to adopt without delay the 1980 Hague Convention on the Civil Aspects of International Child Abduction, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 1, not voting 15, as follows:

[Roll No. 553]

YEAS—416

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Deutch
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—1

Paul

NOT VOTING—15

Blunt
Boehner
Boyd
Capuano
DeFazio
Diaz-Balart, L.
Diaz-Balart, M.
Fallin
Gordon (TN)
Kirk
Maloney
Pomeroy
Radanovich
Rangel
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members, there are 2 minutes remaining in this vote.

□ 1602

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Calling on the Government of Japan to address the urgent problem of abduction to and retention of United States citizen children in Japan, to work closely with the Government of the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination in the United States, to provide left-behind parents immediate access to their children, and to adopt without delay the 1980 Hague Convention on the Civil Aspects of International Child Abduction.''.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5820

Mr. RUSH. Mr. Speaker, I ask unanimous consent to remove Mr. PETER DEFAZIO, the gentleman from Oregon, as a cosponsor from H.R. 5820, cited as the Toxic Chemicals Safety Act of 2010.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5820

Mr. HEINRICH. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor from H.R. 5820.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

CURRENCY REFORM FOR FAIR TRADE ACT

Mr. LEVIN. Mr. Speaker, pursuant to House Resolution 1674, I call up the bill (H.R. 2378) to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1674, the amendment in the nature of a substitute recommended by the Committee on Ways and Means, printed in the bill, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Currency Reform for Fair Trade Act''.

SEC. 2. CLARIFICATION REGARDING DEFINITION OF COUNTERVAILABLE SUBSIDY.

(a) BENEFIT CONFERRED.—Section 771(5)(E) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(E)) is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) in clause (iv), by striking the period at the end and inserting '', and''; and

(3) by inserting after clause (iv) the following new clause:

''(v) in the case in which the currency of a country in which the subject merchandise is produced is exchanged for foreign currency obtained from export transactions, and the currency of such country is a fundamentally undervalued currency, as defined in paragraph (37), the difference between the amount of the currency of such country provided and the amount of the currency of such country that would have been provided if the real effective exchange rate of the currency of such country were not undervalued, as determined pursuant to paragraph (38).''.

(b) EXPORT SUBSIDY.—Section 771(5A)(B) of the Tariff Act of 1930 (19 U.S.C. 1677(5A)(B)) is amended by adding at the end the following new sentence: ''In the case of a subsidy relating to a fundamentally undervalued currency, the fact that the subsidy may also be provided in circumstances not involving export shall not, for that reason alone, mean that the subsidy cannot be considered contingent upon export performance.''.

(c) DEFINITION OF FUNDAMENTALLY UNDERVALUED CURRENCY.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end the following new paragraph:

''(37) FUNDAMENTALLY UNDERVALUED CURRENCY.—The administering authority shall determine that the currency of a country in which the subject merchandise is produced is a 'fundamentally undervalued currency' if—

''(A) the government of the country (including any public entity within the territory of the country) engages in protracted, large-scale intervention in one or more foreign exchange markets during part or all of the 18-month period that represents the most recent 18 months for which the information required under paragraph (38) is reasonably available, but that does not include any period of time later than the final month in the period of investigation or the period of review, as applicable;

''(B) the real effective exchange rate of the currency is undervalued by at least 5 percent, on average and as calculated under paragraph (38), relative to the equilibrium real effective exchange rate for the country's currency during the 18-month period;

''(C) during the 18-month period, the country has experienced significant and persistent global current account surpluses; and

''(D) during the 18-month period, the foreign asset reserves held by the government of the country exceed—

''(i) the amount necessary to repay all debt obligations of the government falling due within the coming 12 months;

''(ii) 20 percent of the country's money supply, using standard measures of M2; and

''(iii) the value of the country's imports during the previous 4 months.''.

(d) DEFINITION OF REAL EFFECTIVE EXCHANGE RATE UNDERVALUATION.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677), as amended by subsection (c) of this section, is further amended by adding at the end the following new paragraph:

''(38) REAL EFFECTIVE EXCHANGE RATE UNDERVALUATION.—The calculation of real effective exchange rate undervaluation, for purposes of paragraph (5)(E)(v) and paragraph (37), shall—

''(A)(i) rely upon, and where appropriate be the simple average of, the results yielded from application of the approaches described in the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues; or

''(ii) if the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues are not available, be based on generally accepted economic and econometric techniques and methodologies to measure the level of undervaluation;

''(B) rely upon data that are publicly available, reliable, and compiled and maintained by the International Monetary Fund or, if the International Monetary Fund cannot provide the data, by other international organizations or by national governments; and

''(C) use inflation-adjusted, trade-weighted exchange rates.''.

SEC. 3. REPORT ON IMPLEMENTATION OF ACT.

(a) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation of the amendments made by this Act.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include a description of the extent to which United States industries that have been materially injured by reason of imports of subject merchandise produced in foreign countries with fundamentally undervalued currencies have received relief under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), as amended by this Act.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I yield myself 3 minutes.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Colleagues, this is an important moment for this House and for the people of our Nation. There is a real problem—China's persistent manipulation of its currency. That requires real action, and under our leadership, real action is now being taken in this House.

China's practices represent, as the Secretary of the Treasury indicated in his testimony before us, ''a major distortion in the global economy.''

For our country, it is impacted on our trade deficit with China—in 2009, $226 billion—and it is impacted on our jobs. Their goods come to us, as a result of their manipulation, cheaper, and our goods to them, more expensive. There is a 15–35 or 40 percent imbalance, a tilted field of competition. The estimates mean 500,000 to 1.5 million jobs. This manipulation is one of the causes of the outsourcing of our jobs—of manufacturing and other good jobs.

Talk hasn't worked. Less than 2 percent appreciation has occurred since just before the last G–20 meeting when the Chinese said that they would make their currency more flexible.

Additional steps are needed, and this bill is just such a step. So, after 2 days of hearings before our committee, I worked over the weekend with our majority staff to modify, to make sure this bill was fully compliant with our international WTO obligations. It is compliant.

China has an economic strategy. For our businesses and workers, it is vital that our Nation has an active economic strategy, and this is one important piece of that strategy.

I strongly urge support of this legislation, and I reserve the balance of my time.

Mr. CAMP. I yield myself such time as I may consume.

Mr. Speaker, let me start by saying it is truly disappointing that this is the only trade bill in the past 2 years that has been marked up by the Ways and Means Committee. I find it unacceptable that this is the sum total of our trade agenda. While this legislation addresses an important issue, it will not address many more pressing trade concerns with China, and it will not advance the goal of doubling exports in 5 years.

To achieve those goals, we must move expeditiously on the pending free trade agreements, work harder to open new markets to our exports, and address broader economic issues all over the world and with China.

□ 1610

We have held four separate hearings on China this year alone. At each, we heard from witnesses, including Treasury Secretary Geithner, who stressed that China's currency policy is only one element in our highly complicated trading relationship.

It's not that China's currency problem is not a problem or priority; it's just that there are far larger issues with regard to China and our trade imbalance. Issues like intellectual property rights, indigenous innovation, export restraints on rare earth minerals and other items, and a host of nontariff barriers are wreaking havoc on American employers, their workers, and our economy.

Despite my disappointment about the lack of a broader trade agenda and the lack of action on these other concerns with respect to China, it would be an enormous mistake to give up completely on addressing China's currency policy. We all agree that China's currency is fundamentally misaligned and that China must take prompt action to allow market forces to determine the value of its currency.

At the same time, it is important that any legislation be consistent with our international obligation and be effective. Any legislation that could potentially expose the United States to WTO-sanctioned retaliation would undoubtedly do more harm than good and would undermine our efforts to get China to comply with its own obligations.

At our hearings over the past few weeks, a number of witnesses and Republican Members raised serious concerns about the WTO consistency of the original version of H.R. 2378. As a result of these concerns, Chairman LEVIN completely rewrote the bill. The version before us today has little in common with the original, which, on its face, violated our WTO obligation. It addresses many of the criticisms raised by witnesses and by Republican Members, and I appreciate that the chairman has taken these concerns into account.

Unlike the original version, this bill does not mandate that the Commerce Department automatically adjust antidumping and countervailing duty calculations to account for China's currency policy. This version allows Commerce to consider many factors in determining whether or not China's currency policy satisfies the technical definition of an export subsidy, as it does today, and does not prejudge an outcome.

While I remain deeply concerned about using countervailing duty law to address China's currency policy, I believe the bill before us today does not, on its face, violate our WTO obligations.

I will vote for this bill because it sends a clear signal to China that Congress' patience is running out but does not give China an excuse to retaliate against U.S. companies and their workers. While we cannot pass legislation that likely violates our WTO commitments and would result in WTO-sanctioned retaliation, we cannot, at the same time, allow ourselves to be afraid of China's reaction to a WTO-consistent measure.

If China retaliates against this bill at this stage, I fully expect that USTR, and the administration as a whole, will act swiftly and aggressively to pursue every option available, including through action at the WTO. China's posturing and bad behavior cannot dictate our trade policy.

This legislation also sends an important signal to the administration: It is time to produce results. The administration must step up its bilateral and multilateral efforts and set a clear timeline for action. The administration should work to ensure that the issue of global imbalances, which naturally includes China's currency policy, is prominently on the agenda at the November G20 meetings in Seoul. We should also reengage in bilateral investment treaty negotiations.

As I noted at our markup, the fact that the administration has not moved aggressively on a multilateral basis has forced us to this point. The legislation we are considering today is better than the original but still won't resolve our trade imbalances with China.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. BRADY), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mr. CAPUANO). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LEVIN. I yield myself 15 seconds.

That statement really rewrites the history of this legislation. I suggest to everybody, go back and look at the opening statement of the ranking member. Also, we have urged support of the green 301 petition. Only three Republicans supported it. I regret the partisan inflection here. I won't engage in it. I hope we get bipartisan support.

I now yield 1½ minutes to the gentleman from Washington (Mr. MCDERMOTT), a gentleman who is so actively engaged on these issues.

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, there is an old Chinese proverb that says, ''A journey of a thousand miles begins with a single step,'' and I rise today in support of this legislation which is before us to take the first step toward addressing the egregious imbalance between China's currency and our own.

For too long, the Chinese have not been playing fairly in the international trade arena, and this Congress has to send a clear message that China must become a responsible player in a multilateral trade. The Chinese export-driven strategy is smart, but subsidizing by suppressing their currency is an unfair way to do it.

This legislation is a good step, but it's not my preferred step. I would prefer the United States, together with our partners, bring a multilateral WTO case against China on the currency issue. Absent that, this commonsense legislation helps the Commerce Department do a fair job of making the multilateral mechanisms more available to U.S. businesses.

This legislation sends a clear signal that the American people respect international agreements and expect fairness. After years of an unlevel playing field, it is time to act, and this legislation is the right kind of measured first step we must take now.

I urge the passage of this bill.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the effort, Mr. Speaker, by Chairman LEVIN to address the concerns of Ranking Member CAMP and other Republican Members that were raised at our various hearings. And while the revised version addresses the WTO consistency issue, my view is that, on balance, the promises that this bill makes to compel China to appreciate its currency to reduce the trade deficit and to create U.S. jobs won't be realized, and, therefore, I oppose this bill.

Rather than focus on China's currency policy alone, a priority must be creating American jobs by promoting U.S. exports, and this bill doesn't do enough to provide new market access for American businesses, farmers, and workers. If we are to meet the President's goal of doubling exports, we must focus our energy on tearing down real substantive barriers to U.S. access to China's consumers. We must require China to better U.S. intellectual property rights and end its directed lending, cease its innovative policy, and move other artificial barriers to U.S. exports. Such an effort would benefit thousands more American workers than the focus on China currency alone.

I am concerned that moving on this bill makes it more difficult for us to resolve these other issues, and I think we ought to be careful to avoid doing more harm than good in tearing down these barriers.

Breaking down barriers to U.S. exports is difficult work and requires concerted effort by Congress and the administration. To begin with, rather than merely paying lip service to new and pending trade agreements, we have to find a way to move these agreements forward.

Currently, there is no clear end date for concluding the Trans-Pacific partnership negotiations, no plan from the administration on how it intends to resolve issues related to the U.S.-Colombian, -Panama trade agreements, and just limited discussion on the U.S.-South Korea trade agreement.

The administration must also return to the negotiating table and complete bilateral investment treaty negotiations with China. Entering into a bit with China could help on many of these issues and is necessary to ensure that Americans have the same rights in China as our other trading partners.

Mr. Speaker, while this bill is improved from its original version, it is no substitute for a comprehensive China policy that the administration and the majority have failed to give us. I urge, and strongly urge, a ''no'' vote on this legislation.

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, it is my privilege to yield 1½ minutes to the gentleman from Massachusetts (Mr. NEAL), another active member of our committee.

Mr. NEAL. I thank the gentleman.

Mr. Speaker, this legislation is about supporting American manufacturing jobs, plain and simple. The Peterson Institute suggests that this would increase American exports by $100 to $150 billion a year. The Ways and Means Committee held three hearings on this issue which confirmed that China is deliberately intervening in currency markets to continue its unfair advantage over American manufacturers and workers.

The committee reported out a bipartisan bill with important changes to make it fully consistent with WTO rules. In short, this bill allows currency manipulation to be considered in trade remedy cases. It is consistent with a free market solution to enabling fair trade.

□ 1620

Lawrence Lindsey, who was President George W. Bush's own economic adviser, said, ''The Chinese clearly undervalue their exchange rate. It is the Chinese Government, not markets and not Americans, who are shaping how much is bought and from whom.'' This bill is not a solution to all the challenges relating to U.S.-China trade, but it is a significant and much-needed trade remedy tool to help American business and workers compete.

New initiatives such as this are needed in response to negotiations that

time and again have been stymied in both Democratic and Republican administrations. This is a good step in the right direction.

Mr. BRADY of Texas. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY), who has played a key role in opening trade barriers for U.S. products.

Mr. BOUSTANY. Mr. Speaker, let me just be clear to start. China's currency policy is wrong, and it is harmful for the U.S. and for China. But it is one of many problems, a whole host of problems that we have heard about: indigenous innovation, IPR protections, licensing and standards, all of these nontariff barriers that we have heard so much about.

So if we're going to look at how we approach this, we have to, A, be consistent with our WTO and other international obligations; and, B, whatever we do has to be effective. Those are the parameters that Secretary Geithner himself laid out. I have questions as to whether this approach will meet either of those. Yes, the bill on its face is WTO compliant. But if we are to implement this connection between countervailing duties and currency valuation, I believe that will be subject to challenge. And I regret that we have not heard from the Department of Commerce, U.S. Trade Rep, Treasury on their read on this. In fact, the administration's not even made a statement with regard to this bill as to the effectiveness or as to whether or not it is consistent with our international obligations.

But to a broader point: If we're going to have leverage, we need trade policy, and we do not have a trade policy. Ranking Member CAMP has already made the statement that we have had nothing beyond this in the discussions about what are we going to do to really have leverage and to move forward with a trade policy. I have heard from the administration that we do need to move the South Korean free trade agreement. Clearly we need to do that. We need a bilateral investment treaty with China and with other countries. We have had no movement on that.

Finally, I just think it's unacceptable that this administration did not send a representative to the ASEAN conference in Asia recently. We are not even showing up on the playing field. How can the U.S. be truly credible if we're not actively engaged in a trade policy that makes sense? U.S. credibility is on the line. We have to prove that we keep our commitments.

Passing this bill is going to do nothing to solve our trade imbalance with China. It is not the kind of tool, I believe, that we need. We need to move forward in multilateral negotiations in a vigorous way and enlist other allies who also have the same concerns that we do.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRADY of Texas. I yield the gentleman 1 additional minute.

Mr. BOUSTANY. We are starting to see the makings of a currency war out there, where others are devaluing their currencies at our expense. That's why this needs to be addressed at a multilateral level. I feel we can do this in a responsible way. So because of these concerns, I am going to oppose this bill.

But I do want to thank you, Chairman LEVIN, for working back from what was originally a very bad bill to something that is improved. I think we can do better. I can only wish that we were able to work further on this to where we could have a truly strong bipartisan agreement to approaching our very complicated and important commercial and economic relationship with China.

Mr. LEVIN. I now yield 1½ minutes to the gentleman from California (Mr. BECERRA), another very distinguished member of our committee.

Mr. BECERRA. Mr. Speaker, we can talk or we can act. International trade is a high-stakes, cutthroat business. And every time we simply talk, the other side acts. And every time they act, an American loses a job. It's time for us to do what American workers for the last several years have been asking us to do, and that is to take action against what we know are unfair trade practices going on which cause us not only to lose jobs but to lose American businesses that can't continue to sustain themselves here and move abroad.

We know that the Chinese have been playing with their currency. Everyone knows that the Chinese have been playing with their currency. The Chinese know it. You know what? They are going to do everything they can for their workers. They are going to do everything they can for their businesses. You can't beat them for that. But please, let's not let them beat us at what we can do well. And that's why it's time to do this legislation.

Some credible estimates say that if we were to act on China's currency manipulation, we could return 1 million American jobs to this country, that we could reduce our $250 billion trade deficit by $100 billion with China. It is time for us to take action because the Chinese are certainly taking action. We can either take bold steps, as the American public has asked us, or we can take baby steps.

It's time for us to recognize that Americans are doing the best they can to produce American products so we can sell them, not just here but abroad. But if we allow someone to manipulate their currency by 25 to 40 percent, making their products look cheap here and making our products look expensive abroad, then guess what? Shame on us, because the American public is working very hard. It's time to pass this legislation. It's time to take bold steps, not to take baby steps.

Mr. BRADY of Texas. At this time I yield 3 minutes to the gentleman from Pennsylvania (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman for yielding. And I thank my colleague TIM RYAN, who is the Democrat lead in this, and I am the Republican lead on this. We know this is an important bill.

You know, the perfect is the enemy of the necessary. We are arguing about trade policies, what the WTO might think, what China might think, what negotiations might happen while the American people are out there saying, What are you doing about our jobs? China has been involved in a number of things, such as steel dumping and dumping products here, and setting these unfair currency practices which lead to up to a 40 percent discount. And while American companies see their factories close and American workers get their pink slips, they wonder if Washington gets it. Well, we do, and today is our chance to make good on that.

There was a time when ''Made in the USA'' was a standard for the world. It was a matter of fact that you owned the best. We earned that esteem. And now we are about to lose our position as a global leader when next year China overtakes us as the biggest manufacturer in the world. You know, the trouble is that China has never really accepted the basic rules of fair trade, and that's what we're standing for in this bill, fair trade.

Former Bush administration Commerce Secretary Carlos Gutierrez said that China's currency valuation does not yet adequately respond to market forces. Treasury Secretary Tim Geithner said similar things, believing that China is manipulating its currency. President Obama said the same thing and said, We need a two-way street. But unfortunately, when President Obama goes to talk to the Chinese, they push him back in a corner because we've got $800 billion in debt to them, and they continue to stall and stall.

Now I don't care who is in the White House, Republican, Democrat, whoever. But I don't want another country saying to my President that we are not going to talk to you about these things and somehow make it sound like it is the United States' fault. This is an issue that Republicans and Democrats alike are backing, and action delayed is action denied. Only when our government starts pursuing policies that cultivate rather than stifle American manufacturing and holds China and other trading partners fully accountable for cheating on trade will we begin to revitalize that manufacturing sector which we have lost ground on.

If we unleash our factories and workers from the constraints of an overly burdensome taxation and regulatory requirements, giving them the tools they need to ensure that all countries play fair and by the rules, the American manufacturer will win in the global marketplace every time. With its dedicated workforce and demonstrated ingenuity, American manufacturing has a chance not just to repair our economy, not just lead us out of debt

and deficit, but to create hundreds of thousands of new, well-paying, high-quality jobs.

We in Congress must do everything we can to support American manufacturing in this goal and not stand in their way and not quietly wring our hands and worry. We can start by passing the Currency Reform for Fair Trade Act tomorrow, because in matters of economic and job diplomacy, we can speak softly, but it sure is nice to carry a big stick.

□ 1630

Mr. LEVIN. I yield 1½ minutes to the distinguished gentleman from California (Mr. THOMPSON), another member of our committee.

Mr. THOMPSON of California. Mr. Speaker and Members, I rise in support of this legislation in part because it will help level the playing field for America's renewable energy manufacturers. China has time and again turned to unfair trade practice to promote their manufacturers, and it is time we put a stop to that.

For example, solar panel technology was developed in America. Yet in 2008, China became the largest producer of solar panels in the world. Right now it is cheaper to purchase Chinese-made solar panels here in the United States because of China's manipulated currency. This is unacceptable.

In my district our solar manufacturers compete on a global scale, but they are at a huge disadvantage because of China's current policy.

The solar and renewable energy sector creates tens of thousands of jobs, generating more jobs per megawatt of capacity than any other energy technology.

Further, petroleum currently accounts for half of our total trade deficit. By investing in and supporting our renewable energy manufacturers, we can help close our trade deficit and stop giving monies to countries who, in about 40 percent of the cases, are not our friends.

It is time to support American jobs, American renewable energy manufacturers, and, again, bring those jobs home. I urge my colleagues to vote in favor of H.R. 2378.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER), another very, very distinguished member of our Ways and Means Committee.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, and I appreciate his leadership in working to have a piece of legislation here that can be brought forward in a bipartisan fashion, listening to the concerns that were expressed repeatedly to our committee.

I come from an area of the country that is intensely trade dependent. Some of our iconic brands, Nike, Harry and David, Columbia Sportswear, would not exist without strong international partnerships.

Oregon's largest private employer, Intel, is a product of the international market for high-tech products. This makes a difference to people in my community. When we find, as the International Monetary Fund has found, the currency of the Chinese is significantly undervalued, it makes the United States exports more expensive in China and Chinese imports cheap in the United States and third country markets.

My support for trade is contingent upon our making sure that we are using the tools in an aggressive fashion. We should be using all of the tools in our national trade tool box, the WTO, our bilateral agreements, shared agreements, forums that the United States and China are party to, U.S. domestic law, all of these to make sure that we are ensuring this level playing field that people are talking about here.

If, as has been estimated, China's currency policy could reduce our gross domestic product by over a percentage point when we are trying desperately to jump-start the economy, this is precisely the policy we should do moving forward.

Mr. Speaker, I appreciate having an opportunity to vote on this today. I think this sends a strong signal that we want our international trade regime to work, that we are not just mindlessly entering into these agreements, but we are going to make sure that they are enforced. This an important step.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. I yield 1½ minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), another distinguished member of our committee.

Ms. LINDA T. SÁNCHEZ of California. I thank Chairman LEVIN and Ranking Member CAMP and Representatives RYAN and MURPHY for their leadership on this important bill, which I strongly support.

Mr. Speaker, this bill is about protecting one thing, the American economy. We must give American businesses a fair opportunity to sell their goods abroad and challenge underpriced Chinese imports.

This bill does that. It gives us stronger tools to address currency manipulation and protect American businesses. We can compete and win against any nation in the world if we're all playing by the same rules. China isn't.

Opponents say that this bill will start a trade war. I say we are already in a trade war and China is using cannons, and we are standing here shooting BB pellets.

Some say ''Let's wait.'' I say we have waited long enough.

When China joined the World Trade Organization in 2001, promises were made. We have held up our end of the bargain. China has not.

It has manipulated its currency, condoned intellectual property theft, and looked the other way while its businesses advertise schemes to avoid paying us the duties that we are owed.

For nearly 10 years, the prior administration failed to address the currency problem. Meanwhile, unfair Chinese imports caused small businesses across the country to close their doors, including one in my own district, Michels Furniture Store in Lynwood, California.

For nearly 10 years, our go-slow approach allowed China's job-killing mercantilist currency policy to flourish. The time for waiting is over.

Given the unemployment rate in this country and the economic pain that families feel in my district, shame on us if we fail to support this bill.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, today's debate has been a decade in the making. While this Congress and administrations of both parties fiddled, American manufacturing burned.

Michigan workers make an average of $12,000 a year less than they did just a decade ago. Our trade deficit has skyrocketed, with manufacturing goods deficit up 3,000 percent. It is no accident and it is no coincidence. Chinese currency manipulation is the driving force behind this destruction.

Chinese currency is at least 25 percent below where it should be, making their goods cheap and destroying our manufacturing base.

In Michigan alone, Chinese currency manipulation has destroyed some 68,000 jobs in Michigan. In my district, some 4,500 jobs are gone because this Congress and both the Bush and the Obama administrations have refused to do anything but talk on Chinese currency manipulation.

Today's vote is a tough, first step toward fair trade with China. Fair trade and the livelihood of Michigan workers finally lets them compete on a level playing field with the start and the passage of this bill.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. SLAUGHTER), the very distinguished chair of the Rules Committee.

Ms. SLAUGHTER. I am going to forego the niceties of congressional conversation this afternoon because I have only got a minute to tell you what I really think. There are times when the timidity of the Congress of the United States absolutely overwhelms me into anger.

We have sat by in this country since the Second World War was over, watching American jobs go to rebuild the economies of Germany, Japan and Korea, one after the other. We have gone way too far. We have jeopardized our own well-being.

If we believe that we can be a superpower, the superpower, and not manufacture anything, I think we are sorely mistaken. When we are dependent on other countries for all the goods that we need, not only domestically but

militarily, I think we are in a sorry shape.

Now, our trade policies that we have had have been awful, and it is bipartisanly awful. But I will tell you right now that as far as I am concerned, and I hope a lot of my colleagues agree with me, until we get reciprocity, until every trade agreement that we pass says that that country has to open its borders completely to trade from the United States of America, we don't have anything.

We are way late on this. We are 20 years too late to be doing this. We are right at the brink right now of financial disaster in this country. Those jobs that we have lost are not coming back. We have got to be rebuilding a new economy. We can't do it if China is going to do it all first and get there and dump on us and undercut.

So not only pass this bill today, but demand stronger policies in this country to save us for our next generation.

Mr. BRADY of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING), who is focused on jobs, spending, and getting this economy back on track.

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, as I look at the available evidence, I believe that the preponderance of the evidence does show that China is manipulating its currency. So I don't question the problem; I question the remedy. And I question whether or not punishing American consumers is the right remedy to apply to this situation. I believe that, ultimately, if this legislation is enacted, that is what will happen.

We know already—we don't know what the estimates are, 5 to maybe 30 percent—that the renminbi may be overvalued. And China should let their currency float.

□ 1640

It is wrong what they're doing. They are hurting their own people by doing what they're doing.

But in addition, Mr. Speaker, one thing I do know they are doing is they are subsidizing goods to the American people at a time when many family budgets are being strained. The available evidence shows that if this was passed, if actually the renminbi was revalued, that prices for many of these Chinese goods may go up 10 percent. A pair of shoes that a mother needs for her child to go to school, maybe it is a pair of glasses, maybe it is toys at Christmas, all become more expensive.

So to some extent there is a question: Should we pass a law, pick winners and losers between manufacturers and consumers? Is that something we should be doing? I am not sure that it is.

In addition, Mr. Speaker, we all know our history. We know that presently we are still mired. Whether or not some Bureau economist tells us we are out of a recession, we know that people in our districts continue to suffer through probably the greatest economic crisis we have seen since the Great Depression. One of the most exacerbating factors happened to be the Smoot-Hawley tariff. I fear a trade war.

Now, some say we are already having a trade war. Well, by historic standards, we are probably having a trade skirmish. But we know that already the administration last year elected to impose tariffs on Chinese tires. And, guess what? They imposed tariffs on our poultry, one of the few areas where we actually had a favorable balance of trade, and so import tariffs up to 105 percent on U.S. exports of poultry. So any type of jobs that may be gained in manufacturing just might be lost in agriculture or some other area.

I am not convinced that the proponents of this bill have made the case that, on net, this would even create more jobs in America. It certainly would create more in one sector than another. But, again, precipitating a trade war at a time when we are in tough economic times, making it more difficult for consumers to afford the items they need to provide for their families, I think is unwise public policy. So I would urge defeat of this legislation.

Mr. LEVIN. I yield myself 10 seconds. To the gentleman who just spoke, without a job, one can't buy goods at any price. This bill is about jobs.

I now yield 1 minute to the gentleman from Ohio (Mr. BOCCIERI).

Mr. BOCCIERI. Mr. Speaker, the American people are watching. While we may wear different jerseys, we are supposed to be playing for America, and this vote today is about whether we are going to stand up and fight for Americans.

Just last week, the Chinese Government ordered all our domestic manufacturers who are building cars in China to turn over all their battery technology. Ohio, who has 25 percent of her economy based on the automotive industry, cannot afford to stand on the sidelines as countries like China refuse to play by the rules.

Critics believe that this legislation could start a trade war. America is already in a trade war, and the question is whether the U.S. Government is going to show up for the fight. And forcing the agreed-upon trade rules is not protectionist. In fact, the Chinese practices like currency manipulation and illegal subsidies are protectionist.

In 2005 Ohio lost more than 183,000 manufacturing jobs because of bad trade deals. I say that you can't afford to buy tennis shoes if you don't have a job. And that is what this bill is about.

In the past 2 years alone, workers from nine local companies in my district received trade adjustment assistance as a result of bad trade deals.

We respect the Chinese culture, their people, and their workers, but we are playing for America. We have got to build it; we have got to assemble it, and we have got to manufacture it here in our country. We can't be the movers of wealth; we have to be the producers of wealth, and it starts with this vote today.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. I rise in support of the resolution.

I think that the Chinese clique that dominates that country has not only mistreated its own people, because they are the worst kind of tyrants one can imagine, but they have also been treating the American people in a malicious way as well.

The fact is that we have adopted policies that are very positive toward the Chinese and the Chinese Government that have been to the detriment of the people of the United States. We have permitted a one-way free trade policy. We have permitted a lack of access to their markets while they have total access to our markets. We have put up with the wholesale theft of American technology. And, yes, we have put up with the fact that they have manipulated their currency in a way that ensures the flow of wealth into their society as opposed to an equal relationship that would benefit both countries.

What we have to do is decide are we going to permit the clique that runs China to continue to do great damage to the people of the United States of America, or are we going to provide some sort of action that we can take if they are manipulating the currency in a way that shifts the wealth from our society and the jobs from our society and transports them to China?

And let me note this. In a dictatorship like China, we are not talking about wealth that is raising the standard of living of their people. We are talking about wealth that, in the end, is manipulated and controlled by a clique of gangsters who are the worst human rights abusers in the world. And what are they doing with this profit that they make from this unfair trade relationship and manipulation of currency? They are building a military, a modern military based on technology that they have stolen from us and an unfair trade relationship that we have acquiesced to over the years.

It is about time we have legislation that will at least prevent them from manipulating the currency and give us an alternative action that we can take to try to prevent the manipulation of currency on the part of the Chinese. So I rise in support of this resolution.

Mr. LEVIN. Mr. Speaker, I now yield 1½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE), a member of our Ways and Means Committee.

Mr. ETHERIDGE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of fair trade and making sure other countries play by the rules and in support of H.R. 2378, the Currency Reform for Fair Trade Act.

Just this week, China announced tariffs as high as 105.4 percent on U.S.

poultry because of a trumped-up dumping charge. But the real trade distortion in the U.S.-China relationship is currency manipulation—a huge subsidy to their manufacturers and a hidden tariff on U.S. goods. China's currency manipulation allows them to sell the world cheaper goods, costing us jobs and economic growth.

This bill would give our trade negotiators the tools they need to investigate this manipulation and take action, if appropriate. It would restore balance to our trade relationship.

North Carolina's producers are second to none, and given a level playing field, our workers can compete with anybody. But how are they supposed to compete with a country that manipulates its currency? I say it is not fair.

Mr. Speaker, we should pass this bill and send a clear message to China that it is time to play by the rules. I call on my colleagues to stand up for our exporters, our producers, and the people of America, and join me in supporting American industry and H.R. 2378.

Earlier this week we saw another example of how China refuses to play by the rules for international trade. On Monday, China announced that it would impose steep tariffs on our poultry producers. Because of this decision, some U.S. producers will face tariffs as high as 105.4 percent. China claims that this is in response to ''dumping'' in its market, but we all know that this is actually retaliation for U.S. tariffs on tires. Once again, the Chinese government has shown that it will take extraordinary—and illegal—steps to make sure they enjoy unfair advantages in their trade relationship with the United States.

Nowhere is this unjustifiable trade distortion more evident than in China's intervention in the value of its currency. This currency manipulation amounts to a subsidy: It allows China to sell goods at a cheaper price here in this country, while simultaneously making our exports more expensive. As a consequence, the United States now has a large trade deficit with China; a trade deficit that is now slowing the economic recovery. For the sake of our economy and our country, it is vital that we address this issue.

H.R. 2378 gives the U.S. Commerce Department the tools to examine this matter. It does not force any conclusion be reached, but rather all the facts be taken into account when making a decision as to whether China's currency manipulation constitutes an illegal subsidy. If Commerce finds that China is violating trade law, this bill makes sure the United States takes action to protect our industry, our exporters and our economy. Nothing could be more important.

Trade is good for America, but only if it is fair. My state of North Carolina produces everything from pharmaceuticals, industrial goods such as jet engine parts, to tobacco and textiles. Our farms produce top quality poultry and pork. North Carolina's products are second to none, and, given a level playing field, our workers can compete with anybody. But how are they supposed to compete with a country that manipulates its currency? That's not fair.

I know that some of my friends on the other side of the aisle will object to this bill. Many are fearful that China will react to this legislation by imposing retaliatory tariffs that further hurt our exporters. But China already arbitrarily slaps tariffs on our goods regardless of what we do, as we saw earlier this week. This legislation, on the other hand, complies with WTO laws and precedents, and any retaliation by China because of this bill would be unlawful.

As our trade deficit threatens to sap our economic recovery, we should pass this bill and send a clear message to China that it is time to play by the rules. Some economists estimate that a significant appreciation of the Chinese currency will create 600,000 to 1,200,000 jobs. When many people throughout the country are struggling to find employment, it is the right time to pass this bill.

Mr. Speaker, this bill will ensure our trading partners play by the rules. I call on my colleagues to stand up for our exporters and producers, and join me in supporting American industry and H.R. 2378.

Mr. LEVIN. Mr. Speaker, I now yield 1 minute to the distinguished gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I thank the gentleman for yielding, and I want to thank Chairman LEVIN and Mr. CAMP for bringing this bill to the floor. I want to thank Mr. RYAN and Mr. MURPHY for their very, very good work on this bill.

This is a jobs issue, and there should be no doubt in anyone's mind that that is what we are talking about today.

In 1990, in the State of Indiana, 226,000 more people worked in manufacturing than in government. This year, 7,000 more people work in manufacturing than government, because 165,000 manufacturing employees lost their jobs. That is 165,000 families in the State of Indiana alone that lost good-paying manufacturing jobs. One of the causes is the currency manipulation by the Chinese Government.

□ 1650

We were told by the last administration if we just dialogue with the Chinese, we would solve this problem. We are told by the current administration, if we just dialogue with the Chinese, we will solve this problem. We were told by the Chinese on May 18, 2007, if we just dialogue on this problem, we will solve it.

The solution is on the floor today. I would ask my colleagues to strongly support passage of H.R. 2378, and give this administration the intestinal fortitude to stop dialoguing with the Chinese and to take serious action on jobs.

I strongly support H.R. 2378, the Currency Reform for Fair Trade Act. I am proud to have the opportunity to speak in support of this bill that takes an important step in leveling the playing field for United States manufacturers.

At the outset of my remarks, I would like to applaud the leadership of the Ways and Means Committee, especially Chairman LEVIN and Ranking Member CAMP for bringing this legislation to the Floor. I would also like to commend Representative TIM RYAN, the sponsor of the legislation, and Representative TIM MURPHY, the Vice Chairman of the Congressional Steel Caucus, for their tireless efforts advocating for this much-needed bill.

As the Chairman of the Congressional Steel Caucus, I would like to focus my remarks on the steel industry. In the world of steel, China is of paramount concern. In 2009, China produced 47 percent of the world's total output of steel, which is 567.8 million tons. This is more than double the amount that China produced in 2003. By comparison, last year the United States produced approximately 60 million tons of steel, compared with approximately 100 million tons in 2003. While multiple factors contributed to China's unprecedented increase in production, paramount among them is China's currency manipulation. The undervalued Yuan is perpetuating a destructive trade imbalance and costing American jobs.

Congress must ensure that the U.S. remains a competitive place for manufacturing investment. This requires the U.S. to reverse the unsustainable imbalance that has allowed other nations to adopt policies supporting excessive exports of manufactured goods to the U.S., while we export debt and manufacturing jobs. And we must take action now, as evidenced by a recent report by the Economic Policy Institute, which estimates that the rising trade deficit with China will cost the U.S. over one-half of a million jobs in 2010.

I believe that the passage of H.R. 2378 represents a turning point in the battle to combat unfair Chinese trading practices. And I hope that its passage finally gives the Administration the intestinal fortitude to stop ''dialoguing'' with Beijing and start enforcing our trade laws.

Mr. Speaker, I again want to thank Representatives RYAN and MURPHY and the Committee for bringing this important legislation to the Floor, and I urge my colleagues to support the measure.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I was a bit surprised to hear the gentleman from Texas and a few others on the Republican side find an excuse to oppose this legislation, but, then again, they always find an excuse to side with their international corporate benefactors.

He feigned, ''Oh, my god, the American people won't be able to afford shoes for their kids next fall because we won't have those cheap Chinese imports shutting down American factories.''

Now, what the Americans need are jobs. We don't need jobs in China; we need them here. And with an unfairly priced currency, we are losing more and more manufacturing.

When the Republicans controlled everything from 1994 to 2006, or the Congress and the presidency for a good part of that time, our trade deficit with China went up 806 percent, and they did nothing. But they can find little problems here and there with this legislation.

They are worried about a trade war. We are at war. We are having a trade war with China. They are supporting capitulation, and we are finally starting to fight back from this side of the aisle.

No, no excuses. Plain and simple: Are you with the American people and fair

trade, or are you with the Chinese and the big international corporations and their excuse for free trade, which is manipulated currencies, trade barriers, and taking our jobs away from our workers. Plain and similar: Where do you stand?

Mr. BRADY of Texas. Mr. Speaker, I yield myself 15 seconds.

I would make the point that the Chinese currency appreciated 20 percent during President Bush's administration. It had no impact on the trade deficit. It has only appreciated 5 percent under the current administration, with no impact on the trade deficit.

I reserve my time.

Mr. LEVIN. Mr. Speaker, it is now my special pleasure to yield 2 minutes to the gentleman who is an original cosponsor of this important legislation, the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Let me thank the chairman for his good work. Let me thank Speaker PELOSI for her giving us this opportunity to bring this bill to the floor, and Leader HOYER, who was very instrumental in our Make It In America project, of which this is a major component.

In the late 1970s, the top 1 percent of the people in our country controlled about 9 percent of real income, and in 2007, the top 1 percent controlled about 23.5 percent of real income. If you go back and see the amount of time families worked in the late 1970s compared to today, the average family works about 12 weeks more a year than they did back then.

So the average family is making less, working longer, sometimes two or three jobs just to make ends meet, and part of the problem has been this erosion of the manufacturing base. And what we are talking about with currency manipulation is the Chinese Government artificially subsidizing every single product that lands on our shores here in the United States. So, yes, it may be cheap, because it is being subsidized by their government, but it is putting American workers and American manufacturers out of business.

If we are going to resuscitate this economy, we have got to focus as a nation on making things in America again. And if you look at the list of the supporters of this bill, tool and die manufacturers, corn growers, the supply chain for all of our manufacturing that happens in the United States, they are all supporting this bill, along with all of the workers groups, all of the unions.

This is something we can all agree on. It will stimulate our economy and not add one dime to the deficit, and that is what this is about.

For every manufacturing job, you get five or six or seven spinoff jobs. Manufacturing jobs pay more. There are more patents, more innovation, more research and development.

This is about taking our country back. You wonder why people are anxious out there? They have been working longer, working more, and getting paid less. I would be anxious too. I would be upset. That is what we are feeling in the country.

I think this bill is an opportunity for us to reinvest back in the United States, put people back to work, and have good, middle class jobs here in the United States.

Mr. BRADY of Texas. I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, how much is there on both sides?

The SPEAKER pro tempore. The gentleman from Michigan has 11 minutes remaining. The gentleman from Texas has 10¾ minutes remaining.

Mr. LEVIN. It is now my pleasure to yield 1 minute to the gentleman from Maine (Mr. MICHAUD), an active participant in discussions of trade issues.

Mr. MICHAUD. Thank you very much, Mr. Chairman, for yielding, and I also thank you for your leadership on this issue of bringing this bill before the House.

Mr. Speaker, I rise today to express my strong support for H.R. 2378. This issue is simple: China's currency manipulation is illegal, and it costs Maine jobs. Just ask the Sappi Fine paper mill workers in Westbrook and Skowhegan, or those at the NewPage mill in Rumford. They have seen their coworkers get laid off and were certified for Trade Adjustment Assistance because of cheap Chinese paper imports.

In fact, over 9,000 Mainers in all sectors have lost their jobs because of our trade deficit with China, which is directly related to their currency manipulation. Companies like NewPage and Sappi Fine can't compete when China doesn't play by the rules.

This bill will help us hold China's feet to the fire for their unfair trade practices. It will make sure American companies are competing on a level playing field. And it will save American jobs.

I urge my colleagues to vote for this critical bill.

Mr. BRADY of Texas. I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, it is now my pleasure to yield 2 minutes to the very distinguished gentleman from New York (Mr. RANGEL).

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Let me congratulate the chairman and the ranking member of Ways and Means for coming together to have this civil type of discourse, having our staffs work together, agreeing on some things, disagreeing on others, but showing that bipartisanship, while it might be in intensive care, at least on the Ways and Means Committee it is not dead.

Mr. Speaker, we do recognize that there is a split among business people as to whether or not we should go forward with this bill that would point out to China, as so many developing countries would like to, but they certainly don't have our leverage, that it is time that they be fair in terms of international trade.

Those people who buy from China and enjoy the lower prices, I can understand why they would not support the equity that we are seeking in international affairs, as well as in the WTO.

But for those Americans who take a deep-seated pride when they see ''made in the USA,'' when we know we can make it in the USA with jobs, then we don't get excited about the number of jobs that occur in China, but believe that it is patriotic, and if it hasn't reached that level, then certainly it is in the best interests of the United States of America, to say that we supported you, we supported you in getting into the World Trade Organization, with that comes some obligation. And if the President cannot succeed in persuading them, as he said, there are other means which we can use as a nation to encourage them to do the right thing.

So, Mr. Speaker, I hope that the chairman here and the ranking member could find some other things before we go home that we can come together on. But until that happens, congratulations to both of you.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I now yield 1½ minutes to the distinguished gentlewoman from Ohio (Ms. SUTTON).

□ 1700

Ms. SUTTON. Thank you, Chairman LEVIN, for your leadership on this issue.

Abusive trade practices by China have cost American small businesses opportunities and American workers jobs. We've heard the numbers—2.4 million jobs lost across the country, 92,000 jobs lost in Ohio, and 5,700 jobs have been lost in my congressional district due to China's deliberate and abusive trade policies—policies like their blatant currency manipulation that violates their obligations to international trading.

Today, we say we've had enough. Today, we stand with American workers and American small businesses. We send a clear message that American workers and businesses will compete with Chinese workers and businesses but they should not have to compete against a manipulated currency.

China's currency manipulation makes their goods artificially cheaper, costing our workers jobs and our businesses opportunities. Working families around the country see and feel the results of China's misaligned currency. We must stand against it. They see plants closing. They see friends and loved ones losing their jobs. And today, Mr. Speaker, they are seeing us stand up for American manufacturing and American workers and demand a level playing field and an end to China's currency manipulation.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, it is now my privilege, a deep privilege, to yield

1 minute to our distinguished Speaker, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank our distinguished chairman of the Ways and Means Committee for the recognition and for his yielding time. I thank him for his leadership in bringing this legislation to the floor. I thank Mr. MURPHY of Pennsylvania and Mr. RYAN of Ohio for their leadership in this important legislation.

Mr. Speaker, for so many years we have watched the China-U.S. trade deficit grow and grow and grow. And today we are finally doing something about it by recognizing that China's manipulation of the currency represents a subsidy for Chinese exports coming to the United States and elsewhere.

Many of us have been working on this issue for decades. Twenty years ago, when the issue of China trade was before the floor of the House, the trade deficit was $5 billion a year. The U.S.-China trade deficit was $5 billion a year. We thought that that gave us tremendous leverage for them to stop violating our intellectual property, to give us market access, to stop nontariff barriers to our products going into China, and the rest. We had other issues with China's proliferation of weapons of mass destruction to Pakistan, with the actions taken in Tiananmen Square, and human rights in China and Tibet. But strictly on the subject of trade, the imbalance was $5 billion, which seems like an enormous amount of money.

We tried through legislation, unsuccessfully, on the floor under both Democratic and Republican Presidents—this is not a partisan thing—and because of the opposition of the administration, we were not able to pass any legislation that said, Halt. We understand the U.S.-China relationship is an important one in every way—culturally, politically, diplomatically, economically, and commercially—but we need to play by the rules.

When China came into the WTO, it was projected that they would play by the rules. But here we are today, and remember, I said the trade deficit was $5 billion a year 20 years ago when we were having this debate then. It is now $5 billion a week. A week. One way that we can address that is to address the issue of China's manipulation of the currency, which, as I mentioned, is a subsidy for their exports.

We believe that passing this legislation here today will give the President leverage in his conversations with the Chinese about how seriously and closely the American people are watching this situation. As part of our Make It In America agenda to stop the erosion of our manufacturing, industrial, and technological base, we have to stop that. It's an economic issue and it's a national security issue that we have the manufacturing capacity to protect the American people in every way.

So this is about America's workers. It's about making it in America so that our people can make it in America for their families, for their communities, for our country, for our economy. Especially now, when we're talking about all the new green technologies and the rest, which are part of the green, clean energy jobs for the future, and we see what is happening in the trade relationship with China on that score, it is absolutely essential, as we go farther into that future, that we do not have unfair subsidies of Chinese exports into the United States in the important competitive arena of innovation and new green technology.

So with this bipartisan legislation, and, again, I commend Representative TIM MURPHY and Representative TIM RYAN, we make it clear that if China wants a strong trading relationship with the United States, it must play by the rules. We owe that to American workers. It is our hope that passing this legislation, again, will give the Obama administration and future administrations greater leverage in its bilateral and multilateral negotiations with the Chinese Government. We do this because 1 million American jobs could be created if the Chinese Government took its thumb off the scale and allowed its currency to respond to market forces.

The bipartisan Ryan-Murphy Currency Reform for Fair Trade Act marks a positive step in the direction of fairness for our workers, opportunities for our manufacturers, and growth for our economic prosperity. I urge our colleagues to vote ''aye.''

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), who is, again, focused on jobs and getting this economy back on track, as well as limiting the size of these dangerous debts and deficits.

Mr. FLAKE. I thank the gentleman for yielding.

I rise in opposition to this bill. There's no denying that there are issues related to Chinese currency valuation. Unfortunately, the passage of this bill today will do little to address those concerns. Instead, approval of this bill will likely only result in retaliatory actions on the part of the Chinese.

A recent letter was penned to leaders of the House of Representatives by a variety of business groups, including the Chamber of Commerce, Business Roundtable, National Foreign Trade Council, and others. They wrote: ''Unilateral legislation, which seeks to increase tariffs on imports from China, is unlikely to incentivize China to move expeditiously to modify its exchange policies. Rather, it would likely have the opposite effect and could engender retaliation against U.S. exports into the Chinese market, currently the fastest growing market for U.S. exports.''

Courting retaliation with no direct benefit likely qualifies for what you would call the very definition of counterproductive trade policy. And it's unfortunate that, as has been said here today before, in 2 years this is about the only trade legislation that we've considered. Certainly, very little to open up new markets. We have three pending trade agreements that languish that should be approved, and yet this is what we're doing. That's really sad.

Later today I think we're considering something like a Made in America Flag Act or something to require that we not import any flags made outside of the U.S. into the U.S. I don't know what's next. Maybe requiring Americans to eat apple pie while they make flags. I don't know. But we're into the crazy season here where we're simply pandering instead of actually addressing what will open new markets and help create jobs in the private sector.

I urge opposition to H.R. 2378.

Mr. LEVIN. I yield 1 minute to the distinguished gentleman and colleague from Michigan (Mr. KILDEE).

□ 1710

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of H.R. 2378, the Currency Reform for Fair Trade Act.

For years, China has unfairly pegged its currency to the U.S. dollar at a fixed exchange rate. It is estimated that this undervalues Chinese currency 20 to 40 percent, allowing them to offer significantly cheaper products for export. American workers are playing by the rules, but they are struggling to compete on the unfair playing field Chinese currency manipulation has created.

Cheap exports from China have contributed to hundreds of thousands of American job losses. In my hometown of Flint, Michigan, unemployment is more than 25 percent. However, currency manipulation is not currently considered when determining export subsidies to assist American businesses. This has to change. We must stand up for our workers and their livelihoods.

H.R. 2378 will make currency manipulation a factor when the Commerce Department awards export subsidies. I have long advocated for fair trade policies that protect American workers. This bill will go a long way toward achieving that goal.

I urge passage of the Currency Reform for Fair Trade Act.

Mr. BRADY of Texas. I reserve the balance of my time.

Mr. LEVIN. I yield 15 seconds to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I just want to respond to the gentleman from Arizona. He talked about our exporting products to China. This bill would actually increase the buying power of the Chinese consumer because their yuan would be worth more money so they would have more buying power to buy American exports.

So this snake oil that the Chamber of Commerce is trying to send around and scare everybody not to vote for this

doesn't make any sense. The more your currency is worth, the more you're going to be able to buy.

Mr. LEVIN. I now yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank the chairman for yielding.

My friend from Arizona said a few minutes ago, we're in the crazy season. I think on this issue we've been in the crazy season for about two decades. I think when we have a policy that says if the other side doesn't follow the rules, you just ignore it, I think that's crazy. If you have a policy that says if the Chinese manipulate their currency and make it easy to fill the shelves at Wal-Mart but empty the pockets of American workers and you ignore it, I think that's crazy.

So I think the process of going forward when the other side doesn't play by the same rules that we do, that empties factories, empties wallets and empties communities in this country, I think ignoring that is crazy. And I am glad to see that this House on a bipartisan basis for the first time in a long time is saying it's time to stand up for American communities, American companies and American workers and vote ''yes'' on this legislation.

Mr. BRADY of Texas. Mr. Speaker, I continue to reserve.

Mr. LEVIN. It is now my special privilege to yield 1 minute to the distinguished gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Thank you very much for your leadership on this issue.

This is a great day for American job creation, for the American worker, and a very sad day for American politics.

This is simple. If we give the American people, the American worker and American business a level playing field, they will still out-compete the world. We can still make it, build it and grow it better in America than anywhere else, if we give that fair playing field.

What could be simpler than going after China for manipulating its currency and unfairly dumping its products and pushing out the much-needed American manufacturing base that we must be rebuilding rather than suffocating?

If ever there was something we should be able to come together on, it should be standing with American workers instead of Chinese corporations and Chinese rule-breaking. And yet here we have a debate rather than unity.

Earlier today, we fought to extend health benefits to our heroes and their families from 9/11. And while we cheered and saluted, many on the other side of the aisle sat on their hands. Aren't these commonsense things that the American people are begging us to come together and focus on? Commonsense solutions. This is our chance—to fight for American jobs, like the steelworkers in my district. Six thousand manufacturing jobs lost to China in my district alone and 24,000 family members of those who have lost their jobs.

For those who want to play games with this issue, it is long past time to do what is right.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 30 seconds.

I do think it is unfortunate to try to interject partisan politics into a serious issue. There is already concern that after 4 years this bill is now being rushed to the floor a few weeks ahead of the election. I think at this point on an issue so serious, we ought to be thoughtful, understanding there are Members on both sides of the aisle that have come to different conclusions about this bill.

With that, I continue to reserve my time.

Mr. LEVIN. Mr. Speaker, how much time remains on either side?

The SPEAKER pro tempore. The gentleman from Michigan has 2¼ minutes, and the gentleman from Texas has 8¼ minutes.

Mr. LEVIN. I yield now 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank you, Mr. Chairman.

Mr. Speaker, the American middle class has been built on having jobs that allow families to pay their bills, to send their kids to college, to own a home, to save for their own retirement.

The American middle class has been under assault; their wages declining, their jobs being outsourced and sent abroad. Our fundamental responsibility is to give folks who want to work the opportunity to work in jobs that are going to allow them to take care of their families. And if we stand by idly when a competitor country manipulates its currency to put our manufacturers, our workers, at a disadvantage, we are complicit in that. And this is the bare minimum of what we can do—give our workers, give our manufacturers, give our American middle class an even shot at the American Dream.

This legislation is necessary, it's overdue, and it must be passed.

Mr. BRADY of Texas. Mr. Speaker, I continue to reserve.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2378.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Is the gentleman ready to close?

Mr. BRADY of Texas. I am, Mr. Chairman.

Mr. LEVIN. So am I.

Mr. BRADY of Texas. Mr. Speaker, I yield myself the balance of my time.

This is an issue, I think, where good people can disagree. There is unanimity in the desire for China to appreciate its currency. There are differences of opinion about what impact that truly would have on our complex relationship with China economically. And there have been a number of issues raised throughout the hearings on this bill, and I do appreciate, to Chairman LEVIN, taking into account the number of the objections on the most, we think, troubling provisions that Ranking Member DAVE CAMP from Michigan and others raised during those hearings. I think some of those issues have been addressed in a very positive way, but there are real concerns about how effective this will be, and if it will truly compel China to change its currency regime or that it will significantly change our trade deficit.

I would like to submit for the RECORD a letter sent by, I think, almost 30 of our major job creators in America, groups that represent many of our agriculture companies and workers, our technology sector, our manufacturing and financial services sector, those who produce and sell medical devices and services throughout the world, including groups like the National Retail Federation; the broader job creators like the U.S. Chamber of Commerce, the Business Roundtable and companies that compete and succeed successfully selling U.S. products in China.

This letter agrees with Chairman LEVIN and others that China needs a yuan exchange rate response to trade flows and that China should move rapidly toward that. But it says:

''We do not agree, however, that H.R. 2378 as reported can help achieve that goal. To the contrary, we believe that passage of this legislation is counterproductive not only to the goals related to China's exchange rate that we all share but also to our Nation's broader goals of addressing the many and growing challenges in the U.S.-China economic relationship, including inadequate protection of intellectual property, restrictions on market access, financial services liberalization, export of commodities such as rare earths, discriminatory indigenous innovation and other industrial policies. Above all, this legislation will do more harm than good to job creation and economic growth at a time when we need both dearly.''

The point of that, I think, is that there are a number of barriers to selling U.S. products fairly and successfully in that growing Chinese market. We all have the same goal. How we achieve it is where we honestly differ.

□ 1720

This group concludes this way:

''We share Congress' desire to have China act more quickly to adopt a market-determined exchange rate, but the proposed unilateral measure is not going to achieve that result. We urge you to oppose H.R. 2378 and, instead, work with and vigorously call on the administration to develop a robust bilateral and multilateral approach to

achieve tangible results, not only on China's exchange rate policies, but also on other Chinese policies that are harming American businesses, workers and farmers.''

I think that is the point, perhaps, of those of us who believe this bill will not achieve what we hope.

While I urge opposition of this bill, there are those who believe that, as we move forward, regardless of the outcome, we ought to, Republicans and Democrats, join hands and insist on fair access to Chinese markets, on a level playing field and on a growing trade relationship that is balanced to increase Chinese consumption, as well as to increase U.S. savings that will rebalance the trade relationship for decades to come. We share those goals and look forward to working with those in Congress who also share them.

SEPTEMBER 28, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
U.S. Capitol, Washington, DC.
Hon. STENY HOYER,
Majority Leader, House of Representatives,
U.S. Capitol, Washington, DC.
Hon. JOHN BOEHNER,
Republican Leader, House of Representatives,
U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI AND LEADERS HOYER AND BOEHNER: Like Congress and the Administration, we agree that China needs a yuan exchange rate that responds to trade flows and that China should move rapidly towards a market-determined exchange rate. In addition to continuing U.S. government efforts, our organizations support strong, coordinated and enhanced multilateral pressure, including at the early October Finance Ministers' Meeting in Washington and continuing at the November G20 Leaders' Meeting in Seoul, to achieve concrete progress on China's currency and exchange rate policies.

We do not agree, however, that H.R. 2378 as reported by the Committee on Ways and Means can help achieve that goal. To the contrary, we believe that passage of this legislation is counterproductive not only to the goals related to China's exchange rate that we all share, but also to our nation's broader goals of addressing the many and growing challenges in the U.S.-China economic relationship, including inadequate protection of intellectual property, restrictions on market access, financial services liberalization, export of commodities such as rare earths, discriminatory indigenous innovation and other industrial policies. Above all this legislation will do more harm than good to job creation and economic growth at a time when we need both dearly.

Unilateral legislation, which seeks to increase tariffs on imports from China, is unlikely to incentivize China to move expeditiously to modify its exchange policies. Rather, it would likely have the opposite effect and could engender retaliation against U.S. exports into the Chinese market, currently the fastest-growing market for U.S. exports. Our companies do not fear retaliation—if it were based on WTO-consistent actions that would achieve the desired result, with benefits outweighing the costs. But counterproductive tariff legislation will not get us closer to the goal of a market-driven exchange rate and will shift the focus away from the core issue of China's currency and onto U.S. unilateral action. Such an action would embolden PRC retaliation and undermine U.S. government efforts to address a growing number of discriminatory Chinese policies, weakening our economy by harming American exports of manufactured goods and farm products.

Despite efforts to make H.R. 2378 consistent with the rules of the WTO, it is not clear that the legislation meets the WTO's standards for the application of countervailing duties (CVDs). The legislation would require the Commerce Department to estimate what the ''true'' exchange rate is, a process that will be highly subjective and potentially politicized. Since application of CVDs to imports from China on the basis of this legislation is of questionable WTO legality, China would almost certainly challenge this action as violative of U.S. WTO obligations, which would focus the world's attention on the United States and WTO technicalities, and away from China's exchange-rate policies.

We share Congress' desire to have China act more quickly to adopt a market-determined exchange rate. But the proposed unilateral measure is not going to achieve that result. We urge you to oppose H.R. 2378 and instead work with and vigorously call on the Administration to develop a robust bilateral and multilateral approach to achieve tangible results not only on China's exchange-rate policies, but also on other Chinese policies that are harming American businesses, workers and farmers.

Sincerely,

Advanced Medical Technology Association (AdvaMed); American Chamber of Commerce in China; American Chamber of Commerce in Shanghai; American Chamber of Commerce in South China; American Apparel & Footwear Association (AAFA); American Soybean Association; American Meat Institute; Business Roundtable; Coalition of New England Companies for Trade (CONECT); Coalition of Service Industries; Consumer Electronics Association; and Corn Refiners Association.

Distilled Spirits Council of the United States; Emergency Committee for American Trade (ECAT); Fashion Accessories Shippers Association (FASA); Financial Services Forum; Financial Services Roundtable; International Dairy Foods Association; Los Angeles Customs Brokers and Freight Forwarders Association; National Cattlemen's Beef Association; National Customs Brokers and Forwarders Association of America (NCBFAA); National Fisheries Institute; National Foreign Trade Council; and National Retail Federation.

Pacific Coast Council of Customs Brokers and Freight Forwarders (PCC); Retail Industry Leaders Association; Securities Industry and Financial Markets Association; Sporting Goods Manufacturers Association; Toy Industry Association; Travel Goods Association (TGA); United States Association of Importers of Textiles and Apparel (USA–ITA); U.S. Chamber of Commerce; US-China Business Council; U.S. Council for International Business; USA Poultry & Egg Export Council; and Washington State China Relations Council.

Mr. Speaker, I yield back the balance of my time.

Mr. LEVIN. I yield myself the balance of my time.

Mr. Speaker, international trade is here to stay. The question before us today is whether we shape its course or simply let it roll—whether there are rules of competition that allow us to compete or whether we look the other way.

A 25–40 percent tilt against us is unacceptable. This bill says we cannot and will not look the other way. We are going to act. I say the more multilateral effort the better, but the lack of it should not leave us without a remedy.

China's manipulation of its currency is a major unilateral act, and we need to act. The President of our country said to the Chinese Premier, ''Make your currency flexible or we have other means.'' This is just such a means.

This is a real problem. No more excuses. Goodwill isn't enough. We need a real answer. This is a real answer. Support this legislation.

Mr. PASCRELL. Mr. Speaker, I want to thank Chairman LEVIN for bringing this bill to the floor today, as well as the sponsors of this legislation, Mr. RYAN and Mr. JOHNSON for working in a bipartisan way on behalf of America's workers and manufacturers.

In the Ways and Means Committee, we have studied how China uses ''state capitalism'' to manipulate world trade to give its industries an unfair advantage over the rest of the world, at the expensive of our workers and businesses.

Currency manipulation is just the tip of the iceberg. China provides government subsidizes to favored industries—notably green technology, selectively rebates its value added tax to penalize imports and encourage exports, imposes restrictive local content rules, and practices an ''indigenous innovation'' policy. We must deal with each of these issues as a part of a broad strategy.

Everyone acknowledges the reality that China's currency is fundamentally undervalued. My friends on the other side of the aisle, the Administration, our international partners, and even China itself have all said the RMB could and should appreciate.

However, despite this widespread consensus, China has not taken any meaningful steps to correct this manipulation that disrupts the flow of international trade.

With the passage of this bill today, we signal to China that enough is enough. The free ride is over. We will not stand by while we lose 1.5 million Americans jobs and shave 1.5 percent off of our GDP every year.

I hope that this legislation will cause China to change its behavior and strengthen the Administration's hand in multilateral negotiations. But after 8 years of asking nicely, the Congress will not be silent anymore.

We must allow American industries to respond to the injury being caused by this policy, and H.R. 2378 will help level the playing field, plain and simple—when the playing field is level, the American worker can out-compete anyone.

Our system of international trade only works when everyone plays by the same rules. By passing this legislation, we stand up for that system, and stand up for American workers and businesses.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 2378, the Currency Reform for Fair Trade Act. For every worker, every business, and every nation to get a fair shake in today's global economy, everyone must play by the rules. For too long, China has violated the rules of the global economy by deliberately undervaluing its currency. This practice reduces the costs of Chinese exports and makes it more expensive to export U.S. products to China, giving China an unfair advantage and making it difficult for U.S. companies

to compete. I hear far too often from workers in central New Jersey who have been victims of this unfairness. They are laid off as their employers are undercut by Chinese competitors and forced to cut jobs or go out of business.

That story is repeated time and again around the country, and our economy suffers. The U.S. trade deficit with China ballooned from $10 billion in 1990 to $226 billion in 2009. Economists estimate that China's currency manipulation reduces U.S. Gross Domestic Product by 1.4 percentage points annually and has led to the loss or displacement of millions of manufacturing jobs over the last decade. One recent study concluded that the increasing trade deficit with China will cost over 500,000 U.S. jobs in 2010 alone.

The Currency Reform for Fair Trade Act gives the Department of Commerce the necessary tools to combat unfair manipulation of foreign currencies. Upon finding that currency manipulation meets the criteria for an export subsidy, the Department will have the authority to correct the unfair advantage by impose countervailing duties that are consistent with World Trade Organization regulations. When they have a level playing field, Americans can and will out-compete their international counterparts every time. Passing this bill is an important step in preserving a fair world market for U.S. goods, revitalizing our domestic manufacturing base, and creating jobs for American workers.

Mr. KUCINICH. Mr. Speaker, I rise in strong support of H.R. 2378, the Currency Reform for Fair Trade Act. This legislation addresses the suppression of the renminbi—or RMB—the official currency of the People's Republic of China. The suppression of the RMB allows China to make its exports cheaper and thus makes foreign imports into China more expensive. As Chinese trade deficits continue to grow, so too does the negative impact on American workers, many of whom have been displaced by the growing trade deficit.

This legislation requires the Department of Commerce to levy countervailing duties if the affected U.S. company can prove it has been ''materially injured'' by imports from any country with undervalued currency. I strongly support the legislation and the remedial tools it provides to the Department of Commerce and American workers.

According to the Economic Policy Institute (EPI), ever increasing China trade deficits will displace between 512,000 and 566,000 jobs in the U.S. just this year. Between 2001 and 2007, 561,000 jobs were displaced by the China trade deficit. Two-thirds of the jobs displaced were in the manufacturing sector.

At the same time, we must remember that if we are trying to prevent the loss of more American jobs, we cannot forget about the reasons we have lost jobs in the U.S. We need to talk about the free trade policies we have actively pursued that have shipped American jobs overseas and left the American manufacturing sector in shambles.

The consideration of H.R. 2378 is an indication that we must do more to ensure that American industries, as a foundational part of our economy, remain strong. But it is not enough. Ohio has seen far too many idling manufacturing mills and hundreds of long-time steel workers being laid off at once. According to Public Citizen, of the 22 million jobs expected to be created in the U.S. between 2000 and 2010, only 187,000 or 0.1 percent will be manufacturing jobs. Ohio is one of the top ten states posting the biggest job losses in the manufacturing sector.

We cannot have a strong American economy without a strong industrial manufacturing sector that includes not only the steel industry, but also the auto, shipping and aerospace industries. Addressing our trade deficit and foreign policies that add to it is important. But it is also about addressing our policies. I am the proud author of H. Res. 444, which says that the steel, automotive, aerospace and shipping industries are vital to America's national and economic security. We need a coordinated federal policy that puts the manufacturing sector back in its rightful place as an engine of the American economy.

I strongly support passage of this legislation and will continue to work to shore up our local manufacturing base and protect American workers.

Mr. CONYERS. Mr. Speaker, international trade is an integral part of the Southeast Michigan economy, with nearly $113.3 billion worth of surface trade passing between the United States and Canada at the Detroit-Windsor border every year. I am, however, concerned that other nations' unfair trade practices have significantly hurt American workers. This is why I rise in support H.R. 2378, the ''Currency Reform for Fair Trade Act,'' which will address currency manipulation.

Countries such as Japan and China have both manipulated their currencies and hurt American exporters. For example, Japan's currency has been undervalued by up to 25 percent in the past. This means that a car imported from Japan for $20,000 has a hidden subsidy of up to $5,000. According to General Motors' chief economist, Mustafa Mohatarem, ''Japan's policies provided anywhere from a $2,000 to $14,000 cash windfall for each of the 2.2 million vehicles Japan's automakers exported to the U.S. in 2006.''

Even worse, China has undervalued its currency by up 40 percent in the past, which has put American manufacturers at a severe disadvantage. China's currency manipulation also attracts foreign investment into China and away from American manufacturing facilities. A recent study found that the U.S. has lost more than 2.3 million jobs since 2001 just as a result of the U.S. trade deficit with China. On a recent trip to China, President Obama urged the Chinese Yuan to appreciate and prevent global imbalances.

The Currency Reform for Fair Trade Act will take important steps in helping to address these unfair trade practices. The Act would empower the Department of Commerce to make findings that identify currency manipulation as an export subsidy. Today's legislation would make it easier for the Department of Commerce to add a countervailing duty to offset the amount of the export subsidy from currency manipulation. I believe American manufacturers can have honest and fair competition with foreign imports and thrive in global markets.

Mr. Speaker, in the American Recovery and Reinvestment Act, we hailed the investments in green and renewable technologies. However, many Americans green technology firms are being hurt by currency manipulation and other subsidies. Just last week, the Steel Workers filed a petition with the United States Trade Representative regarding China's currency manipulation and other subsidies to the green technology manufacturing industry. If the United States is to lead in this industry as well as revitalize our manufacturing base, we need to make sure American firms can compete on a level playing field in the international market. I urge my colleagues to support today's legislation.

Mr. SPRATT. Mr. Speaker, today, I rise to support a bipartisan bill that will help rebuild our manufacturing sector and continue our economic recovery.

I am proud to be a cosponsor of the ''Currency Reform for Fair Trade Act.'' The legislation was introduced in response to China's persistent intervention to keep its currency undervalued by 35–40 percent relative to the dollar and its resort to illegal subsidies and non-tariff barriers to promote its own industries at the expense of U.S. manufacturing jobs.

These practices affect billions of dollars in trade and have allowed China to flood our markets with their products while they limit our ability to export our goods to them. Many companies are left with little choice but to move their operations offshore in order to compete, costing us precious jobs.

According to the textile industry, these unfair trade practices have cost the United States over a million manufacturing jobs in the last decade, including hundreds of thousands of textile and apparel jobs.

The devaluation of China's currency worsens the already severe U.S-China trade deficit. Statistics show that between January 2000 and May 2009, China's share of the U.S. trade deficit for non-oil goods grew from 26 percent to 83 percent. If we can convince the Chinese to stop pegging its currency, U.S. exports would get a huge boost, and in time, so would investment in new plant and equipment.

This is a great way to stimulate an economy on the mend without adding a dime to the deficit or incurring new public debt.

Specifically, the ''Currency Reform for Fair Trade Act'' requires the U.S. Department of Commerce to: (1) determine, based on certain requirements, whether the exchange rate of the currency of an exporting country is fundamentally and actionably undervalued or overvalued (misaligned) against the U.S. dollar for an 18-month period; and (2) take certain actions under a countervailing duty or anti-dumping duty proceeding to offset such misalignment in cases of an affirmative determination. This legislation provides U.S. manufacturers and workers the necessary tools to defend themselves against anti-competitive trade practices of foreign governments, whether it's China or any other country.

About ten years ago, I joined Representative SUE MYRICK in sponsoring one of the first bills filed to force a change in China's currency policy. The United States has been seeking to negotiate a solution to the issue for a decade without success; and recent talks between the Obama administration and Chinese officials have made marginal progress at best.

All we're asking for here is a level playing field for U.S. businesses.

Mr. STARK. Mr. Speaker, I rise today in support of H.R. 2378 the Currency Reform for Fair Trade Act.

American manufacturing has a long and proud history, but for years has lost hundreds of thousands of good paying jobs. Our workers are losing jobs to China, a country that

blatantly violates international trade laws. The Chinese government's prolonged and intentional intervention in its currency markets keeps the price of Chinese goods in the United States artificially low and the price of U.S. goods sold in China artificially high. With this pricing advantage, manufacturing jobs move to China instead of staying here in the U.S. Economists estimate that the Chinese currency is undervalued by between 25 and 40 percent. How can our manufacturing sector workers compete against a country that has the ability to effectively subsidize its exports by 25 to 40 percent?

It is our responsibility to stand up and defend our workers against these illegal practices. The Currency Reform for Fair Trade Act is just the first step to level the playing field between U.S. and Chinese manufacturers. The legislation expands our trade laws so that we can better combat illegal practices by countries that seek unfair advantages. The bill targets countries that persistently and significantly undervalue their currency. When these illegal subsidies harm a U.S. industry, our government will be able to impose countervailing duties to negate their impact.

This legislation is not the cure all for our $266 billion trade deficit with China, but it should help our manufacturers. Nobel laureate Paul Krugman estimates that if China's currency manipulation ended, we would gain 6,000 jobs per billion dollar shift in the trade deficit and could therefore save or create 1.4 or 1.5 million jobs. Fred Bergsten, the director of the Peterson Institute of International Economics also offers an optimistic statistic, that an appreciation of China's currency could generate 700,000 to 1 million U.S. jobs. We cannot turn our back on this kind of job creation. I urge my colleagues to support this bill to begin bringing good jobs back to America.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of the Currency Reform for Fair Trade Act that is before the House today. I am an original cosponsor of this legislation and strongly urge my colleagues to support it.

As Americans continue to suffer from stagnant pay, underemployment, and 9.6 percent unemployment, across the Pacific in the People's Republic of China, business is booming. Almost all of this growth is due to China's export sector, which is able to sell goods at low prices and face little to no international competition domestically due to China's manipulation of its currency, the Renminbi, RMB.

Economists from across the political spectrum estimate that the Renminbi is undervalued by at least 35 to 40 percent. In other words, U.S. goods are, at least 35 percent, more expensive for Chinese consumers and make Chinese goods, at least 35 percent, cheaper in the United States.

China's currency manipulation has had terrible effects for competing economies from around the globe. Nations that rely heavily on exportation for growth, such as Japan and South Korea, have begun or are taking measures to emulate Beijing's manipulation of their own currencies so their goods can compete.

In the United States, the non-partisan Economic Policy Institute has estimated that between 2001 and 2008 alone, the growing trade deficits with China have displaced 2.4 million jobs. Sixty percent of these jobs were in the manufacturing sector, the very sector that has given millions of Americans a path into the middle class.

If China allowed its currency to ''float'' on the international market, in a fashion similar to the U.S. Dollar, British Pound, and Japanese Yen, it could create a million U.S. manufacturing jobs and cut our trade deficit with China by $100 billion a year, with no cost to the U.S. Treasury.

For years, this Congress, as well as the Administrations of President Bush and President Obama, have tried to persuade the Chinese government to moderate or end the manipulation of its currency. No significant progress has been made.

It is time we take action to hold China accountable for their market distortion and protectionist practices.

A vote ''yes'' today is a vote to stand up for American workers, to take strides to boost our economy, and to strengthen our domestic manufacturing sector.

Mr. TURNER. Mr. Speaker, today I speak in favor of H.R. 2378, the Currency Reform for Fair Trade Act, which seeks to level the playing field for American companies, some of whom have found themselves unable to compete with foreign companies who are unfairly subsidized by foreign governments.

Mr. Speaker, I would like to take my time to recognize the work of former Congressman Phil English, who represented the 3rd District of Pennsylvania until the 111th Congress. Congressman English was a long-time supporter of American manufacturers and was a champion of raising awareness and solving the problem of illegal trade practices.

Congressman English raised these issues when he introduced H. Res. 414 in the 108th Congress. The resolution, which encouraged China to engage fair currency valuation, passed nearly unanimously (411–1) in October 2003.

In the 109th Congress, Representative English introduced the first China currency bill in the House—H.R. 3004, the Currency Harmonization through Neutralizing Action, CHINA, Act. The bill directed the Treasury Department to analyze the exchange rate policies of the People's Republic of China, and to impose additional tariffs, if necessary, to equalize any currency manipulations.

He also helped advocate for the Department of Commerce to consider countervailing duty cases for nonmarket economies, such as China. First introducing this legislation in the 106th Congress, H.R. 3198, he pushed to clarify the countervailing duty statute to ensure these cases against China could proceed.

In the 109th Congress, the House passed H.R. 3283, English's bill to apply the countervailing duty law to nonmarket economies. It was after this bill passed the House that the Department of Commerce ultimately reversed its own policy and started accepting countervailing duty cases against China.

Mr. Speaker, as we look to help our domestic industry compete against unfair competition abroad, H.R. 2378 is an important step.

Mr. MANZULLO. Mr. Speaker, this day has been long in coming. In 2003, I was one of the first Members of Congress to introduce legislation on this topic to stop this anti-free market practice of foreign governments of deliberately undermining the value of their own currency to make their exports less expensive and foreign imports more costly. We have had some modest progress over the years but the overall practice continues to the detriment of our manufacturers and farmers.

Currently, counties in northern Illinois have an official unemployment rate of between 8 and 16.4 percent. The unemployment rate in the cities of Rockford, Belvidere, and Freeport are 17.4 percent, 17.8 percent, and 13.3 percent respectively. But if you include those who have given up looking for work, the real unemployment rate for these counties and cities is probably somewhere between 18 and 28 percent. We can't wait any longer for more promises to solve this problem in the future.

I am pleased to support the ''new and improved version'' of the legislation introduced by my fellow co-chair of the House Manufacturing Caucus, Representative TIM RYAN of Ohio, to combat exchange rate misalignment by China and other foreign governments. I am a proud original co-sponsor of this legislation. Regardless of any person's view on free trade, opposing exchange rate undervaluation is an area where both sides of the trade debate should come together. We must take a stand to stop China and other nations from making their imports cheaper in the U.S. and our exports more expensive in their country.

Let me relate the experience of one manufacturer from Rockford, Illinois, Jerry Busse of Rockford Toolcraft. He was quoted in the Rockford Register Star last August saying, ''We have done work for a big manufacturer in Chicago for 20 years. All of a sudden we lost a lot of their business because they decided to move the work to China.'' Jerry Busse asked the Chicago company what he had to do to get the work back. The prices they were getting from China were close to what Rockford Toolcraft had been getting. Jerry Busse thought to himself that he could do the work for that amount but the Chicago company refused. According to Jerry Busse, the management of the Chicago firm said anyone in America has to be 30 percent under the Chinese price. Mr. Speaker, 30 percent is approximately the undervaluation of the Chinese currency. Suffice it to say that Rockford Toolcraft couldn't meet this predatory price and lost a customer.

Despite any differences we may have over trade policy, we should all agree on the need to stop foreign governments from undervaluing their currencies to gain an economic advantage over us by making their goods artificially less expensive in the United States and making our exports more expensive overseas.

This bill is not targeted at one country. Currency undervaluation is not just a problem that plagues our trade relationship with China. About two weeks ago, Japanese monetary authorities sold a large amount of yen against the dollar to stem the Japanese currency's sharp appreciation against the U.S.—the first time since 2004. Other countries have joined in this anti-capitalistic, mercantilist behavior over the years and they should be equally condemned. It is in their long-term self interest to eventually move to a valuation of their currency that is based on the marketplace—not by a government official.

Fred Bergsten, Director of the highly respected Peterson Institute for International Economics, estimated that correction of all of the Asian currency undervaluations would cut the global U.S. trade deficit by about $100 billion and generate at least 700,000 jobs.

This legislation provides another weapon in our trade arsenal to empower our trade enforcement officials to confront unfair trade practices by China and others. The revised bill

gives discretion to the Department of Commerce to consider currency undervaluation as another form of a government subsidy that is eligible for higher countervailing duties.

This legislation is preferable to other bills that would impose blanket, across-the-board tariffs on just Chinese goods that would almost immediately be ruled illegal by the World Trade Organization. This approach is WTO compliant and does not target one specific country over another for currency undervaluation. This bill should unite both spectrums of the trade debate and one that should send shockwaves to capitals of foreign governments that deliberately undervalue their currency for a trade advantage. The frustration level is high among our small manufacturers such as Jerry Busse and the time is ripe for Congress to act.

I'm here as a proponent of free but fair trade in support of this carefully crafted legislation and I urge my colleagues to do the same. If you want to stop Chinese imports coming in at predatory prices and give our manufacturers and farmers the chance to fairly compete, then support this bill. If you don't like government subsidies and interference in the marketplace; if you prefer capitalism to mercantilism; then you vote for this bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of H.R. 2378, the Currency Reform Fair Trade Act.

First, I want to thank Chairman LEVIN and his staff for crafting this responsible and much needed WTO compliant legislation.

There is wide agreement that China is deliberately and illegally intervening in global currency markets to benefit its own economy. According to the Peterson Institute of International Economics, because of repeated Chinese government intervention, the RMB is unfairly undervalued by as much as 24 percent against the dollar.

This practice is harming the U.S. economy and weakening our ability to promote economic growth and jobs. Again, according to the Peterson Institute, if the RMB was fairly valued, there would be 500,000 more Americans employed today in good paying manufacturing jobs.

The President's strategy for boosting the economy includes a two year plan to increase manufacturing and expand exports—but increasing exports in a global economy where American goods are artificially more expensive than comparable Chinese goods, is like fighting an uphill battle.

H.R. 2378 will help encourage the Chinese government to do the right thing and float its currency in a wider band. This will help to protect those American businesses and jobs that are being injured by the imbalance.

Specifically, the bill requires the Department of Commerce to view deliberate currency undervaluation as an illegal export subsidy just as the World Trade Organization does. If this bill becomes law, Commerce will have to use the same standard as the WTO when determining whether an illegal export subsidy exists. Commerce will have to weigh all relevant factors, including currency undervaluation, when determining whether to recommend that "countervailing duties" be applied against a foreign import.

This bill does not just target China, though China is the leading abuser of this practice. Any country that unfairly and significantly acts to suppress the value of its currency to boost its own exports will be a target.

The President's plan for strengthening the economy includes a vigorous enforcement of our rights in the global trade arena. The WTO says we have a right to respond when our trading partners employ illegal practices that injure our businesses. H.R. 2378 ensures that the Department of Commerce does not overlook or underestimate the impact that currency undervaluation has on American businesses.

I encourage my colleagues to support this measure. It provides one more tool that can be used to protect American companies and the workers they employ in the ongoing push to boost the U.S. economy.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 2378, the Currency Reform for Fair Trade Act, of which I am also a co-sponsor. For too long, the United States has stood idly by while its trading partners—China, in particular—have manipulated the value of their currencies to gain a competitive advantage. H.R. 2378 will strengthen our country's ability to impose punitive tariffs on currency manipulators and, in so doing, help protect American workers and businesses from this most unfair trade practice.

I wish to thank Congressman RYAN of Ohio for introducing this fine bill. I also commend my good friend and colleague from Michigan, Chairman SANDER LEVIN of the Committee on Ways and Means, for understanding the dire need for this legislation and amending it in such a manner that conforms to the United States' obligations as a member of the World Trade Organization. I hope China will take note of this and adjust its behavior accordingly.

I urge my colleagues to vote in favor of H.R. 2378 and further call on the United States Senate to pass this bill with all due haste.

Mr. LEVIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1674, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 2378 will be followed by 5-minute votes on motions to suspend the rules with regard to:

H.R. 6160, by the yeas and nays;

H.R. 4072, by the yeas and nays;

H.R. 3421, de novo.

The vote was taken by electronic device, and there were—ayes 348, noes 79, not voting 6, as follows:

[Roll No. 554]

AYES—348

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
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)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter

Smith (NJ)
Smith (WA)
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—79

Alexander
Bachmann
Bartlett
Barton (TX)
Blackburn
Boehner
Bono Mack
Boustany
Brady (TX)
Broun (GA)
Buchanan
Campbell
Cantor
Carter
Chaffetz
Conaway
Cuellar
Culberson
Djou
Dreier
Flake
Fleming
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gohmert
Granger
Graves (GA)
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Larsen (WA)
Latham
Latta
Lewis (CA)
Linder
Lummis
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McMorris Rodgers
Miller, Gary
Mitchell
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Poe (TX)
Polis (CO)
Price (GA)
Reichert
Ryan (WI)
Scalise
Schmidt
Sessions
Shadegg
Smith (NE)
Smith (TX)
Snyder
Sullivan
Thornberry
Tiahrt
Walden

NOT VOTING—6

Blunt
Buyer
Delahunt
Fallin
Radanovich
Young (FL)

□ 1757

Messrs. POE of Texas, TIAHRT, ISSA, and WALDEN changed their vote from ''aye'' to ''no.''

Messrs. MILLER of Florida, GRIFFITH and ROYCE changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to a fundamentally undervalued currency of any foreign country.''.

A motion to reconsider was laid on the table.

RARE EARTHS AND CRITICAL MATERIALS REVITALIZATION ACT OF 2010

The SPEAKER pro tempore (Ms. JACKSON LEE of Texas). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6160) to develop a rare earth materials program, to amend the National Materials and Minerals Policy, Research and Development Act of 1980, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 325, nays 98, not voting 9, as follows:

[Roll No. 555]

YEAS—325

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—98

Alexander
Bachmann
Barrett (SC)
Barton (TX)
Blackburn
Boehner
Bono Mack
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Campbell
Cantor
Carter
Cassidy
Chaffetz
Conaway
Crenshaw
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Flake
Fleming
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McClintock
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Neugebauer
Nunes
Paul
Paulsen
Pence
Petri
Poe (TX)
Posey
Price (GA)
Putnam
Roe (TN)
Rogers (AL)
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Snyder
Sullivan
Thornberry
Tiahrt
Westmoreland
Wilson (SC)
Young (AK)

NOT VOTING—9

Blunt
Buyer
Delahunt
Fallin
Hodes
Kirk
Olson
Radanovich
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in this vote.

□ 1808

Messrs. PAULSEN, DAVIS of Kentucky, and KLINE of Minnesota changed their vote from ''yea'' to ''nay.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMERICAN MANUFACTURING EFFICIENCY AND RETRAINING INVESTMENT COLLABORATION ACHIEVEMENT WORKS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4072) to require that certain Federal job training and career education programs give priority to programs that provide a national industry-recognized and portable credential,

as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 10, not voting 10, as follows:

[Roll No. 556]

YEAS—412

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—10

Broun (GA)
Campbell
Flake
Franks (AZ)
Graves (GA)
Hensarling
Hoekstra
Jordan (OH)
King (IA)
Paul

NOT VOTING—10

Blunt
Boehner
Buyer
Conyers
Delahunt
Fallin
Hodes
Kirk
Radanovich
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes left in this vote.

□ 1818

Mr. MACK changed his vote from ''nay'' to ''yea.''

So the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to require that certain Federal job training and career education programs give priority to programs that provide an industry-recognized and nationally portable credential.''.

A motion to reconsider was laid on the table.

MEDICAL DEBT RELIEF ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3421) to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. KILROY) that the House suspend the rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. BROUN of Georgia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 336, noes 82, not voting 14, as follows,

[Roll No. 557]

AYES—336

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)

Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—82

Akin
Austria
Bachmann
Barrett (SC)
Bartlett
Bishop (UT)
Bonner
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Cantor
Carter
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Hoekstra
Inglis
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Mack
Marchant
McClintock
McMorris Rodgers
Miller (FL)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Poe (TX)
Price (GA)
Roskam
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Shadegg
Simpson
Smith (NE)
Smith (TX)
Smith (WA)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Westmoreland
Whitfield
Wilson (SC)

NOT VOTING—14

Blunt
Boehner
Buyer
Clyburn
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Fallin
Hodes
Kirk
McHenry
Radanovich
Salazar
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1826

Mr. SMITH of Texas changed his vote from ''aye'' to ''no.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Washington. Madam Speaker, this evening, Wednesday, September 29, 2010, I recorded an incorrect vote on the motion to suspend the rules and pass H.R. 3421, the Medical Debt Relief Act of 2010. I intended to vote "yes" on rollcall vote No. 557.

BLOCKING PROPERTY OF CERTAIN PERSONS WITH RESPECT TO SERIOUS HUMAN RIGHTS ABUSES BY IRANIAN GOVERNMENT AND TAKING CERTAIN OTHER ACTIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–147)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the ''order'') that takes additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995.

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threaten the national security, foreign policy, and economy of the United States. To deal with that threat, the President in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Finally, Executive Order 13059 of August 19, 1997, consolidated and clarified the previous orders.

I have determined that the actions and policies of the Government of Iran on or after its presidential election of June 12, 2009, including its violent response to peaceful demonstrations and its commission of serious human rights abuses, warrant the imposition of additional sanctions.

The prohibitions contained in the new order implement section 105(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195) (CISADA) concerning, inter alia, the imposition of sanctions pursuant to IEEPA with respect to each person on the list referred to in section 105(b). I applaud the efforts of the Congress to demonstrate the strong and sustained commitment of the United States to advancing the universal rights of all Iranians, and to sanction those who have abused their rights.

The order, however, goes beyond the scope of section 105 of CISADA by imposing sanctions pursuant to IEEPA on persons who meet a broader set of criteria than those specified in section 105(b).

The order blocks the property and interests in property of persons listed in the Annex to the order, who I have determined meet the first of the three criteria set forth below. The order also provides criteria for designations of persons determined by the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State:

To be an official of the Government of Iran or a person acting on behalf of the Government of Iran (including members of paramilitary organizations) who is responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in Iran or Iranian citizens or residents, or the family members of the foregoing, on or after June 12, 2009, regardless of whether such abuses occurred in Iran;

To have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the activities described in section 1(a)(ii)(A) of the order or any person whose property and interests in property are blocked pursuant to the order; or

To be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the relevant provisions of CISADA, as may be necessary to carry out the blocking-related purposes of the order and to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out section 104 of CISADA. I have delegated to the Secretary of State the functions and authorities related to visa sanctions conferred upon the President by the relevant provisions of CISADA. I have also delegated to the Secretary of State, in consultation with the Secretary of the Treasury, the function of submitting to the appropriate congressional committees referred to in section 105(b) of CISADA the initial and updated lists of persons who are subject to visa sanctions and whose property and interests in property are blocked pursuant to the order.

All executive agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, became effective at 12:01 a.m. eastern daylight time on September 29, 2010.

BARACK OBAMA.

THE WHITE HOUSE, *September 28, 2010.*

□ 1830

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. REYES. Madam Speaker, pursuant to House Resolution 1674, I call up the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Restriction on conduct of intelligence activities.
Sec. 103. Budgetary provisions.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Technical modification to mandatory retirement provision of the Central Intelligence Agency Retirement Act.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Enhanced flexibility in nonreimbursable details to elements of the intelligence community.
Sec. 303. Pay authority for critical positions.
Sec. 304. Award of rank to members of the Senior National Intelligence Service.
Sec. 305. Annual personnel level assessments for the intelligence community.
Sec. 306. Temporary personnel authorizations for critical language training.
Sec. 307. Conflict of interest regulations for intelligence community employees.

Subtitle B—Education Programs

Sec. 311. Permanent authorization for the Pat Roberts Intelligence Scholars Program.
Sec. 312. Modifications to the Louis Stokes Educational Scholarship Program.
Sec. 313. Intelligence officer training program.
Sec. 314. Pilot program for intensive language instruction in African languages.

Subtitle C—Acquisition Matters

Sec. 321. Vulnerability assessments of major systems.
Sec. 322. Intelligence community business system transformation.
Sec. 323. Reports on the acquisition of major systems.
Sec. 324. Critical cost growth in major systems.
Sec. 325. Future budget projections.
Sec. 326. National Intelligence Program funded acquisitions.

Subtitle D—Congressional Oversight, Plans, and Reports

Sec. 331. Notification procedures.
Sec. 332. Certification of compliance with oversight requirements.
Sec. 333. Report on detention and interrogation activities.
Sec. 334. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 335. Report and strategic plan on biological weapons.
Sec. 336. Cybersecurity oversight.
Sec. 337. Report on foreign language proficiency in the intelligence community.
Sec. 338. Report on plans to increase diversity within the intelligence community.
Sec. 339. Report on intelligence community contractors.
Sec. 340. Study on electronic waste destruction practices of the intelligence community.
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TITLE VIII—TECHNICAL AMENDMENTS

Sec. 801. Technical amendments to the Foreign Intelligence Surveillance Act of 1978.
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Sec. 805. Technical amendments relating to the multiyear National Intelligence Program.
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Sec. 809. Technical amendments to section 602 of the Intelligence Authorization Act for Fiscal Year 1995.
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SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

For the purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414), appropriated funds available to an intelligence agency may be obligated or expended for an intelligence or intelligence-related activity as appropriated for fiscal year 2010, as modified by such reprogramming and transfers of funds authorized by and reported to the appropriate congressional committees.

SEC. 102. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 103. BUDGETARY PROVISIONS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. TECHNICAL MODIFICATION TO MANDATORY RETIREMENT PROVISION OF THE CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Subparagraph (A) of section 235(b)(1) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)) is amended by striking ''receiving compensation under the Senior Intelligence Service pay schedule at the rate'' and inserting ''who is at the Senior Intelligence Service rank''.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. ENHANCED FLEXIBILITY IN NONREIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 113 the following new section:

''DETAIL OF OTHER PERSONNEL

''SEC. 113A. Except as provided in section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 402c(g)(2)) and section 113 of this Act, and notwithstanding any other provision of law, an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the National Intelligence Program from another element of the intelligence community or from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the head of the receiving element and the head of the detailing element, for a period not to exceed 2 years.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 113 the following new item:

''Sec. 113A. Detail of other personnel.''.

SEC. 303. PAY AUTHORITY FOR CRITICAL POSITIONS.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(s) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in coordination with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to the head of a department or agency to fix the rate of basic pay for one or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

''(2) Authority under this subsection may be granted or exercised only—

''(A) with respect to a position that requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

''(B) to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

''(3) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

''(4) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

''(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.

''(6)(A) The Director of National Intelligence shall notify the congressional intelligence committees not later than 30 days after the date on which the Director grants authority to the head of a department or agency under this subsection.

''(B) The head of a department or agency to which the Director of National Intelligence grants authority under this subsection shall notify the congressional intelligence committees and the Director of the exercise of such authority not later than 30 days after the date on which such head exercises such authority.''.

SEC. 304. AWARD OF RANK TO MEMBERS OF THE SENIOR NATIONAL INTELLIGENCE SERVICE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 303 of this Act, is further amended by adding at the end the following new subsection:

''(t) AWARD OF RANK TO MEMBERS OF THE SENIOR NATIONAL INTELLIGENCE SERVICE.—(1) The President, based on the recommendation of the Director of National Intelligence, may award a rank to a member of the Senior National Intelligence Service or other intelligence community senior civilian officer not already covered by such a rank award program in the same manner in which a career appointee of an agency may be awarded a rank under section 4507 of title 5, United States Code.

''(2) The President may establish procedures to award a rank under paragraph (1) to a member of the Senior National Intelligence Service or a senior civilian officer of the intelligence community whose identity as such a member or officer is classified information (as defined in section 606(1)).''.

SEC. 305. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) ASSESSMENT.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

''ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY

''SEC. 506B. (a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall, in consultation with the head of each element of

the intelligence community, prepare an annual personnel level assessment for such element that assesses the personnel levels for such element for the fiscal year following the fiscal year in which the assessment is submitted.

''(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year at the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31, United States Code.

''(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain the following information for the element of the intelligence community concerned:

''(1) The budget submission for personnel costs for the upcoming fiscal year.

''(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

''(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

''(4) The number of full-time equivalent positions that is the basis for which personnel funds are requested for the upcoming fiscal year.

''(5) The numerical and percentage increase or decrease of the number referred to in paragraph (4) as compared to the number of full-time equivalent positions of the current fiscal year.

''(6) The numerical and percentage increase or decrease of the number referred to in paragraph (4) as compared to the number of full-time equivalent positions during the prior 5 fiscal years.

''(7) The best estimate of the number and costs of core contract personnel to be funded by the element for the upcoming fiscal year.

''(8) The numerical and percentage increase or decrease of such costs of core contract personnel as compared to the best estimate of the costs of core contract personnel of the current fiscal year.

''(9) The numerical and percentage increase or decrease of such number and such costs of core contract personnel as compared to the number and cost of core contract personnel during the prior 5 fiscal years.

''(10) A justification for the requested personnel and core contract personnel levels.

''(11) The best estimate of the number of intelligence collectors and analysts employed or contracted by each element of the intelligence community.

''(12) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

''(A) internal infrastructure to support the requested personnel and core contract personnel levels;

''(B) training resources to support the requested personnel levels; and

''(C) funding to support the administrative and operational activities of the requested personnel levels.''.

(b) APPLICABILITY DATE.—The first assessment required to be submitted under section 506B(b) of the National Security Act of 1947, as added by subsection (a), shall be submitted to the congressional intelligence committees at the time that the President submits to Congress the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 302 of this Act, is further amended by inserting after the item relating to section 506A the following new item:

''Sec. 506B. Annual personnel level assessments for the intelligence community.''.

SEC. 306. TEMPORARY PERSONNEL AUTHORIZATIONS FOR CRITICAL LANGUAGE TRAINING.

Section 102A(e) of the National Security Act of 1947 (50 U.S.C. 403–1(e)) is amended by—

(1) redesignating paragraph (3) as paragraph (4); and

(2) inserting after paragraph (2) the following new paragraph:

''(3)(A) In addition to the number of full-time equivalent positions authorized for the Office of the Director of National Intelligence for a fiscal year, there is authorized for such Office for each fiscal year an additional 100 full-time equivalent positions that may be used only for the purposes described in subparagraph (B).

''(B) Except as provided in subparagraph (C), the Director of National Intelligence may use a full-time equivalent position authorized under subparagraph (A) only for the purpose of providing a temporary transfer of personnel made in accordance with paragraph (2) to an element of the intelligence community to enable such element to increase the total number of personnel authorized for such element, on a temporary basis—

''(i) during a period in which a permanent employee of such element is absent to participate in critical language training; or

''(ii) to accept a permanent employee of another element of the intelligence community to provide language-capable services.

''(C) Paragraph (2)(B) shall not apply with respect to a transfer of personnel made under subparagraph (B).

''(D) The Director of National Intelligence shall submit to the congressional intelligence committees an annual report on the use of authorities under this paragraph. Each such report shall include a description of—

''(i) the number of transfers of personnel made by the Director pursuant to subparagraph (B), disaggregated by each element of the intelligence community;

''(ii) the critical language needs that were fulfilled or partially fulfilled through the use of such transfers; and

''(iii) the cost to carry out subparagraph (B).''.

SEC. 307. CONFLICT OF INTEREST REGULATIONS FOR INTELLIGENCE COMMUNITY EMPLOYEES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 304 of this Act, is further amended by adding at the end the following new subsection:

''(u) CONFLICT OF INTEREST REGULATIONS.—(1) The Director of National Intelligence, in consultation with the Director of the Office of Government Ethics, shall issue regulations prohibiting an officer or employee of an element of the intelligence community from engaging in outside employment if such employment creates a conflict of interest or appearance thereof.

''(2) The Director of National Intelligence shall annually submit to the congressional intelligence committees a report describing all outside employment for officers and employees of elements of the intelligence community that was authorized by the head of an element of the intelligence community during the preceding calendar year. Such report shall be submitted each year on the date provided in section 507.''.

Subtitle B—Education Programs

SEC. 311. PERMANENT AUTHORIZATION FOR THE PAT ROBERTS INTELLIGENCE SCHOLARS PROGRAM.

(a) PERMANENT AUTHORIZATION.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.) is amended by adding at the end the following new section:

''PROGRAM ON RECRUITMENT AND TRAINING

''SEC. 1022. (a) PROGRAM.—(1) The Director of National Intelligence shall carry out a program to ensure that selected students or former students are provided funds to continue academic training, or are reimbursed for academic training previously obtained, in areas of specialization that the Director, in consultation with the other heads of the elements of the intelligence community, identifies as areas in which the current capabilities of the intelligence community are deficient or in which future capabilities of the intelligence community are likely to be deficient.

''(2) A student or former student selected for participation in the program shall commit to employment with an element of the intelligence community, following completion of appropriate academic training, under such terms and conditions as the Director considers appropriate.

''(3) The program shall be known as the Pat Roberts Intelligence Scholars Program.

''(b) ELEMENTS.—In carrying out the program under subsection (a), the Director shall—

''(1) establish such requirements relating to the academic training of participants as the Director considers appropriate to ensure that participants are prepared for employment as intelligence professionals; and

''(2) periodically review the areas of specialization of the elements of the intelligence community to determine the areas in which such elements are, or are likely to be, deficient in capabilities.

''(c) USE OF FUNDS.—Funds made available for the program under subsection (a) shall be used—

''(1) to provide a monthly stipend for each month that a student is pursuing a course of study;

''(2) to pay the full tuition of a student or former student for the completion of such course of study;

''(3) to pay for books and materials that the student or former student requires or required to complete such course of study;

''(4) to pay the expenses of the student or former student for travel requested by an element of the intelligence community in relation to such program; or

''(5) for such other purposes the Director considers reasonably appropriate to carry out such program.''.

(b) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 305 of this Act, is further amended—

(A) by transferring the item relating to section 1002 so such item immediately follows the item relating to section 1001; and

(B) by inserting after the item relating to section 1021 the following new item:

''Sec. 1022. Program on recruitment and training.''.

(2) REPEAL OF PILOT PROGRAM.—

(A) AUTHORITY.—Section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 441g note) is repealed.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2599) is amended by striking the item relating to section 318.

SEC. 312. MODIFICATIONS TO THE LOUIS STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.

(a) EXPANSION OF THE LOUIS STOKES EDUCATIONAL SCHOLARSHIP PROGRAM TO GRADUATE STUDENTS.—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subsection (a)—

(A) by inserting ''and graduate'' after ''undergraduate''; and

(B) by striking ''the baccalaureate'' and inserting ''a baccalaureate or graduate'';

(2) in subsection (b), by inserting ''or graduate'' after ''undergraduate'';

(3) in subsection (e)(2), by inserting ''and graduate'' after ''undergraduate''; and

(4) by adding at the end the following new subsection:

''(h) The undergraduate and graduate training program established under this section shall be known as the Louis Stokes Educational Scholarship Program.''.

(b) AUTHORITY FOR PARTICIPATION BY INDIVIDUALS WHO ARE NOT EMPLOYED BY THE UNITED STATES GOVERNMENT.—

(1) IN GENERAL.—Subsection (b) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (a)(2), is further amended by striking ''civilian employees'' and inserting ''civilians who may or may not be employees''.

(2) CONFORMING AMENDMENTS.—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (a), is further amended—

(A) in subsection (c), by striking ''employees'' and inserting ''program participants''; and

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), strike ''an employee of the Agency,'' and insert ''a program participant,'';

(II) in subparagraph (A), by striking ''employee'' and inserting ''program participant'';

(III) in subparagraph (C)—

(aa) by striking ''employee'' each place that term appears and inserting ''program participant''; and

(bb) by striking ''employee's'' each place that term appears and inserting ''program participant's''; and

(IV) in subparagraph (D)—

(aa) by striking ''employee'' each place that term appears and inserting ''program participant''; and

(bb) by striking ''employee's'' each place that term appears and inserting ''program participant's''; and

(ii) in paragraph (3)(C)—

(I) by striking ''employee'' both places that term appears and inserting ''program participant''; and

(II) by striking ''employee's'' and inserting ''program participant's''.

(c) TERMINATION OF PROGRAM PARTICIPANTS.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (b)(2)(B)(i)(III), is further amended by striking ''terminated'' and all that follows and inserting ''terminated—

''(i) by the Agency due to misconduct by the program participant;

''(ii) by the program participant voluntarily; or

''(iii) by the Agency for the failure of the program participant to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the program participant under this subsection; and''.

(d) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

(e) AUTHORITY OF ELEMENTS OF THE INTELLIGENCE COMMUNITY TO ESTABLISH A STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.—

(1) AUTHORITY.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.), as amended by section 311 of this Act, is further amended by adding at the end the following new section:

''EDUCATIONAL SCHOLARSHIP PROGRAM

''SEC. 1023. The head of a department or agency containing an element of the intelligence community may establish an undergraduate or graduate training program with respect to civilian employees and prospective civilian employees of such element similar in purpose, conditions, content, and administration to the program that the Secretary of Defense is authorized to establish under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note).''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 311 of this Act, is further amended by inserting after the item relating to section 1022, as added by such section 311, the following new item:

''Sec. 1023. Educational scholarship program.''.

SEC. 313. INTELLIGENCE OFFICER TRAINING PROGRAM.

(a) PROGRAM.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.), as amended by section 312(e) of this Act, is further amended by adding at the end the following new section:

''INTELLIGENCE OFFICER TRAINING PROGRAM

''SEC. 1024. (a) PROGRAMS.—(1) The Director of National Intelligence may carry out grant programs in accordance with subsection (b) to enhance the recruitment and retention of an ethnically and culturally diverse intelligence community workforce with capabilities critical to the national security interests of the United States.

''(2) In carrying out paragraph (1), the Director shall identify the skills necessary to meet current or emergent needs of the intelligence community and the educational disciplines that will provide individuals with such skills.

''(b) INSTITUTIONAL GRANT PROGRAM.—(1) The Director may provide grants to institutions of higher education to support the establishment or continued development of programs of study in educational disciplines identified under subsection (a)(2).

''(2) A grant provided under paragraph (1) may, with respect to the educational disciplines identified under subsection (a)(2), be used for the following purposes:

''(A) Curriculum or program development.

''(B) Faculty development.

''(C) Laboratory equipment or improvements.

''(D) Faculty research.

''(c) APPLICATION.—An institution of higher education seeking a grant under this section shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

''(d) REPORTS.—An institution of higher education that receives a grant under this section shall submit to the Director regular reports regarding the use of such grant, including—

''(1) a description of the benefits to students who participate in the course of study funded by such grant;

''(2) a description of the results and accomplishments related to such course of study; and

''(3) any other information that the Director may require.

''(e) REGULATIONS.—The Director shall prescribe such regulations as may be necessary to carry out this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'Director' means the Director of National Intelligence.

''(2) The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.

(b) REPEAL OF DUPLICATIVE PROVISIONS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Subsections (b) through (g) of section 319 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 403 note).

(B) Section 1003 of the National Security Act of 1947 (50 U.S.C. 441g–2).

(C) Section 922 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 50 U.S.C. 402 note).

(2) EXISTING AGREEMENTS.—Notwithstanding the repeals made by paragraph (1), nothing in this subsection shall be construed to amend, modify, or abrogate any agreement, contract, or employment relationship that was in effect in relation to the provisions repealed under paragraph (1) on the day prior to the date of the enactment of this Act.

(3) TECHNICAL AMENDMENT.—Section 319 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 403 note) is amended by striking ''(a) FINDINGS.—''.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 312 of this Act, is further amended by striking the item relating to section 1003 and inserting the following new item:

''Sec. 1024. Intelligence officer training program.''.

SEC. 314. PILOT PROGRAM FOR INTENSIVE LANGUAGE INSTRUCTION IN AFRICAN LANGUAGES.

(a) ESTABLISHMENT.—The Director of National Intelligence, in consultation with the National Security Education Board established under section 803(a) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903(a)), may establish a pilot program for intensive language instruction in African languages.

(b) PROGRAM.—A pilot program established under subsection (a) shall provide scholarships for programs that provide intensive language instruction—

(1) in any of the five highest priority African languages for which scholarships are not offered under the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.), as determined by the Director of National Intelligence; and

(2) both in the United States and in a country in which the language is the native language of a significant portion of the population, as determined by the Director of National Intelligence.

(c) TERMINATION.—A pilot program established under subsection (a) shall terminate on the date that is five years after the date on which such pilot program is established.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $2,000,000.

(2) AVAILABILITY.—Funds authorized to be appropriated under paragraph (1) shall remain available until the termination of the pilot program in accordance with subsection (c).

Subtitle C—Acquisition Matters

SEC. 321. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.

(a) VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 305 of this Act, is further amended by inserting after section 506B, as added by section 305(a), the following new section:

''VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

''SEC. 506C. (a) INITIAL VULNERABILITY ASSESSMENTS.—(1)(A) Except as provided in subparagraph (B), the Director of National Intelligence shall conduct and submit to the congressional intelligence committees an initial vulnerability assessment for each major system and its significant items of supply—

''(i) except as provided in clause (ii), prior to the completion of Milestone B or an equivalent acquisition decision for the major system; or

''(ii) prior to the date that is 1 year after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010 in the case of a major system for which Milestone B or an equivalent acquisition decision—

''(I) was completed prior to such date of enactment; or

''(II) is completed on a date during the 180-day period following such date of enactment.

''(B) The Director may submit to the congressional intelligence committees an initial vulnerability assessment required by clause (ii) of subparagraph (A) not later than 180 days after the date such assessment is required to be submitted under such clause if the Director notifies the congressional intelligence committees of the extension of the submission date under this subparagraph and provides a justification for such extension.

''(C) The initial vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach to—

''(i) identify vulnerabilities;

''(ii) define exploitation potential;

''(iii) examine the system's potential effectiveness;

''(iv) determine overall vulnerability; and

''(v) make recommendations for risk reduction.

''(2) If an initial vulnerability assessment for a major system is not submitted to the congressional intelligence committees as required by paragraph (1), funds appropriated for the acquisition of the major system may not be obligated for a major contract related to the major system. Such prohibition on the obligation of funds for the acquisition of the major system shall cease to apply on the date on which the congressional intelligence committees receive the initial vulnerability assessment.

''(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall, periodically throughout the procurement of a major system or if the Director determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment, conduct a subsequent vulnerability assessment of each major system and its significant items of supply within the National Intelligence Program.

''(2) Upon the request of a congressional intelligence committee, the Director of National Intelligence may, if appropriate, recertify the previous vulnerability assessment or may conduct a subsequent vulnerability assessment of a particular major system and its significant items of supply within the National Intelligence Program.

''(3) Any subsequent vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in clauses (i) through (v) of subsection (a)(1)(C).

''(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the National Intelligence Program budget.

''(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) or (b) not later than 10 days after the date of the completion of such assessment.

''(2) The Director of National Intelligence shall provide the congressional intelligence committees with a proposed schedule for subsequent periodic vulnerability assessments of a major system under subsection (b)(1) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by paragraph (1).

''(e) DEFINITIONS.—In this section:

''(1) The term 'item of supply' has the meaning given that term in section 4(10) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(10)).

''(2) The term 'major contract' means each of the 6 largest prime, associate, or Government-furnished equipment contracts under a major system that is in excess of $40,000,000 and that is not a firm, fixed price contract.

''(3) The term 'major system' has the meaning given that term in section 506A(e).

''(4) The term 'Milestone B' means a decision to enter into major system development and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

''(5) The term 'vulnerability assessment' means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 313 of this Act, is further amended by inserting after the item relating to section 506B, as added by section 305(c) of this Act, the following new item:

''Sec. 506C. Vulnerability assessments of major systems.''.

(b) DEFINITION OF MAJOR SYSTEM.—Paragraph (3) of section 506A(e) of the National Security Act of 1947 (50 U.S.C. 415a–1(e)) is amended by striking ''(in current fiscal year dollars)'' and inserting ''(based on fiscal year 2010 constant dollars)''.

SEC. 322. INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.

(a) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 321 of this Act, is further amended by inserting after section 506C, as added by section 321(a), the following new section:

''INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION

''SEC. 506D. (a) LIMITATION ON OBLIGATION OF FUNDS.—(1) Subject to paragraph (3), no funds appropriated to any element of the intelligence community may be obligated for an intelligence community business system transformation that will have a total cost in excess of $3,000,000 unless—

''(A) the Director of the Office of Business Transformation of the Office of the Director of National Intelligence makes a certification described in paragraph (2) with respect to such intelligence community business system transformation; and

''(B) such certification is approved by the board established under subsection (f).

''(2) The certification described in this paragraph for an intelligence community business system transformation is a certification made by the Director of the Office of Business Transformation of the Office of the Director of National Intelligence that the intelligence community business system transformation—

''(A) complies with the enterprise architecture under subsection (b) and such other policies and standards that the Director of National Intelligence considers appropriate; or

''(B) is necessary—

''(i) to achieve a critical national security capability or address a critical requirement; or

''(ii) to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration any alternative solutions for preventing such adverse effect.

''(3) With respect to a fiscal year after fiscal year 2010, the amount referred to in paragraph (1) in the matter preceding subparagraph (A) shall be equal to the sum of—

''(A) the amount in effect under such paragraph (1) for the preceding fiscal year (determined after application of this paragraph), plus

''(B) such amount multiplied by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of the previous fiscal year.

''(b) ENTERPRISE ARCHITECTURE FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Director of National Intelligence shall, acting through the board established under subsection (f), develop and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable intelligence community business system solutions, consistent with applicable policies and procedures established by the Director of the Office of Management and Budget.

''(2) The enterprise architecture under paragraph (1) shall include the following:

''(A) An information infrastructure that will enable the intelligence community to—

''(i) comply with all Federal accounting, financial management, and reporting requirements;

''(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

''(iii) integrate budget, accounting, and program information and systems; and

''(iv) provide for the measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

''(B) Policies, procedures, data standards, and system interface requirements that apply uniformly throughout the intelligence community.

''(c) RESPONSIBILITIES FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—The Director of National Intelligence shall be responsible for the entire life cycle of an intelligence community business system transformation, including review, approval, and oversight of the planning, design, acquisition, deployment, operation, and maintenance of the business system transformation.

''(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The Director of the Office of Business Transformation of the Office of the Director of National Intelligence shall establish and implement, not later than 60 days after the enactment of the Intelligence Authorization Act for Fiscal Year 2010, an investment review process for the intelligence community business systems for which the Director of the Office of Business Transformation is responsible.

''(2) The investment review process under paragraph (1) shall—

''(A) meet the requirements of section 11312 of title 40, United States Code; and

''(B) specifically set forth the responsibilities of the Director of the Office of Business Transformation under such review process.

''(3) The investment review process under paragraph (1) shall include the following elements:

''(A) Review and approval by an investment review board (consisting of appropriate representatives of the intelligence community) of each intelligence community business system as an investment before the obligation of funds for such system.

''(B) Periodic review, but not less often than annually, of every intelligence community business system investment.

''(C) Thresholds for levels of review to ensure appropriate review of intelligence community business system investments depending on the scope, complexity, and cost of the system involved.

''(D) Procedures for making certifications in accordance with the requirements of subsection (a)(2).

''(e) BUDGET INFORMATION.—For each fiscal year after fiscal year 2011, the Director of National Intelligence shall include in the materials the Director submits to Congress in support of the budget for such fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, the following information:

''(1) An identification of each intelligence community business system for which funding is proposed in such budget.

''(2) An identification of all funds, by appropriation, proposed in such budget for each such system, including—

''(A) funds for current services to operate and maintain such system;

''(B) funds for business systems modernization identified for each specific appropriation; and

''(C) funds for associated business process improvement or reengineering efforts.

''(3) The certification, if any, made under subsection (a)(2) with respect to each such system.

''(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION GOVERNANCE BOARD.—(1) The Director of National Intelligence shall establish a board within the intelligence community business system transformation governance structure (in this subsection referred to as the 'Board').

''(2) The Board shall—

''(A) recommend to the Director policies and procedures necessary to effectively integrate all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the intelligence community;

''(B) review and approve any major update of—

''(i) the enterprise architecture developed under subsection (b); and

''(ii) any plans for an intelligence community business systems modernization;

''(C) manage cross-domain integration consistent with such enterprise architecture;

''(D) coordinate initiatives for intelligence community business system transformation to maximize benefits and minimize costs for the intelligence community, and periodically report to the Director on the status of efforts to carry out an intelligence community business system transformation;

''(E) ensure that funds are obligated for intelligence community business system transformation in a manner consistent with subsection (a); and

''(F) carry out such other duties as the Director shall specify.

''(g) RELATION TO ANNUAL REGISTRATION REQUIREMENTS.—Nothing in this section shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

''(h) RELATIONSHIP TO DEFENSE BUSINESS ENTERPRISE ARCHITECTURE.—Nothing in this section shall be construed to exempt funds authorized to be appropriated to the Department of Defense from the requirements of section 2222 of title 10, United States Code, to the extent that such requirements are otherwise applicable.

''(i) RELATION TO CLINGER-COHEN ACT.—(1) Executive agency responsibilities in chapter 113 of title 40, United States Code, for any intelligence community business system transformation shall be exercised jointly by—

''(A) the Director of National Intelligence and the Chief Information Officer of the Intelligence Community; and

''(B) the head of the executive agency that contains the element of the intelligence community involved and the chief information officer of that executive agency.

''(2) The Director of National Intelligence and the head of the executive agency referred to in paragraph (1)(B) shall enter into a Memorandum of Understanding to carry out the requirements of this section in a manner that best meets the needs of the intelligence community and the executive agency.

''(j) REPORTS.—Not later than March 31 of each of the years 2011 through 2015, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the compliance of the intelligence community with the requirements of this section. Each such report shall—

''(1) describe actions taken and proposed for meeting the requirements of subsection (a), including—

''(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

''(B) specific actions on the intelligence community business system transformations submitted for certification under such subsection;

''(2) identify the number of intelligence community business system transformations that received a certification described in subsection (a)(2); and

''(3) describe specific improvements in business operations and cost savings resulting from successful intelligence community business systems transformation efforts.

''(k) DEFINITIONS.—In this section:

''(1) The term 'enterprise architecture' has the meaning given that term in section 3601(4) of title 44, United States Code.

''(2) The terms 'information system' and 'information technology' have the meanings given those terms in section 11101 of title 40, United States Code.

''(3) The term 'intelligence community business system' means an information system, including a national security system, that is operated by, for, or on behalf of an element of the intelligence community, including a financial system, mixed system, financial data feeder system, and the business infrastructure capabilities shared by the systems of the business enterprise architecture, including people, process, and technology, that build upon the core infrastructure used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

''(4) The term 'intelligence community business system transformation' means—

''(A) the acquisition or development of a new intelligence community business system; or

''(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

''(5) The term 'national security system' has the meaning given that term in section 3542 of title 44, United States Code.

''(6) The term 'Office of Business Transformation of the Office of the Director of National Intelligence' includes any successor office that assumes the functions of the Office of Business Transformation of the Office of the Director of National Intelligence as carried out by the Office of Business Transformation on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 321 of this Act, is further amended by inserting after the item relating to section 506C, as added by section 321(a)(2), the following new item:

''Sec. 506D. Intelligence community business system transformation.''.

(b) IMPLEMENTATION.—

(1) CERTAIN DUTIES.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall designate a chair and other members to serve on the board established under subsection (f) of such section 506D of the National Security Act of 1947 (as added by subsection (a)).

(2) ENTERPRISE ARCHITECTURE.—

(A) SCHEDULE FOR DEVELOPMENT.—The Director shall develop the enterprise architecture required by subsection (b) of such section 506D (as so added), including the initial Business Enterprise Architecture for business transformation, not later than 60 days after the enactment of this Act.

(B) REQUIREMENT FOR IMPLEMENTATION PLAN.—In developing such an enterprise architecture, the Director shall develop an implementation plan for such enterprise architecture that includes the following:

(i) An acquisition strategy for new systems that are expected to be needed to complete such enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(ii) An identification of the intelligence community business systems in operation or planned as of the date that is 60 days after the enactment of this Act that will not be a part of such enterprise architecture, together with the schedule for the phased termination of the utilization of any such systems.

(iii) An identification of the intelligence community business systems in operation or planned as of such date, that will be a part of such enterprise architecture, together with a strategy for modifying such systems to ensure that such systems comply with such enterprise architecture.

(C) SUBMISSION OF ACQUISITION STRATEGY.—Based on the results of an enterprise process management review and the availability of funds, the Director shall submit the acquisition strategy described in subparagraph (B)(i) to the congressional intelligence committees not later than March 31, 2011.

SEC. 323. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.

(a) REPORTS.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 322 of this Act, is further amended by inserting after section 506D, as added by section 322(a)(1), the following new section:

''REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

''SEC. 506E. (a) DEFINITIONS.—In this section:

''(1) The term 'cost estimate'—

''(A) means an assessment and quantification of all costs and risks associated with the acquisition of a major system based upon reasonably available information at the time the Director establishes the 2010 adjusted total acquisition cost for such system pursuant to subsection (h) or restructures such system pursuant to section 506F(c); and

''(B) does not mean an 'independent cost estimate'.

''(2) The term 'critical cost growth threshold' means a percentage increase in the total acquisition cost for a major system of at least 25 percent over the total acquisition cost for the major system as shown in the current Baseline Estimate for the major system.

''(3)(A) The term 'current Baseline Estimate' means the projected total acquisition cost of a major system that is—

''(i) approved by the Director, or a designee of the Director, at Milestone B or an equivalent acquisition decision for the development, procurement, and construction of such system;

''(ii) approved by the Director at the time such system is restructured pursuant to section 506F(c); or

''(iii) the 2010 adjusted total acquisition cost determined pursuant to subsection (h).

''(B) A current Baseline Estimate may be in the form of an independent cost estimate.

''(4) Except as otherwise specifically provided, the term 'Director' means the Director of National Intelligence.

''(5) The term 'independent cost estimate' has the meaning given that term in section 506A(e).

''(6) The term 'major contract' means each of the 6 largest prime, associate, or Government-furnished equipment contracts under a major system that is in excess of $40,000,000 and that is not a firm, fixed price contract.

''(7) The term 'major system' has the meaning given that term in section 506A(e).

''(8) The term 'Milestone B' means a decision to enter into major system development and demonstration pursuant to guidance prescribed by the Director.

''(9) The term 'program manager' means—

''(A) the head of the element of the intelligence community that is responsible for the budget, cost, schedule, and performance of a major system; or

''(B) in the case of a major system within the Office of the Director of National Intelligence, the deputy who is responsible for the budget, cost, schedule, and performance of the major system.

''(10) The term 'significant cost growth threshold' means the percentage increase in the total acquisition cost for a major system of at least 15 percent over the total acquisition cost for such system as shown in the current Baseline Estimate for such system.

''(11) The term 'total acquisition cost' means the amount equal to the total cost for development and procurement of, and system-specific construction for, a major system.

''(b) MAJOR SYSTEM COST REPORTS.—(1) The program manager for a major system shall, on a quarterly basis, submit to the Director a major system cost report as described in paragraph (2).

''(2) A major system cost report shall include the following information (as of the last day of the quarter for which the report is made):

''(A) The total acquisition cost for the major system.

''(B) Any cost variance or schedule variance in a major contract for the major system since the contract was entered into.

''(C) Any changes from a major system schedule milestones or performances that are known, expected, or anticipated by the program manager.

''(D) Any significant changes in the total acquisition cost for development and procurement of any software component of the major system, schedule milestones for such software component of the major system, or expected performance of such software component of the major system that are known, expected, or anticipated by the program manager.

''(3) Each major system cost report required by paragraph (1) shall be submitted not more than 30 days after the end of the reporting quarter.

''(c) REPORTS FOR BREACH OF SIGNIFICANT OR CRITICAL COST GROWTH THRESHOLDS.—If the program manager of a major system for which a report has previously been submitted under subsection (b) determines at any time during a quarter that there is reasonable cause to believe that the total acquisition cost for the major system has increased by a percentage equal to or greater than the significant cost growth threshold or critical cost growth threshold and if a report indicating an increase of such percentage or more has not previously been submitted to the Director, then the program manager shall immediately submit to the Director a major system cost report containing the information, determined as of the date of the report, required under subsection (b).

''(d) NOTIFICATION TO CONGRESS OF COST GROWTH.—(1) Whenever a major system cost report is submitted to the Director, the Director shall determine whether the current acquisition cost for the major system has increased by a percentage equal to or greater than the significant cost growth threshold or the critical cost growth threshold.

''(2) If the Director determines that the current total acquisition cost has increased by a percentage equal to or greater than the significant cost growth threshold or critical cost growth threshold, the Director shall submit to Congress a Major System Congressional Report pursuant to subsection (e).

''(e) REQUIREMENT FOR MAJOR SYSTEM CONGRESSIONAL REPORT.—(1) Whenever the Director determines under subsection (d) that the total acquisition cost of a major system has increased by a percentage equal to or greater than the significant cost growth threshold for the major system, a Major System Congressional Report shall be submitted to Congress not later than 45 days after the date on which the Director receives the major system cost report for such major system.

''(2) If the total acquisition cost of a major system (as determined by the Director under subsection (d)) increases by a percentage equal to or greater than the critical cost growth threshold for the program or subprogram, the Director shall take actions consistent with the requirements of section 506F.

''(f) MAJOR SYSTEM CONGRESSIONAL REPORT ELEMENTS.—(1) Except as provided in paragraph (2), each Major System Congressional Report shall include the following:

''(A) The name of the major system.

''(B) The date of the preparation of the report.

''(C) The program phase of the major system as of the date of the preparation of the report.

''(D) The estimate of the total acquisition cost for the major system expressed in constant base-year dollars and in current dollars.

''(E) The current Baseline Estimate for the major system in constant base-year dollars and in current dollars.

''(F) A statement of the reasons for any increase in total acquisition cost for the major system.

''(G) The completion status of the major system—

''(i) expressed as the percentage that the number of years for which funds have been appropriated for the major system is of the number of years for which it is planned that funds will be appropriated for the major system; and

''(ii) expressed as the percentage that the amount of funds that have been appropriated for the major system is of the total amount of funds which it is planned will be appropriated for the major system.

''(H) The fiscal year in which the major system was first authorized and in which funds for such system were first appropriated by Congress.

''(I) The current change and the total change, in dollars and expressed as a percentage, in the total acquisition cost for the major system, stated both in constant base-year dollars and in current dollars.

''(J) The quantity of end items to be acquired under the major system and the current change and total change, if any, in that quantity.

''(K) The identities of the officers responsible for management and cost control of the major system.

''(L) The action taken and proposed to be taken to control future cost growth of the major system.

''(M) Any changes made in the performance or schedule milestones of the major system and the extent to which such changes have contributed to the increase in total acquisition cost for the major system.

''(N) The following contract performance assessment information with respect to each major contract under the major system:

''(i) The name of the contractor.

''(ii) The phase that the contract is in at the time of the preparation of the report.

''(iii) The percentage of work under the contract that has been completed.

''(iv) Any current change and the total change, in dollars and expressed as a percentage, in the contract cost.

''(v) The percentage by which the contract is currently ahead of or behind schedule.

''(vi) A narrative providing a summary explanation of the most significant occurrences, including cost and schedule variances under major contracts of the major system, contributing to the changes identified and a discussion of the effect these occurrences will have on the future costs and schedule of the major system.

''(O) In any case in which one or more problems with a software component of the major system significantly contributed to the increase in costs of the major system, the action taken and proposed to be taken to solve such problems.

''(2) A Major System Congressional Report prepared for a major system for which the increase in the total acquisition cost is due to termination or cancellation of the entire major system shall include only—

''(A) the information described in subparagraphs (A) through (F) of paragraph (1); and

''(B) the total percentage change in total acquisition cost for such system.

''(g) PROHIBITION ON OBLIGATION OF FUNDS.—If a determination of an increase by a percentage equal to or greater than the significant cost growth threshold is made by the Director under subsection (d) and a Major System Congressional Report containing the information described in subsection (f) is not submitted to Congress under subsection (e)(1), or if a determination of an increase by a percentage equal to or greater than the critical cost growth threshold is made by the Director under subsection (d) and the Major System Congressional Report containing the information described in subsection (f) and section 506F(b)(3) and the certification required by section 506F(b)(2) are not submitted to Congress under subsection (e)(2), funds appropriated for construction, research, development, test, evaluation, and procurement may not be obligated for a major contract under the major system. The prohibition on the obligation of funds for a major system shall cease to apply at the end of the 45-day period that begins on the date—

''(1) on which Congress receives the Major System Congressional Report under subsection (e)(1) with respect to that major system, in the case of a determination of an increase by a percentage equal to or greater than the significant cost growth threshold (as determined in subsection (d)); or

''(2) on which Congress receives both the Major System Congressional Report under subsection (e)(2) and the certification of the Director under section 506F(b)(2) with respect to that major system, in the case of an increase by a percentage equal to or greater than the critical cost growth threshold (as determined under subsection (d)).

''(h) TREATMENT OF COST INCREASES PRIOR TO ENACTMENT OF INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—(1) Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010, the Director—

''(A) shall, for each major system, determine if the total acquisition cost of such major system increased by a percentage equal to or greater than the significant cost growth threshold or the critical cost growth threshold prior to such date of enactment;

''(B) shall establish for each major system for which the total acquisition cost has increased by a percentage equal to or greater than the significant cost growth threshold or the critical cost growth threshold prior to such date of enactment a revised current Baseline Estimate based upon an updated cost estimate;

''(C) may, for a major system not described in subparagraph (B), establish a revised current Baseline Estimate based upon an updated cost estimate; and

''(D) shall submit to Congress a report describing—

''(i) each determination made under subparagraph (A);

''(ii) each revised current Baseline Estimate established for a major system under subparagraph (B); and

''(iii) each revised current Baseline Estimate established for a major system under subparagraph (C), including the percentage increase of the total acquisition cost of such major system that occurred prior to the date of the enactment of such Act.

''(2) The revised current Baseline Estimate established for a major system under subparagraph (B) or (C) of paragraph (1) shall be the 2010 adjusted total acquisition cost for the major system and may include the estimated cost of conducting any vulnerability assessments for such major system required under section 506C.

''(i) REQUIREMENTS TO USE BASE YEAR DOLLARS.—Any determination of a percentage increase under this section shall be stated in terms of constant base year dollars.

''(j) FORM OF REPORT.—Any report required to be submitted under this section may be submitted in a classified form.''.

(2) APPLICABILITY DATE OF QUARTERLY REPORTS.—The first report required to be submitted under subsection (b) of section 506E of the National security Act of 1947, as added by paragraph (1) of this subsection, shall be submitted with respect to the first fiscal quarter that begins on a date that is not less than 180 days after the date of the enactment of this Act.

(3) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 322 of this Act, is further amended by inserting after the item relating to section 506D, as added by section 322(a)(2), the following new item:

''Sec. 506E. Reports on the acquisition of major systems.''.

(b) MAJOR DEFENSE ACQUISITION PROGRAMS.—Nothing in this section, section 324, or an amendment made by this section or section 324, shall be construed to exempt an acquisition program of the Department of Defense from the requirements of chapter 144 of title 10, United States Code or Department of Defense Directive 5000, to the extent that such requirements are otherwise applicable.

SEC. 324. CRITICAL COST GROWTH IN MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 323 of this Act, is further amended by inserting after section 506E, as added by section 323(a), the following new section:

''CRITICAL COST GROWTH IN MAJOR SYSTEMS

''SEC. 506F. (a) REASSESSMENT OF MAJOR SYSTEM.—If the Director of National Intelligence determines under section 506E(d) that the total acquisition cost of a major system has increased by a percentage equal to or greater than the critical cost growth threshold for the major system, the Director shall—

''(1) determine the root cause or causes of the critical cost growth, in accordance with applicable statutory requirements, policies, procedures, and guidance; and

''(2) carry out an assessment of—

''(A) the projected cost of completing the major system if current requirements are not modified;

''(B) the projected cost of completing the major system based on reasonable modification of such requirements;

''(C) the rough order of magnitude of the costs of any reasonable alternative system or capability; and

''(D) the need to reduce funding for other systems due to the growth in cost of the major system.

''(b) PRESUMPTION OF TERMINATION.—(1) After conducting the reassessment required by subsection (a) with respect to a major system, the Director shall terminate the major system unless the Director submits to Congress a Major System Congressional Report containing a certification in accordance with paragraph (2) and the information described in paragraph (3). The Director shall submit such Major System Congressional Report and certification not later than 90 days after the date the Director receives the relevant major system cost report under subsection (b) or (c) of section 506E.

''(2) A certification described by this paragraph with respect to a major system is a written certification that—

''(A) the continuation of the major system is essential to the national security;

''(B) there are no alternatives to the major system that will provide acceptable capability to meet the intelligence requirement at less cost;

''(C) the new estimates of the total acquisition cost have been determined by the Director to be reasonable;

''(D) the major system is a higher priority than other systems whose funding must be reduced to accommodate the growth in cost of the major system; and

''(E) the management structure for the major system is adequate to manage and control the total acquisition cost.

''(3) A Major System Congressional Report accompanying a written certification under paragraph (2) shall include, in addition to the requirements of section 506E(e), the root cause analysis and assessment carried out pursuant to subsection (a), the basis for each determination made in accordance with subparagraphs (A) through (E) of paragraph (2), and a description of all funding changes made as a result of the growth in the cost of the major system, including reductions made in funding for other systems to accommodate such cost growth, together with supporting documentation.

''(c) ACTIONS IF MAJOR SYSTEM NOT TERMINATED.—If the Director elects not to terminate a major system pursuant to subsection (b), the Director shall—

''(1) restructure the major system in a manner that addresses the root cause or causes of the critical cost growth, as identified pursuant to subsection (a), and ensures that the system has an appropriate management structure as set forth in the certification submitted pursuant to subsection (b)(2)(E);

''(2) rescind the most recent Milestone approval for the major system;

''(3) require a new Milestone approval for the major system before taking any action to enter a new contract, exercise an option under an existing contract, or otherwise extend the scope of an existing contract under the system, except to the extent determined necessary by the Milestone Decision Authority, on a nondelegable basis, to ensure that the system may be restructured as intended by the Director without unnecessarily wasting resources;

''(4) establish a revised current Baseline Estimate for the major system based upon an updated cost estimate; and

''(5) conduct regular reviews of the major system.

''(d) ACTIONS IF MAJOR SYSTEM TERMINATED.—If a major system is terminated pursuant to subsection (b), the Director shall submit to Congress a written report setting forth—

''(1) an explanation of the reasons for terminating the major system;

''(2) the alternatives considered to address any problems in the major system; and

''(3) the course the Director plans to pursue to meet any intelligence requirements otherwise intended to be met by the major system.

''(e) FORM OF REPORT.—Any report or certification required to be submitted under this section may be submitted in a classified form.

''(f) WAIVER.—(1) The Director may waive the requirements of subsections (d)(2), (e), and (g) of section 506E and subsections (a)(2), (b), (c), and (d) of this section with respect to a major system if the Director determines that at least 90 percent of the amount of the current Baseline Estimate for the major system has been expended.

''(2)(A) If the Director grants a waiver under paragraph (1) with respect to a major system, the Director shall submit to the congressional intelligence committees written notice of the waiver that includes—

''(i) the information described in section 506E(f); and

''(ii) if the current total acquisition cost of the major system has increased by a percentage equal to or greater than the critical cost growth threshold—

''(I) a determination of the root cause or causes of the critical cost growth, as described in subsection (a)(1); and

''(II) a certification that includes the elements described in subparagraphs (A), (B), and (E) of subsection (b)(2).

''(B) The Director shall submit the written notice required by subparagraph (A) not later than 90 days after the date that the Director receives a major system cost report under subsection (b) or (c) of section 506E that indicates that the total acquisition cost for the major system has increased by a percentage equal to or greater than the significant cost growth threshold or critical cost growth threshold.

''(g) DEFINITIONS.—In this section, the terms 'cost estimate', 'critical cost growth threshold', 'current Baseline Estimate', 'major system', and 'total acquisition cost' have the meaning given those terms in section 506E(a).''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 323 of this Act, is further amended by inserting after the items relating to section 506E, as added by section 323(a)(3), the following new item:

''Sec. 506F. Critical cost growth in major systems.''.

SEC. 325. FUTURE BUDGET PROJECTIONS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 324 of this Act, is further amended by inserting after section 506F, as added by section 324(a), the following new section:

''FUTURE BUDGET PROJECTIONS

''SEC. 506G. (a) FUTURE YEAR INTELLIGENCE PLANS.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide to the congressional intelligence committees a Future Year Intelligence Plan, as described in paragraph (2), for—

''(A) each expenditure center in the National Intelligence Program; and

''(B) each major system in the National Intelligence Program.

''(2)(A) A Future Year Intelligence Plan submitted under this subsection shall include the year-by-year proposed funding for each center or system referred to in subparagraph (A) or (B) of paragraph (1), for the budget year for which the Plan is submitted and not less than the 4 subsequent fiscal years.

''(B) A Future Year Intelligence Plan submitted under subparagraph (B) of paragraph (1) for a major system shall include—

''(i) the estimated total life-cycle cost of such major system; and

''(ii) major milestones that have significant resource implications for such major system.

''(b) LONG-TERM BUDGET PROJECTIONS.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide to the congressional intelligence committees a Long-term Budget Projection for each element of the intelligence community funded under the National Intelligence Program acquiring a major system that includes the budget for such element for the 5-year period that begins on the day after the end of the last fiscal year for which year-by-year proposed funding is included in a Future Year Intelligence Plan for such major system in accordance with subsection (a)(2)(A).

''(2) A Long-term Budget Projection submitted under paragraph (1) shall include—

''(A) projections for the appropriate element of the intelligence community for—

''(i) pay and benefits of officers and employees of such element;

''(ii) other operating and support costs and minor acquisitions of such element;

''(iii) research and technology required by such element;

''(iv) current and planned major system acquisitions for such element;

''(v) any future major system acquisitions for such element; and

''(vi) any additional funding projections that the Director of National Intelligence considers appropriate;

''(B) a budget projection based on effective cost and schedule execution of current or planned major system acquisitions and application of Office of Management and Budget inflation estimates to future major system acquisitions;

''(C) any additional assumptions and projections that the Director of National Intelligence considers appropriate; and

''(D) a description of whether, and to what extent, the total projection for each year exceeds the level that would result from applying the most recent Office of Management and Budget inflation estimate to the budget of that element of the intelligence community.

''(c) SUBMISSION TO CONGRESS.—The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall submit to the congressional intelligence committees each Future Year Intelligence Plan or Long-term Budget Projection required under subsection (a) or (b) for a fiscal year at the time that the President submits to

Congress the budget for such fiscal year pursuant section 1105 of title 31, United States Code.

''(d) MAJOR SYSTEM AFFORDABILITY REPORT.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall prepare a report on the acquisition of a major system funded under the National Intelligence Program before the time that the President submits to Congress the budget for the first fiscal year in which appropriated funds are anticipated to be obligated for the development or procurement of such major system.

''(2) The report on such major system shall include an assessment of whether, and to what extent, such acquisition, if developed, procured, and operated, is projected to cause an increase in the most recent Future Year Intelligence Plan and Long-term Budget Projection submitted under section 506G for an element of the intelligence community.

''(3) The Director of National Intelligence shall update the report whenever an independent cost estimate must be updated pursuant to section 506A(a)(4).

''(4) The Director of National Intelligence shall submit each report required by this subsection at the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31, United States Code.

''(e) DEFINITIONS.—In this section:

''(1) BUDGET YEAR.—The term 'budget year' means the next fiscal year for which the President is required to submit to Congress a budget pursuant to section 1105 of title 31, United States Code.

''(2) INDEPENDENT COST ESTIMATE; MAJOR SYSTEM.—The terms 'independent cost estimate' and 'major system' have the meaning given those terms in section 506A(e).''.

(b) APPLICABILITY DATE.—The first Future Year Intelligence Plan and Long-term Budget Projection required to be submitted under subsection (a) and (b) of section 506G of the National Security Act of 1947, as added by subsection (a), shall be submitted to the congressional intelligence committees at the time that the President submits to Congress the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code.

(c) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 324 of this Act, is further amended by inserting after the items relating to section 506F, as added by section 324(b), the following new item:

''Sec. 506G. Future budget projections.''.

(2) REPEAL OF DUPLICATIVE PROVISION.—Section 8104 of the Department of Defense Appropriations Act, 2010 (50 U.S.C. 415a–3; Public Law 111–118; 123 Stat. 3451) is repealed.

SEC. 326. NATIONAL INTELLIGENCE PROGRAM FUNDED ACQUISITIONS.

Subsection (n) of section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new paragraph:

''(4)(A) In addition to the authority referred to in paragraph (1), the Director of National Intelligence may authorize the head of an element of the intelligence community to exercise an acquisition authority referred to in section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)) for an acquisition by such element that is more than 50 percent funded under the National Intelligence Program.

''(B) The head of an element of the intelligence community may not exercise an authority referred to in subparagraph (A) until—

''(i) the head of such element (without delegation) submits to the Director of National Intelligence a written request that includes—

''(I) a description of such authority requested to be exercised;

''(II) an explanation of the need for such authority, including an explanation of the reasons that other authorities are insufficient; and

''(III) a certification that the mission of such element would be—

''(aa) impaired if such authority is not exercised; or

''(bb) significantly and measurably enhanced if such authority is exercised; and

''(ii) the Director of National Intelligence issues a written authorization that includes—

''(I) a description of the authority referred to in subparagraph (A) that is authorized to be exercised; and

''(II) a justification to support the exercise of such authority.

''(C) A request and authorization to exercise an authority referred to in subparagraph (A) may be made with respect to an individual acquisition or with respect to a specific class of acquisitions described in the request and authorization referred to in subparagraph (B).

''(D)(i) A request from a head of an element of the intelligence community located within one of the departments described in clause (ii) to exercise an authority referred to in subparagraph (A) shall be submitted to the Director of National Intelligence in accordance with any procedures established by the head of such department.

''(ii) The departments described in this clause are the Department of Defense, the Department of Energy, the Department of Homeland Security, the Department of Justice, the Department of State, and the Department of the Treasury.

''(E)(i) The head of an element of the intelligence community may not be authorized to utilize an authority referred to in subparagraph (A) for a class of acquisitions for a period of more than 3 years, except that the Director of National Intelligence (without delegation) may authorize the use of such an authority for not more than 6 years.

''(ii) Each authorization to utilize an authority referred to in subparagraph (A) may be extended in accordance with the requirements of subparagraph (B) for successive periods of not more than 3 years, except that the Director of National Intelligence (without delegation) may authorize an extension period of not more than 6 years.

''(F) Subject to clauses (i) and (ii) of subparagraph (E), the Director of National Intelligence may only delegate the authority of the Director under subparagraphs (A) through (E) to the Principal Deputy Director of National Intelligence or a Deputy Director of National Intelligence.

''(G) The Director of National Intelligence shall submit—

''(i) to the congressional intelligence committees a notification of an authorization to exercise an authority referred to in subparagraph (A) or an extension of such authorization that includes the written authorization referred to in subparagraph (B)(ii); and

''(ii) to the Director of the Office of Management and Budget a notification of an authorization to exercise an authority referred to in subparagraph (A) for an acquisition or class of acquisitions that will exceed $50,000,000 annually.

''(H) Requests and authorizations to exercise an authority referred to in subparagraph (A) shall remain available within the Office of the Director of National Intelligence for a period of at least 6 years following the date of such request or authorization.

''(I) Nothing in this paragraph may be construed to alter or otherwise limit the authority of the Central Intelligence Agency to independently exercise an authority under section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)).''.

Subtitle D—Congressional Oversight, Plans, and Reports

SEC. 331. NOTIFICATION PROCEDURES.

(a) PROCEDURES.—Section 501(c) of the National Security Act of 1947 (50 U.S.C. 413(c)) is amended by striking ''such procedures'' and inserting ''such written procedures''.

(b) INTELLIGENCE ACTIVITIES.—Section 502(a)(2) of such Act (50 U.S.C. 413a(a)(2)) is amended by inserting ''(including the legal basis under which the intelligence activity is being or was conducted)'' after ''concerning intelligence activities''.

(c) COVERT ACTIONS.—Section 503 of such Act (50 U.S.C. 413b) is amended—

(1) in subsection (b)(2), by inserting ''(including the legal basis under which the covert action is being or was conducted)'' after ''concerning covert actions'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''in writing'' after ''be reported'';

(B) in paragraph (4), by striking ''committee. When'' and inserting the following: ''committee. ''(5)(A) When''; and

(C) in paragraph (5), as designated by subparagraph (B)—

(i) in subparagraph (A), as so designated—

(I) by inserting '', or a notification provided under subsection (d)(1),'' after ''access to a finding'';

(II) by inserting ''written'' before ''statement''; and

(ii) by adding at the end the following new subparagraph:

''(B) Not later than 180 days after a statement of reasons is submitted in accordance with subparagraph (A) or this subparagraph, the President shall ensure that—

''(i) all members of the congressional intelligence committees are provided access to the finding or notification; or

''(ii) a statement of reasons that it is essential to continue to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States is submitted to the Members of Congress specified in paragraph (2).'';

(3) in subsection (d)—

(A) by striking ''(d) The President'' and inserting ''(d)(1) The President'';

(B) in paragraph (1), as designated by subparagraph (A), by inserting ''in writing'' after ''notified''; and

(C) by adding at the end the following new paragraph:

''(2) In determining whether an activity constitutes a significant undertaking for purposes of paragraph (1), the President shall consider whether the activity—

''(A) involves significant risk of loss of life;

''(B) requires an expansion of existing authorities, including authorities relating to research, development, or operations;

''(C) results in the expenditure of significant funds or other resources;

''(D) requires notification under section 504;

''(E) gives rise to a significant risk of disclosing intelligence sources or methods; or

''(F) presents a reasonably foreseeable risk of serious damage to the diplomatic relations of the United States if such activity were disclosed without authorization.''; and

(4) by adding at the end the following new subsection:

''(g)(1) In any case where access to a finding reported under subsection (c) or notification provided under subsection (d)(1) is not made available to all members of a congressional intelligence committee in accordance with subsection (c)(2), the President shall notify all members of such committee that such finding or such notification has been provided only to the members specified in subsection (c)(2).

''(2) In any case where access to a finding reported under subsection (c) or notification provided under subsection (d)(1) is not made available to all members of a congressional intelligence committee in accordance with subsection (c)(2), the President shall provide to all members of such committee a general description regarding the finding or notification, as applicable, consistent with the reasons for not yet fully informing all members of such committee.

''(3) The President shall maintain—

''(A) a record of the members of Congress to whom a finding is reported under subsection (c) or notification is provided under subsection (d)(1) and the date on which each member of Congress receives such finding or notification; and

''(B) each written statement provided under subsection (c)(5).''.

SEC. 332. CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 325 of this Act, is further amended by adding at the end the following new section:

''CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS

''SEC. 508. The head of each element of the intelligence community shall annually submit to the congressional intelligence committees—

''(1) a certification that, to the best of the knowledge of the head of such element—

''(A) the head of such element is in full compliance with the requirements of this title; and

''(B) any information required to be submitted by the head of such element under this Act before the date of the submission of such certification has been properly submitted; or

''(2) if the head of such element is unable to submit a certification under paragraph (1), a statement—

''(A) of the reasons the head of such element is unable to submit such a certification;

''(B) describing any information required to be submitted by the head of such element under this Act before the date of the submission of such statement that has not been properly submitted; and

''(C) that the head of such element will submit such information as soon as possible after the submission of such statement.''.

(b) APPLICABILITY DATE.—The first certification or statement required to be submitted by the head of each element of the intelligence community under section 508 of the National Security Act of 1947, as added by subsection (a), shall be submitted not later than 90 days after the date of the enactment of this Act.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 325 of this Act, is further amended by inserting after the item related to section 507 the following new item:

''Sec. 508. Certification of compliance with oversight requirements.''.

SEC. 333. REPORT ON DETENTION AND INTERROGATION ACTIVITIES.

(a) REQUIREMENT FOR REPORT.—Not later than December 1, 2010, the Director of National Intelligence, in coordination with the Attorney General and the Secretary of Defense, shall submit to the congressional intelligence committees a comprehensive report containing—

(1) the policies and procedures of the United States Government governing participation by an element of the intelligence community in the interrogation of individuals detained by the United States who are suspected of international terrorism with the objective, in whole or in part, of acquiring national intelligence, including such policies and procedures of each appropriate element of the intelligence community or interagency body established to carry out interrogations;

(2) the policies and procedures relating to any detention by the Central Intelligence Agency of such individuals in accordance with Executive Order 13491;

(3) the legal basis for the policies and procedures referred to in paragraphs (1) and (2);

(4) the training and research to support the policies and procedures referred to in paragraphs (1) and (2); and

(5) any action that has been taken to implement section 1004 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd–1).

(b) OTHER SUBMISSION OF REPORT.—

(1) CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, the Director of National Intelligence, in consultation with the Secretary of Defense, shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives. The Director of National Intelligence may authorize redactions of the report and any associated materials submitted pursuant to this paragraph, if such redactions are consistent with the protection of sensitive intelligence sources and methods.

(2) CONGRESSIONAL JUDICIARY COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Justice, the Director of National Intelligence, in consultation with the Attorney General, shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. The Director of National Intelligence may authorize redactions of the report and any associated materials submitted pursuant to this paragraph, if such redactions are consistent with the protection of sensitive intelligence sources and methods.

(c) FORM OF SUBMISSIONS.—Any submission required under this section may be submitted in classified form.

SEC. 334. SUMMARY OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

(1) intelligence relating to recidivism of detainees currently or formerly held at the Naval Detention Facility at Guantanamo Bay, Cuba, by the Department of Defense; and

(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

SEC. 335. REPORT AND STRATEGIC PLAN ON BIOLOGICAL WEAPONS.

(a) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on—

(1) the intelligence collection efforts of the United States dedicated to assessing the threat from biological weapons from state, nonstate, or rogue actors, either foreign or domestic; and

(2) efforts to protect the biodefense knowledge and infrastructure of the United States.

(b) CONTENT.—The report required by subsection (a) shall include—

(1) an assessment of the intelligence collection efforts of the United States dedicated to detecting the development or use of biological weapons by state, nonstate, or rogue actors, either foreign or domestic;

(2) information on fiscal, human, technical, open-source, and other intelligence collection resources of the United States dedicated for use to detect or protect against the threat of biological weapons;

(3) an assessment of any problems that may reduce the overall effectiveness of United States intelligence collection and analysis to identify and protect biological weapons targets, including—

(A) intelligence collection gaps or inefficiencies;

(B) inadequate information sharing practices; or

(C) inadequate cooperation among departments or agencies of the United States;

(4) a strategic plan prepared by the Director of National Intelligence, in coordination with the Attorney General, the Secretary of Defense, and the Secretary of Homeland Security, that provides for actions for the appropriate elements of the intelligence community to close important intelligence gaps related to biological weapons;

(5) a description of appropriate goals, schedules, milestones, or metrics to measure the long-term effectiveness of actions implemented to carry out the plan described in paragraph (4); and

(6) any long-term resource and human capital issues related to the collection of intelligence regarding biological weapons, including any recommendations to address shortfalls of experienced and qualified staff possessing relevant scientific, language, and technical skills.

(c) IMPLEMENTATION OF STRATEGIC PLAN.—Not later than 30 days after the date on which the Director of National Intelligence submits the report required by subsection (a), the Director shall begin implementation of the strategic plan referred to in subsection (b)(4).

SEC. 336. CYBERSECURITY OVERSIGHT.

(a) NOTIFICATION OF CYBERSECURITY PROGRAMS.—

(1) REQUIREMENT FOR NOTIFICATION.—

(A) EXISTING PROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a notification for each cybersecurity program in operation on such date that includes the documentation referred to in subparagraphs (A) through (F) of paragraph (2).

(B) NEW PROGRAMS.—Not later than 30 days after the date of the commencement of operations of a new cybersecurity program, the President shall submit to Congress a notification of such commencement that includes the documentation referred to in subparagraphs (A) through (F) of paragraph (2).

(2) DOCUMENTATION.—A notification required by paragraph (1) for a cybersecurity program shall include—

(A) the legal basis for the cybersecurity program;

(B) the certification, if any, made pursuant to section 2511(2)(a)(ii)(B) of title 18, United States Code, or other statutory certification of legality for the cybersecurity program;

(C) the concept for the operation of the cybersecurity program that is approved by the head of the appropriate department or agency of the United States;

(D) the assessment, if any, of the privacy impact of the cybersecurity program prepared by the privacy or civil liberties protection officer or comparable officer of such department or agency;

(E) the plan, if any, for independent audit or review of the cybersecurity program to be carried out by the head of such department or agency, in conjunction with the appropriate inspector general; and

(F) recommendations, if any, for legislation to improve the capabilities of the United States Government to protect the cybersecurity of the United States.

(b) PROGRAM REPORTS.—

(1) REQUIREMENT FOR REPORTS.—The head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification was submitted under subsection (a), in consultation with the inspector general for that department or agency, shall submit to Congress and the President a report on such cybersecurity program that includes—

(A) the results of any audit or review of the cybersecurity program carried out under the plan referred to in subsection (a)(2)(E), if any; and

(B) an assessment of whether the implementation of the cybersecurity program—

(i) is in compliance with—

(I) the legal basis referred to in subsection (a)(2)(A); and

(II) an assessment referred to in subsection (a)(2)(D), if any;

(ii) is adequately described by the concept of operation referred to in subsection (a)(2)(C); and

(iii) includes an adequate independent audit or review system and whether improvements to such independent audit or review system are necessary.

(2) SCHEDULE FOR SUBMISSION OF REPORTS.—

(A) EXISTING PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification is required to be submitted under subsection (a)(1)(A) shall submit a report required under paragraph (1).

(B) NEW PROGRAMS.—Not later than 120 days after the date on which a certification is submitted under subsection (a)(1)(B), and annually thereafter, the head of a department or agency of the United States with responsibility for the cybersecurity program for which such certification is submitted shall submit a report required under paragraph (1).

(3) COOPERATION AND COORDINATION.—

(A) COOPERATION.—The head of each department or agency of the United States required to submit a report under paragraph (1) for a particular cybersecurity program, and the inspector general of each such department or agency, shall, to the extent practicable, work in conjunction with any other such head or inspector general required to submit such a report for such cybersecurity program.

(B) COORDINATION.—The heads of all of the departments and agencies of the United States required to submit a report under paragraph (1) for a particular cybersecurity program shall designate one such head to coordinate the conduct of the reports on such program.

(c) INFORMATION SHARING REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Intelligence Community shall jointly submit to Congress and the President a report on the status of the sharing of cyber-threat information, including—

(1) a description of how cyber-threat intelligence information, including classified information, is shared among the agencies and departments of the United States and with persons responsible for critical infrastructure;

(2) a description of the mechanisms by which classified cyber-threat information is distributed;

(3) an assessment of the effectiveness of cyber-threat information sharing and distribution; and

(4) any other matters identified by either Inspector General that would help to fully inform Congress or the President regarding the effectiveness and legality of cybersecurity programs.

(d) PERSONNEL DETAILS.—

(1) AUTHORITY TO DETAIL.—Notwithstanding any other provision of law, the head of an element of the intelligence community that is funded through the National Intelligence Program may detail an officer or employee of such element to the National Cyber Investigative Joint Task Force or to the Department of Homeland Security to assist the Task Force or the Department with cybersecurity, as jointly agreed by the head of such element and the Task Force or the Department.

(2) BASIS FOR DETAIL.—A personnel detail made under paragraph (1) may be made—

(A) for a period of not more than three years; and

(B) on a reimbursable or nonreimbursable basis.

(e) ADDITIONAL PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a plan for recruiting, retaining, and training a highly-qualified cybersecurity intelligence community workforce to secure the networks of the intelligence community. Such plan shall include—

(1) an assessment of the capabilities of the current workforce;

(2) an examination of issues of recruiting, retention, and the professional development of such workforce, including the possibility of providing retention bonuses or other forms of compensation;

(3) an assessment of the benefits of outreach and training with both private industry and academic institutions with respect to such workforce;

(4) an assessment of the impact of the establishment of the Department of Defense Cyber Command on such workforce;

(5) an examination of best practices for making the intelligence community workforce aware of cybersecurity best practices and principles; and

(6) strategies for addressing such other matters as the Director of National Intelligence considers necessary to the cybersecurity of the intelligence community.

(f) REPORT ON GUIDELINES AND LEGISLATION TO IMPROVE CYBERSECURITY OF THE UNITED STATES.—

(1) INITIAL.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Attorney General, the Director of the National Security Agency, the White House Cybersecurity Coordinator, and any other officials the Director of National Intelligence considers appropriate, shall submit to Congress a report containing guidelines or legislative recommendations, if appropriate, to improve the capabilities of the intelligence community and law enforcement agencies to protect the cybersecurity of the United States. Such report shall include guidelines or legislative recommendations on—

(A) improving the ability of the intelligence community to detect hostile actions and attribute attacks to specific parties;

(B) the need for data retention requirements to assist the intelligence community and law enforcement agencies;

(C) improving the ability of the intelligence community to anticipate nontraditional targets of foreign intelligence services; and

(D) the adequacy of existing criminal statutes to successfully deter cyber attacks, including statutes criminalizing the facilitation of criminal acts, the scope of laws for which a cyber crime constitutes a predicate offense, trespassing statutes, data breach notification requirements, and victim restitution statutes.

(2) SUBSEQUENT.—Not later than one year after the date on which the initial report is submitted under paragraph (1), and annually thereafter for two years, the Director of National Intelligence, in consultation with the Attorney General, the Director of the National Security Agency, the White House Cybersecurity Coordinator, and any other officials the Director of National Intelligence considers appropriate, shall submit to Congress an update of the report required under paragraph (1).

(g) SUNSET.—The requirements and authorities of subsections (a) through (e) shall terminate on December 31, 2013.

(h) DEFINITIONS.—In this section:

(1) CYBERSECURITY PROGRAM.—The term ''cybersecurity program'' means a class or collection of similar cybersecurity operations of a department or agency of the United States that involves personally identifiable data that is—

(A) screened by a cybersecurity system outside of the department or agency of the United States that was the intended recipient of the personally identifiable data;

(B) transferred, for the purpose of cybersecurity, outside the department or agency of the United States that was the intended recipient of the personally identifiable data; or

(C) transferred, for the purpose of cybersecurity, to an element of the intelligence community.

(2) NATIONAL CYBER INVESTIGATIVE JOINT TASK FORCE.—The term ''National Cyber Investigative Joint Task Force'' means the multiagency cyber investigation coordination organization overseen by the Director of the Federal Bureau of Investigation known as the National Cyber Investigative Joint Task Force that coordinates, integrates, and provides pertinent information related to cybersecurity investigations.

(3) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given that term in section 1016 of the USA PATRIOT Act (42 U.S.C. 5195c).

SEC. 337. REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, and biennially thereafter for four years, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on the proficiency in foreign languages and, as appropriate, in foreign dialects, of each element of the intelligence community, including—

(1) the number of positions authorized for such element that require foreign language proficiency and a description of the level of proficiency required;

(2) an estimate of the number of such positions that such element will require during the five-year period beginning on the date of the submission of the report;

(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

(A) military personnel; and

(B) civilian personnel;

(4) the number of applicants for positions in such element in the preceding fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and a description of the proficiency level of such persons;

(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

(7) a description of the efforts of such element to recruit, hire, train, and retain personnel that are proficient in a foreign language;

(8) an assessment of methods and models for basic, advanced, and intensive foreign language training utilized by such element;

(9) for each foreign language and, as appropriate, dialect of a foreign language—

(A) the number of positions of such element that require proficiency in the foreign language or dialect;

(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

(I) the percentage of work requiring linguistic skills that is fulfilled by a foreign country, international organization, or other foreign entity; and

(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;

(11) an identification of any critical gaps in foreign language proficiency with respect to such element and recommendations for eliminating such gaps;

(12) recommendations, if any, for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant; and

(13) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the United States Government in Iraq or Afghanistan to meet the critical language needs of such element.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 338. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) REQUIREMENT FOR REPORT.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the head of each element of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each such element to increase diversity within the intelligence community.

(b) CONTENT.—The report required by subsection (a) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 339. REPORT ON INTELLIGENCE COMMUNITY CONTRACTORS.

(a) REQUIREMENT FOR REPORT.—Not later than February 1, 2011, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report describing the use of personal services contracts across the intelligence community, the impact of the use of such contracts on the intelligence community workforce, plans for conversion of contractor employment into United States Government employment, and the accountability mechanisms that govern the performance of such personal services contracts.

(b) CONTENT.—

(1) IN GENERAL.—The report submitted under subsection (a) shall include—

(A) a description of any relevant regulations or guidance issued by the Director of National Intelligence or the head of an element of the intelligence community and in effect as of February 1, 2011, relating to minimum standards required regarding the hiring, training, security clearance, and assignment of contract personnel and how those standards may differ from those for United States Government employees performing substantially similar functions;

(B) an identification of contracts in effect during the preceding fiscal year under which the contractor is performing substantially similar functions to a United States Government employee;

(C) an assessment of costs incurred or savings achieved during the preceding fiscal year by awarding contracts for the performance of such functions referred to in subparagraph (B) instead of using full-time employees of the elements of the intelligence community to perform such functions;

(D) an assessment of the appropriateness of using contractors to perform the activities described in paragraph (2);

(E) an estimate of the number of contracts, and the number of personnel working under such contracts, related to the performance of activities described in paragraph (2);

(F) a comparison of the compensation of contract employees and United States Government employees performing substantially similar functions during the preceding fiscal year;

(G) an analysis of the attrition of United States Government employees for contractor positions that provide substantially similar functions during the preceding fiscal year;

(H) a description of positions that have been or will be converted from contractor employment to United States Government employment during fiscal years 2011 and 2012;

(I) an analysis of the oversight and accountability mechanisms applicable to personal services contracts awarded for intelligence activities by each element of the intelligence community during fiscal years 2009 and 2010;

(J) an analysis of procedures in use in the intelligence community as of February 1, 2011, for conducting oversight of contractors to ensure identification and prosecution of criminal violations, financial waste, fraud, or other abuses committed by contractors or contract personnel; and

(K) an identification of best practices for oversight and accountability mechanisms applicable to personal services contracts.

(2) ACTIVITIES.—Activities described in this paragraph are the following:

(A) Intelligence collection.

(B) Intelligence analysis.

(C) Covert actions, including rendition, detention, and interrogation activities.

SEC. 340. STUDY ON ELECTRONIC WASTE DESTRUCTION PRACTICES OF THE INTELLIGENCE COMMUNITY.

(a) STUDY.—The Inspector General of the Intelligence Community shall conduct a study on the electronic waste destruction practices of the intelligence community. Such study shall assess—

(1) the security of the electronic waste disposal practices of the intelligence community, including the potential for counterintelligence exploitation of destroyed, discarded, or recycled materials;

(2) the environmental impact of such disposal practices; and

(3) methods to improve the security and environmental impact of such disposal practices, including steps to prevent the forensic exploitation of electronic waste.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 341. REVIEW OF RECORDS RELATING TO POTENTIAL HEALTH RISKS AMONG DESERT STORM VETERANS.

(a) REVIEW.—The Director of the Central Intelligence Agency shall conduct a classification review of the records of the Agency that are relevant to the known or potential health effects suffered by veterans of Operation Desert Storm as described in the November 2008, report by the Department of Veterans Affairs Research Advisory Committee on Gulf War Veterans' Illnesses.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to Congress the results of the classification review conducted under subsection (a), including the total number of records of the Agency that are relevant.

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 342. REVIEW OF FEDERAL BUREAU OF INVESTIGATION EXERCISE OF ENFORCEMENT JURISDICTION IN FOREIGN NATIONS.

Not later than 120 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, in consultation with the Secretary of State, shall submit to Congress a review of constraints under international law and the laws of foreign nations to the assertion of enforcement jurisdiction with respect to criminal investigations of terrorism offenses under the laws of the United States conducted by agents of the Federal Bureau of Investigation in foreign nations and using funds made available for the National Intelligence Program, including constraints identified in section 432 of the Restatement (Third) of the Foreign Relations Law of the United States.

SEC. 343. PUBLIC RELEASE OF INFORMATION ON PROCEDURES USED IN NARCOTICS AIRBRIDGE DENIAL PROGRAM IN PERU.

Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall make publicly available an unclassified version of the report of the Inspector General of the Central Intelligence Agency entitled ''Procedures Used in Narcotics Airbridge Denial Program in Peru, 1995–2001'', dated August 25, 2008.

SEC. 344. REPORT ON THREAT FROM DIRTY BOMBS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Nuclear Regulatory Commission, shall submit to Congress a report summarizing intelligence related to the threat to the United States from weapons that use radiological materials, including highly dispersible substances such as cesium-137.

SEC. 345. REPORT ON CREATION OF SPACE INTELLIGENCE OFFICE.

Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the feasibility and advisability of creating a national space intelligence office to manage space-related intelligence assets and access to such assets.

SEC. 346. REPORT ON ATTEMPT TO DETONATE EXPLOSIVE DEVICE ON NORTHWEST AIRLINES FLIGHT 253.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the attempt to detonate an explosive device aboard Northwest Airlines flight number 253 on December 25, 2009. Such report shall describe the failures, if any, to share or analyze intelligence or other information and the measures that the intelligence community has taken or will take to prevent such failures, including—

(1) a description of the roles and responsibilities of the counterterrorism analytic components of the intelligence community in synchronizing, correlating, and analyzing all sources of intelligence related to terrorism;

(2) an assessment of the technological capabilities of the United States Government to assess terrorist threats, including—

(A) a list of all databases used by counterterrorism analysts;

(B) a description of the steps taken by the intelligence community to integrate all relevant terrorist databases and allow for cross-database searches;

(C) a description of the steps taken by the intelligence community to correlate biographic information with terrorism-related intelligence; and

(D) a description of the improvements to information technology needed to enable the United States Government to better share information;

(3) any recommendations that the Director considers appropriate for legislation to improve the sharing of intelligence or information relating to terrorists;

(4) a description of the steps taken by the intelligence community to train analysts on watchlisting processes and procedures;

(5) a description of the manner in which watchlisting information is entered, reviewed, searched, analyzed, and acted upon by the relevant elements of the United States Government;

(6) a description of the steps the intelligence community is taking to enhance the rigor and raise the standard of tradecraft of intelligence analysis related to uncovering and preventing terrorist plots;

(7) a description of the processes and procedures by which the intelligence community prioritizes terrorism threat leads and the standards used by elements of the intelligence community to determine if follow-up action is appropriate;

(8) a description of the steps taken to enhance record information on possible terrorists in the Terrorist Identities Datamart Environment;

(9) an assessment of how to meet the challenge associated with exploiting the ever-increasing volume of information available to the intelligence community; and

(10) a description of the steps the intelligence community has taken or will take to respond to any findings and recommendations of the congressional intelligence committees, with respect to any such failures, that have been transmitted to the Director of National Intelligence.

SEC. 347. REPEAL OR MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON INTELLIGENCE.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(b) ANNUAL AND SPECIAL REPORTS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(c) ANNUAL REPORT ON PROGRESS IN AUDITABLE FINANCIAL STATEMENTS.—Section 114A of the National Security Act of 1947 (50 U.S.C. 404i–1) is repealed.

(d) REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.—Section 118 of the National Security Act of 1947 (50 U.S.C. 404m) is amended—

(1) in the heading, by striking ''SEMIANNUAL'' and inserting ''ANNUAL'';

(2) in subsection (a)—

(A) in the heading, by striking ''SEMIANNUAL'' and inserting ''ANNUAL'';

(B) in the matter preceding paragraph (1)—

(i) by striking ''semiannual basis'' and inserting ''annual basis''; and

(ii) by striking ''preceding six-month period'' and inserting ''preceding one-year period'';

(C) by striking paragraph (2); and

(D) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''the Committee on Armed Services,'' after ''the Committee on Appropriations,''; and

(B) in paragraph (2), by inserting ''the Committee on Armed Services,'' after ''the Committee on Appropriations,''.

(e) ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking ''(1)''; and

(2) by striking paragraph (2).

(f) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(g) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 21 U.S.C. 873 note) is repealed.

(h) BIENNIAL REPORT ON FOREIGN INDUSTRIAL ESPIONAGE.—Subsection (b) of section 809 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. App. 2170b) is amended—

(1) in the heading, by striking ''ANNUAL UPDATE'' and inserting ''BIENNIAL REPORT'';

(2) by striking paragraphs (1) and (2) and inserting the following new paragraph:

''(1) REQUIREMENT TO SUBMIT.—Not later than February 1, 2011, and once every two years thereafter, the President shall submit to the congressional intelligence committees and congressional leadership a report updating the information referred to in subsection (a)(1)D).''; and

(3) by redesignating paragraph (3) as paragraph (2).

(i) TABLE OF CONTENTS AMENDMENTS.—

(1) NATIONAL SECURITY ACT OF 1947.—The table of contents in the first section of the National Security Act of 1947, as amended by section 332 of this Act, is further amended—

(A) by striking the item relating to section 109;

(B) by striking the item relating to section 114A; and

(C) by striking the item relating to section 118 and inserting the following new item:

''Sec. 118. Annual report on financial intelligence on terrorist assets.''.

(2) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—The table of contents in the first section of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2383) is amended by striking the item relating to section 826.

SEC. 348. INFORMATION ACCESS BY THE COMPTROLLER GENERAL OF THE UNITED STATES.

(a) DNI DIRECTIVE GOVERNING ACCESS.—

(1) REQUIREMENT FOR DIRECTIVE.—The Director of National Intelligence, in consultation with the Comptroller General of the United States, shall issue a written directive governing the access of the Comptroller General to information in the possession of an element of the intelligence community.

(2) AMENDMENT TO DIRECTIVE.—The Director of National Intelligence, in consultation with the Comptroller General, may issue an amendment to the directive issued under paragraph (1) at any time the Director determines such an amendment is appropriate.

(3) RELATIONSHIP TO OTHER LAWS.—The directive issued under paragraph (1) and any amendment to such directive issued under paragraph (2) shall be consistent with the provisions of—

(A) chapter 7 of title 31, United States Code; and

(B) the National Security Act of 1947 (50 U.S.C. 401 et seq.).

(b) CONFIDENTIALITY OF INFORMATION.—

(1) REQUIREMENT FOR CONFIDENTIALITY.—The Comptroller General of the United States shall ensure that the level of confidentiality of information made available to the Comptroller General pursuant to the directive issued under subsection (a)(1) or an amendment to such directive issued under subsection (a)(2) is not less than the level of confidentiality of such information required of the head of the element of the intelligence community from which such information was obtained.

(2) PENALTIES FOR UNAUTHORIZED DISCLOSURE.—An officer or employee of the Government Accountability Office shall be subject to the same statutory penalties for unauthorized disclosure or use of such information as an officer or employee of the element of the intelligence community from which such information was obtained.

(c) SUBMISSION TO CONGRESS.—

(1) SUBMISSION OF DIRECTIVE.—The directive issued under subsection (a)(1) shall be submitted to Congress by the Director of National Intelligence, together with any comments of the Comptroller General of the United States, no later than May 1, 2011.

(2) SUBMISSION OF AMENDMENT.—Any amendment to such directive issued under subsection (a)(2) shall be submitted to Congress by the Director, together with any comments of the Comptroller General.

(d) EFFECTIVE DATE.—The directive issued under subsection (a)(1) and any amendment to such directive issued under subsection (a)(2) shall take effect 60 days after the date such directive or amendment is submitted to Congress under subsection (c), unless the Director determines that for reasons of national security the directive or amendment should take effect sooner.

SEC. 349. CONFORMING AMENDMENTS FOR REPORT SUBMISSION DATES.

Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraphs (A), (B), and (G);

(ii) by redesignating subparagraphs (C), (D), (E), (F), (H), (I), and (N) as subparagraphs (A), (B), (C), (D), (E), (F), and (G), respectively; and

(iii) by adding at the end the following new subparagraphs:

''(H) The annual report on outside employment of employees of elements of the intelligence community required by section 102A(u)(2).

''(I) The annual report on financial intelligence on terrorist assets required by section 118.''; and

(B) in paragraph (2), by striking subparagraphs (C) and (D); and

(2) in subsection (b), by striking paragraph (6).

Subtitle E—Other Matters

SEC. 361. EXTENSION OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraph (A) or (C) of paragraph (2) or in subparagraph (A) or (C) of paragraph (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

''(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence who shall keep a record of such information.

''(C) In this paragraph, the term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 362. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

''(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and''.

SEC. 363. PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION.

(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

(1) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(2) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''10 years''.

(b) MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.—The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting ''including an assessment of the need, if any, for modification of this title for the purpose of improving legal protections for covert agents,'' after ''measures to protect the identities of covert agents,''.

SEC. 364. NATIONAL INTELLIGENCE PROGRAM BUDGET.

Section 601 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 415c) is amended to read as follows:

''SEC. 601. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

''(a) BUDGET REQUEST.—At the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31, United States Code, the President shall disclose to the public the aggregate amount of appropriations requested for that fiscal year for the National Intelligence Program.

''(b) AMOUNTS APPROPRIATED EACH FISCAL YEAR.—Not later than 30 days after the end of each fiscal year, the Director of National Intelligence shall disclose to the public the aggregate amount of funds appropriated by Congress for the National Intelligence Program for such fiscal year.

''(c) WAIVER.—

''(1) IN GENERAL.—The President may waive or postpone the disclosure required by subsection (a) or (b) for a fiscal year by submitting to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives—

''(A) a statement, in unclassified form, that the disclosure required in subsection (a) or (b) for that fiscal year would damage national security; and

''(B) a statement detailing the reasons for the waiver or postponement, which may be submitted in classified form.

''(2) SUBMISSION DATES.—The President shall submit the statements required under paragraph (1)—

''(A) in the case of a waiver or postponement of a disclosure required under subsection (a), at the time of the submission of the budget for the fiscal year for which such disclosure is waived or postponed; and

''(B) in the case of a waiver or postponement of a disclosure required under subsection (b), not later than 30 days after the date of the end of the fiscal year for which such disclosure is waived or postponed.

''(d) DEFINITION.—As used in this section, the term 'National Intelligence Program' has the meaning given the term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).''.

SEC. 365. IMPROVING THE REVIEW AUTHORITY OF THE PUBLIC INTEREST DECLASSIFICATION BOARD.

Paragraph (5) of section 703(b) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) by striking ''jurisdiction,'' and inserting ''jurisdiction or by a member of the committee of jurisdiction,''; and

(2) by inserting '', to evaluate the proper classification of certain records,'' after ''certain records''.

SEC. 366. AUTHORITY TO DESIGNATE UNDERCOVER OPERATIONS TO COLLECT FOREIGN INTELLIGENCE OR COUNTERINTELLIGENCE.

Paragraph (1) of section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (Public Law 102–395; 28 U.S.C. 533 note) is amended in the flush text following subparagraph (D) by striking ''(or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Assistant Attorney General for National Security)'' and inserting ''(or a designee of the Director who is in a position not lower than Deputy Assistant Director in the National Security Branch or a similar successor position) and the Attorney General (or a designee of the Attorney General who is in the National Security Division in a position not lower than Deputy Assistant Attorney General or a similar successor position)''.

SEC. 367. SECURITY CLEARANCES: REPORTS; RECIPROCITY.

(a) REPORTS RELATING TO SECURITY CLEARANCES.—

(1) QUADRENNIAL AUDIT; SECURITY CLEARANCE DETERMINATIONS.—

(A) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 325 of this Act, is further amended by inserting after section 506G, as added by section 325(a), the following new section:

''REPORTS ON SECURITY CLEARANCES

''SEC. 506H. (a) QUADRENNIAL AUDIT OF POSITION REQUIREMENTS.—(1) The President shall every four years conduct an audit of the manner in which the executive branch determines whether a security clearance is required for a particular position in the United States Government.

''(2) Not later than 30 days after the completion of an audit conducted under paragraph (1), the President shall submit to Congress the results of such audit.

''(b) REPORT ON SECURITY CLEARANCE DETERMINATIONS.—(1) Not later than February 1 of each year, the President shall submit to Congress a report on the security clearance process. Such report shall include, for each security clearance level—

''(A) the number of employees of the United States Government who—

''(i) held a security clearance at such level as of October 1 of the preceding year; and

''(ii) were approved for a security clearance at such level during the preceding fiscal year;

''(B) the number of contractors to the United States Government who—

''(i) held a security clearance at such level as of October 1 of the preceding year; and

''(ii) were approved for a security clearance at such level during the preceding fiscal year; and

''(C) for each element of the intelligence community—

''(i) the total amount of time it took to process the security clearance determination for such level that—

''(I) was among the 80 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

''(II) took the longest amount of time to complete;

''(ii) the total amount of time it took to process the security clearance determination for such level that—

''(I) was among the 90 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

''(II) took the longest amount of time to complete;

''(iii) the number of pending security clearance investigations for such level as of October 1 of the preceding year that have remained pending for—

''(I) 4 months or less;

''(II) between 4 months and 8 months;

''(III) between 8 months and one year; and

''(IV) more than one year;

''(iv) the percentage of reviews during the preceding fiscal year that resulted in a denial or revocation of a security clearance;

''(v) the percentage of investigations during the preceding fiscal year that resulted in incomplete information;

''(vi) the percentage of investigations during the preceding fiscal year that did not result in enough information to make a decision on potentially adverse information; and

''(vii) for security clearance determinations completed or pending during the preceding fiscal year that have taken longer than one year to complete—

''(I) the number of security clearance determinations for positions as employees of the United States Government that required more than one year to complete;

''(II) the number of security clearance determinations for contractors that required more than one year to complete;

''(III) the agencies that investigated and adjudicated such determinations; and

''(IV) the cause of significant delays in such determinations.

''(2) For purposes of paragraph (1), the President may consider—

''(A) security clearances at the level of confidential and secret as one security clearance level; and

''(B) security clearances at the level of top secret or higher as one security clearance level.

''(c) FORM.—The results required under subsection (a)(2) and the reports required under subsection (b)(1) shall be submitted in unclassified form, but may include a classified annex.''.

(B) INITIAL AUDIT.—The first audit required to be conducted under section 506H(a)(1) of the National Security Act of 1947, as added by subparagraph (A) of this paragraph, shall be completed not later than February 1, 2011.

(C) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 347(i) of this Act, is further amended by inserting after the item relating to section 506G, as added by section 325 of this Act, the following new item:

''Sec. 506H. Reports on security clearances.''.

(2) REPORT ON METRICS FOR ADJUDICATION QUALITY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on security clearance investigations and adjudications. Such report shall include—

(A) United States Government-wide adjudication guidelines and metrics for adjudication quality;

(B) a plan to improve the professional development of security clearance adjudicators;

(C) metrics to evaluate the effectiveness of interagency clearance reciprocity;

(D) United States Government-wide investigation standards and metrics for investigation quality; and

(E) the advisability, feasibility, counterintelligence risk, and cost effectiveness of—

(i) by not later than January 1, 2012, requiring the investigation and adjudication of security clearances to be conducted by not more than two Federal agencies; and

(ii) by not later than January 1, 2015, requiring the investigation and adjudication of security clearances to be conducted by not more than one Federal agency.

(b) SECURITY CLEARANCE RECIPROCITY.—

(1) AUDIT.—The Inspector General of the Intelligence Community shall conduct an audit of the reciprocity of security clearances among the elements of the intelligence community.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the audit

conducted under paragraph (1). Such report shall include an assessment of the time required to obtain a reciprocal security clearance for—

(A) an employee of an element of the intelligence community detailed to another element of the intelligence community;

(B) an employee of an element of the intelligence community seeking permanent employment with another element of the intelligence community; and

(C) a contractor seeking permanent employment with an element of the intelligence community.

(3) FORM.—The report required under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 368. CORRECTING LONG-STANDING MATERIAL WEAKNESSES.

(a) DEFINITIONS.—In this section:

(1) COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''covered element of the intelligence community'' means—

(A) the Central Intelligence Agency;

(B) the Defense Intelligence Agency;

(C) the National Geospatial-Intelligence Agency;

(D) the National Reconnaissance Office; or

(E) the National Security Agency.

(2) INDEPENDENT AUDITOR.—The term ''independent auditor'' means an individual who—

(A)(i) is a Federal, State, or local government auditor who meets the independence standards included in generally accepted government auditing standards; or

(ii) is a public accountant who meets such independence standards; and

(B) is designated as an auditor by the Director of National Intelligence or the head of a covered element of the intelligence community, as appropriate.

(3) INDEPENDENT REVIEW.—The term ''independent review'' means an audit, attestation, or examination conducted by an independent auditor in accordance with generally accepted government auditing standards.

(4) LONG-STANDING, CORRECTABLE MATERIAL WEAKNESS.—The term ''long-standing, correctable material weakness'' means a material weakness—

(A) that was first reported in the annual financial report of a covered element of the intelligence community for a fiscal year prior to fiscal year 2007; and

(B) the correction of which is not substantially dependent on a business system that was not implemented prior to the end of fiscal year 2010.

(5) MATERIAL WEAKNESS.—The term ''material weakness'' has the meaning given that term under the Office of Management and Budget Circular A–123, entitled ''Management's Responsibility for Internal Control,'' revised December 21, 2004.

(6) SENIOR INTELLIGENCE MANAGEMENT OFFICIAL.—The term ''senior intelligence management official'' means an official within a covered element of the intelligence community who is—

(A)(i) compensated under the Senior Intelligence Service pay scale; or

(ii) the head of a covered element of the intelligence community; and

(B) compensated for employment with funds appropriated pursuant to an authorization of appropriations in this Act.

(b) IDENTIFICATION OF SENIOR INTELLIGENCE MANAGEMENT OFFICIALS.—

(1) REQUIREMENT TO IDENTIFY.—Not later than 30 days after the date of the enactment of this Act, the head of a covered element of the intelligence community shall designate a senior intelligence management official of such element to be responsible for correcting each long-standing, correctable material weakness of such element.

(2) HEAD OF A COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The head of a covered element of the intelligence community may designate himself or herself as the senior intelligence management official responsible for correcting a long-standing, correctable material weakness under paragraph (1).

(3) REQUIREMENT TO UPDATE DESIGNATION.—If the head of a covered element of the intelligence community determines that a senior intelligence management official designated under paragraph (1) is no longer responsible for correcting a long-standing, correctable material weakness, the head of such element shall designate the successor to such official not later than 10 days after the date of such determination.

(c) NOTIFICATION.—Not later than 10 days after the date on which the head of a covered element of the intelligence community has designated a senior intelligence management official pursuant to paragraph (1) or (3) of subsection (b), the head of such element shall provide written notification of such designation to the Director of National Intelligence and to such senior intelligence management official.

(d) CORRECTION OF LONG-STANDING, MATERIAL WEAKNESS.—

(1) DETERMINATION OF CORRECTION OF DEFICIENCY.—If a long-standing, correctable material weakness is corrected, the senior intelligence management official who is responsible for correcting such long-standing, correctable material weakness shall make and issue a determination of the correction.

(2) BASIS FOR DETERMINATION.—The determination of the senior intelligence management official under paragraph (1) shall be based on the findings of an independent review.

(3) NOTIFICATION AND SUBMISSION OF FINDINGS.—A senior intelligence management official who makes a determination under paragraph (1) shall—

(A) notify the head of the appropriate covered element of the intelligence community of such determination at the time the determination is made; and

(B) ensure that the independent auditor whose findings are the basis of a determination under paragraph (1) submits to the head of the covered element of the intelligence community and the Director of National Intelligence the findings that such determination is based on not later than 5 days after the date on which such determination is made.

(e) CONGRESSIONAL OVERSIGHT.—The head of a covered element of the intelligence community shall notify the congressional intelligence committees not later than 30 days after the date—

(1) on which a senior intelligence management official is designated under paragraph (1) or (3) of subsection (b) and notified under subsection (c); or

(2) of the correction of a long-standing, correctable material weakness, as verified by an independent auditor under subsection (d)(2).

SEC. 369. INTELLIGENCE COMMUNITY FINANCIAL IMPROVEMENT AND AUDIT READINESS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) conduct a review of the status of the auditability compliance of each element of the intelligence community; and

(2) develop a plan and schedule to achieve a full, unqualified audit of each element of the intelligence community not later than September 30, 2013.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (f) of section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following new paragraph:

''(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct an accountability review of an element of the intelligence community or the personnel of such element in relation to a failure or deficiency within the intelligence community.

''(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting an accountability review under subparagraph (A).

''(C)(i) The Director of National Intelligence shall provide the findings of an accountability review conducted under subparagraph (A) and the Director's recommendations for corrective or punitive action, if any, to the head of the applicable element of the intelligence community. Such recommendations may include a recommendation for dismissal of personnel.

''(ii) If the head of such element does not implement a recommendation made by the Director under clause (i), the head of such element shall submit to the congressional intelligence committees a notice of the determination not to implement the recommendation, including the reasons for the determination.

''(D) The requirements of this paragraph shall not be construed to limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.''.

SEC. 402. AUTHORITIES FOR INTELLIGENCE INFORMATION SHARING.

(a) AUTHORITIES FOR INTERAGENCY FUNDING.—Section 102A(d)(2) of the National Security Act of 1947 (50 U.S.C. 403–1(d)(2)) is amended by striking ''Program to another such program.'' and inserting ''Program—

''(A) to another such program;

''(B) to other departments or agencies of the United States Government for the development and fielding of systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; or

''(C) to a program funded by appropriations not within the National Intelligence Program to address critical gaps in intelligence information sharing or access capabilities.''.

(b) AUTHORITIES OF HEADS OF OTHER DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, the head of any department or agency of the United States is authorized to receive and utilize funds made available to the department or agency by the Director of National Intelligence pursuant to section 102A(d)(2) of the National Security Act of 1947 (50 U.S.C. 403–1(d)(2)), as amended by subsection (a), and receive and utilize any system referred to in such section that is made available to such department or agency.

SEC. 403. LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (e) of section 103 of the National Security Act of 1947 (50 U.S.C. 403–3) is amended to read as follows:

''(e) LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—The headquarters of the Office of the Director of National Intelligence may be located in the Washington metropolitan region, as that term is defined in section 8301 of title 40, United States Code.''.

SEC. 404. TITLE AND APPOINTMENT OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended—

(1) in subsection (a)—

(A) by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(B) by striking ''President,'' and all that follows and inserting ''President.'';

(2) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(3) in subsection (b) (as so redesignated), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(4) in subsection (c) (as so redesignated), by inserting ''of the Intelligence Community'' before ''may not''.

SEC. 405. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 347 of this Act, is further amended by inserting after section 103G the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

''(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is—

''(1) to create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independent investigations, inspections, audits, and reviews on programs and activities within the responsibility and authority of the Director of National Intelligence;

''(2) to provide leadership and coordination and recommend policies for activities designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and activities; and

''(B) to prevent and detect fraud and abuse in such programs and activities;

''(3) to provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to the administration of programs and activities within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, to ensure that the congressional intelligence committees are kept similarly informed of—

''(A) significant problems and deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) on the basis of integrity, compliance with security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or investigations.

''(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

''(4) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the congressional intelligence committees the reasons for the removal not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.

''(d) ASSISTANT INSPECTORS GENERAL.—Subject to the policies of the Director of National Intelligence, the Inspector General of the Intelligence Community shall—

''(1) appoint an Assistant Inspector General for Audit who shall have the responsibility for supervising the performance of auditing activities relating to programs and activities within the responsibility and authority of the Director;

''(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and activities; and

''(3) appoint other Assistant Inspectors General that, in the judgment of the Inspector General, are necessary to carry out the duties of the Inspector General.

''(e) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General of the Intelligence Community—

''(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, audits, and reviews relating to programs and activities within the responsibility and authority of the Director of National Intelligence;

''(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, fraud, and other serious problems, abuses, and deficiencies relating to the programs and activities within the responsibility and authority of the Director, to recommend corrective action concerning such problems, and to report on the progress made in implementing such corrective action;

''(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

''(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing.

''(f) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, audit, or review if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

''(2) Not later than seven days after the date on which the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority.

''(3) The Director shall advise the Inspector General at the time a statement under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement.

''(4) The Inspector General may submit to the congressional intelligence committees any comments on the statement of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

''(g) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall, subject to the limitations in subsection (f), make such investigations and reports relating to the administration of the programs and activities within the authorities and responsibilities of the Director as are, in the judgment of the Inspector General, necessary or desirable.

''(B) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community needed for the performance of the duties of the Inspector General.

''(C) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials that relate to the programs and activities with respect to which the Inspector General has responsibilities under this section.

''(D) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (C).

''(E) The Director, or on the recommendation of the Director, another appropriate official of the intelligence community, shall take appropriate administrative actions against an employee, or an employee of a contractor, of an element of the intelligence community that fails to cooperate with the Inspector General. Such administrative action may include loss of employment or the termination of an existing contractual relationship.

''(3) The Inspector General is authorized to receive and investigate, pursuant to subsection (h), complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the intelligence community—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or disclosing such information to the Inspector General may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall have the authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information, as well as any tangible thing) and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for, or on behalf of, any component of the Office of the Director of National Intelligence or any element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of

any appropriate district court of the United States.

''(6) The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code.

''(7) The Inspector General may, to the extent and in such amounts as may be provided in appropriations, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

''(h) COORDINATION AMONG INSPECTORS GENERAL.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, audit, or review by both the Inspector General of the Intelligence Community and an inspector general with oversight responsibility for an element of the intelligence community, the Inspector General of the Intelligence Community and such other inspector general shall expeditiously resolve the question of which inspector general shall conduct such investigation, inspection, audit, or review to avoid unnecessary duplication of the activities of the inspectors general.

''(B) In attempting to resolve a question under subparagraph (A), the inspectors general concerned may request the assistance of the Intelligence Community Inspectors General Forum established under paragraph (2). In the event of a dispute between an inspector general within a department or agency of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of such Forum, the inspectors general shall submit the question to the Director of National Intelligence and the head of the affected department or agency for resolution.

''(2)(A) There is established the Intelligence Community Inspectors General Forum, which shall consist of all statutory or administrative inspectors general with oversight responsibility for an element of the intelligence community.

''(B) The Inspector General of the Intelligence Community shall serve as the Chair of the Forum established under subparagraph (A). The Forum shall have no administrative authority over any inspector general, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of contract personnel, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

''(3) The inspector general conducting an investigation, inspection, audit, or review covered by paragraph (1) shall submit the results of such investigation, inspection, audit, or review to any other inspector general, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, audit, or review who did not conduct such investigation, inspection, audit, or review.

''(i) COUNSEL TO THE INSPECTOR GENERAL.—(1) The Inspector General of the Intelligence Community shall—

''(A) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

''(B) obtain the services of a counsel appointed by and directly reporting to another inspector general or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

''(2) The counsel appointed or obtained under paragraph (1) shall perform such functions as the Inspector General may prescribe.

''(j) STAFF AND OTHER SUPPORT.—(1) The Director of National Intelligence shall provide the Inspector General of the Intelligence Community with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions, powers, and duties of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3) Consistent with budgetary and personnel resources allocated by the Director of National Intelligence, the Inspector General has final approval of—

''(A) the selection of internal and external candidates for employment with the Office of the Inspector General; and

''(B) all other personnel decisions concerning personnel permanently assigned to the Office of the Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of a component of the Office of the Director of National Intelligence.

''(4)(A) Subject to the concurrence of the Director of National Intelligence, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

''(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, such information or assistance.

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community and in coordination with that element's inspector general pursuant to subsection (h), conduct, as authorized by this section, an investigation, inspection, audit, or review of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(k) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

''(B) Each report under this paragraph shall include, at a minimum, the following:

''(i) A list of the title or subject of each investigation, inspection, audit, or review conducted during the period covered by such report.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration of programs and activities of the intelligence community within the responsibility and authority of the Director of National Intelligence, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

''(iii) A description of the recommendations for corrective action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

''(iv) A statement of whether or not corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

''(v) A certification of whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

''(vi) A description of the exercise of the subpoena authority under subsection (g)(5) by the Inspector General during the period covered by such report.

''(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and activities within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such programs and activities.

''(C) Not later than 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence.

''(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within 7 calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

''(3)(A) In the event that—

''(i) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

''(ii) an investigation, inspection, audit, or review carried out by the Inspector General focuses on any current or former intelligence community official who—

''(I) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(II) holds or held a position in an element of the intelligence community, including a position

held on an acting basis, that is appointed by the Director of National Intelligence; or

''(III) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(iii) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in clause (ii);

''(iv) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in clause (ii); or

''(v) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, audit, or review, the Inspector General shall immediately notify, and submit a report to, the congressional intelligence committees on such matter.

''(B) The Inspector General shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves an investigation, inspection, audit, or review carried out by the Inspector General focused on any current or former official of a component of such department simultaneously with submission of the report to the congressional intelligence committees.

''(4) The Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, audit, or review conducted by the office which has been requested by the Chairman or Vice Chairman or ranking minority member of either committee.

''(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-calendar-day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the congressional intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under this subparagraph does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity within the responsibility and authority of the Director of National Intelligence involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (g)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

''(H) Nothing in this section shall be construed to limit the protections afforded to an employee under section 17(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)) or section 8H of the Inspector General Act of 1978 (5 U.S.C. App.).

''(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall expeditiously report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(l) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (h), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or affect the duties and responsibilities of any other inspector general having duties and responsibilities relating to such element.

''(m) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of the Inspector General of the Intelligence Community.

''(n) BUDGET.—(1) For each fiscal year, the Inspector General of the Intelligence Community shall transmit a budget estimate and request to the Director of National Intelligence that specifies for such fiscal year—

''(A) the aggregate amount requested for the operations of the Inspector General;

''(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office of the Inspector General; and

''(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

''(2) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

''(A) the aggregate amount requested for the Inspector General of the Intelligence Community;

''(B) the amount requested for Inspector General training;

''(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

''(D) the comments of the Inspector General, if any, with respect to such proposed budget.

''(3) The Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives for each fiscal year—

''(A) a separate statement of the budget estimate transmitted pursuant to paragraph (1);

''(B) the amount requested by the Director for the Inspector General pursuant to paragraph (2)(A);

''(C) the amount requested by the Director for the training of personnel of the Office of the Inspector General pursuant to paragraph (2)(B);

''(D) the amount requested by the Director for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (2)(C); and

''(E) the comments of the Inspector General under paragraph (2)(D), if any, on the amounts requested pursuant to paragraph (2), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office of the Inspector General.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 347 of this Act, is further amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Inspector General of the Intelligence Community.''.

(b) PAY OF INSPECTOR GENERAL.—Subparagraph (A) of section 4(a)(3) of the Inspector General Reform Act of 2008 (Public Law 110–409; 5 U.S.C. App. note) is amended by inserting ''the Inspector General of the Intelligence Community,'' after ''basic pay of''.

(c) CONSTRUCTION.—Nothing in the amendment made by subsection (a)(1) shall be construed to alter the duties and responsibilities of the General Counsel of the Office of the Director of National Intelligence.

(d) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) shall be repealed on the date that the President appoints, with the advice and consent of the Senate, the first individual to serve as Inspector General for the Intelligence Community pursuant to section 103H of the National Security Act of 1947, as added by subsection (a), and such individual assumes the duties of the Inspector General.

SEC. 406. CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 405 of this Act, is further amended by inserting after section 103H, as added by section 405(a)(1), the following new section:

''CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY

''SEC. 103I. (a) CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.—To assist the Director of National Intelligence in carrying out the responsibilities of the Director under this Act and other applicable provisions of law, there is within the Office of the Director of National Intelligence a Chief Financial Officer of

the Intelligence Community who shall be appointed by the Director.

''(b) DUTIES AND RESPONSIBILITIES.—Subject to the direction of the Director of National Intelligence, the Chief Financial Officer of the Intelligence Community shall—

''(1) serve as the principal advisor to the Director of National Intelligence and the Principal Deputy Director of National Intelligence on the management and allocation of intelligence community budgetary resources;

''(2) participate in overseeing a comprehensive and integrated strategic process for resource management within the intelligence community;

''(3) ensure that the strategic plan of the Director of National Intelligence—

''(A) is based on budgetary constraints as specified in the Future Year Intelligence Plans and Long-term Budget Projections required under section 506G; and

''(B) contains specific goals and objectives to support a performance-based budget;

''(4) prior to the obligation or expenditure of funds for the acquisition of any major system pursuant to a Milestone A or Milestone B decision, receive verification from appropriate authorities that the national requirements for meeting the strategic plan of the Director have been established, and that such requirements are prioritized based on budgetary constraints as specified in the Future Year Intelligence Plans and the Long-term Budget Projections for such major system required under section 506G;

''(5) ensure that the collection architectures of the Director are based on budgetary constraints as specified in the Future Year Intelligence Plans and the Long-term Budget Projections required under section 506G;

''(6) coordinate or approve representations made to Congress by the intelligence community regarding National Intelligence Program budgetary resources;

''(7) participate in key mission requirements, acquisitions, or architectural boards formed within or by the Office of the Director of National Intelligence; and

''(8) perform such other duties as may be prescribed by the Director of National Intelligence.

''(c) OTHER LAW.—The Chief Financial Officer of the Intelligence Community shall serve as the Chief Financial Officer of the intelligence community and, to the extent applicable, shall have the duties, responsibilities, and authorities specified in chapter 9 of title 31, United States Code.

''(d) PROHIBITION ON SIMULTANEOUS SERVICE AS OTHER CHIEF FINANCIAL OFFICER.—An individual serving in the position of Chief Financial Officer of the Intelligence Community may not, while so serving, serve as the chief financial officer of any other department or agency, or component thereof, of the United States Government.

''(e) DEFINITIONS.—In this section:

''(1) The term 'major system' has the meaning given that term in section 506A(e).

''(2) The term 'Milestone A' has the meaning given that term in section 506G(f).

''(3) The term 'Milestone B' has the meaning given that term in section 506C(e).''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 405(a), is further amended by inserting after the item relating to section 103H, as added by section 405(a)(2), the following new item:

''Sec. 103I. Chief Financial Officer of the Intelligence Community.''.

SEC. 407. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking ''Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the'' and inserting ''(1) The''; and

(2) by adding at the end the following new paragraphs:

''(2) The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

''(3) The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.''.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (14); and

(2) by inserting after paragraph (8) the following new paragraphs:

''(9) The Chief Information Officer of the Intelligence Community.

''(10) The Inspector General of the Intelligence Community.

''(11) The Director of the National Counterterrorism Center.

''(12) The Director of the National Counter Proliferation Center.

''(13) The Chief Financial Officer of the Intelligence Community.''.

SEC. 408. PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

''SEC. 706. (a) INAPPLICABILITY OF FOIA TO EXEMPTED OPERATIONAL FILES PROVIDED TO ODNI.—(1) Subject to paragraph (2), the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record shall not apply to a record provided to the Office of the Director of National Intelligence by an element of the intelligence community from the exempted operational files of such element.

''(2) Paragraph (1) shall not apply with respect to a record of the Office that—

''(A) contains information derived or disseminated from an exempted operational file, unless such record is created by the Office for the sole purpose of organizing such exempted operational file for use by the Office;

''(B) is disseminated by the Office to a person other than an officer, employee, or contractor of the Office; or

''(C) is no longer designated as an exempted operational file in accordance with this title.

''(b) EFFECT OF PROVIDING FILES TO ODNI.—Notwithstanding any other provision of this title, an exempted operational file that is provided to the Office by an element of the intelligence community shall not be subject to the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record solely because such element provides such exempted operational file to the Office.

''(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a) or (b), an exempted operational file shall continue to be subject to search and review for information concerning any of the following:

''(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

''(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

''(3) The specific subject matter of an investigation for any impropriety or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity by any of the following:

''(A) The Select Committee on Intelligence of the Senate.

''(B) The Permanent Select Committee on Intelligence of the House of Representatives.

''(C) The Intelligence Oversight Board.

''(D) The Department of Justice.

''(E) The Office of the Director of National Intelligence.

''(F) The Office of the Inspector General of the Intelligence Community.

''(d) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of National Intelligence shall review the exemptions in force under subsection (a) to determine whether such exemptions may be removed from any category of exempted files or any portion thereof.

''(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

''(3) A complainant that alleges that the Director of National Intelligence has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

''(A) Whether the Director has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010 or before the expiration of the 10-year period beginning on the date of the most recent review.

''(B) Whether the Director of National Intelligence, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

''(e) SUPERSEDURE OF OTHER LAWS.—The provisions of this section may not be superseded except by a provision of law that is enacted after the date of the enactment of this section and that specifically cites and repeals or modifies such provisions.

''(f) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the Office has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

''(2) Judicial review shall not be available in the manner provided for under paragraph (1) as follows:

''(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by the Office, such information shall be examined ex parte, in camera by the court.

''(B) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions of the parties.

''(C)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Office may meet the burden of the Office under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted files likely to contain responsive records are records provided to the Office by an element of the intelligence community from the exempted operational files of such element.

''(ii) The court may not order the Office to review the content of any exempted file in order to make the demonstration required under clause (i), unless the complainant disputes the Office's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

''(D) In proceedings under subparagraph (C), a party may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36 of the Federal Rules of Civil Procedure.

''(E) If the court finds under this subsection that the Office has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Office to search and review each appropriate exempted file for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and such order shall be the exclusive remedy for failure to comply with this section.

''(F) If at any time following the filing of a complaint pursuant to this paragraph the Office agrees to search each appropriate exempted file for the requested records, the court shall dismiss the claim based upon such complaint.

''(g) DEFINITIONS.—In this section:

''(1) The term 'exempted operational file' means a file of an element of the intelligence community that, in accordance with this title, is exempted from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of such file.

''(2) Except as otherwise specifically provided, the term 'Office' means the Office of the Director of National Intelligence.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 406(b) of this Act, is further amended by inserting after the item relating to section 705 the following new item:

''Sec. 706. Protection of certain files of the Office of the Director of National Intelligence.''.

SEC. 409. COUNTERINTELLIGENCE INITIATIVES FOR THE INTELLIGENCE COMMUNITY.

Section 1102 of the National Security Act of 1947 (50 U.S.C. 442a) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2); and

(B) by striking ''(1) In'' and inserting ''In''; and

(2) in subsection (c)—

(A) by striking paragraph (2); and

(B) by striking ''(1) The'' and inserting ''The''.

SEC. 410. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or'';

(2) in paragraph (2), by striking the period and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) the Office of the Director of National Intelligence, if the Director of National Intelligence determines that for reasons of national security such advisory committee cannot comply with the requirements of this Act.''.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—The Director of National Intelligence and the Director of the Central Intelligence Agency shall each submit to the congressional intelligence committees an annual report on advisory committees created by each such Director. Each report shall include—

(A) a description of each such advisory committee, including the subject matter of the committee; and

(B) a list of members of each such advisory committee.

(2) REPORT ON REASONS FOR ODNI EXCLUSION OF ADVISORY COMMITTEE FROM FACA.—Each report submitted by the Director of National Intelligence in accordance with paragraph (1) shall include the reasons for a determination by the Director under section 4(b)(3) of the Federal Advisory Committee Act (5 U.S.C. App.), as added by subsection (a) of this section, that an advisory committee cannot comply with the requirements of such Act.

SEC. 411. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence, or the Director's designee.''.

SEC. 412. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j);

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2), by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—Such section 904 is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking ''subsection (f)'' each place it appears in paragraphs (1) and (2) and inserting ''subsection (e)''; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 413. MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL.

(a) PROHIBITION.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

''MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL

''SEC. 1103. (a) PROHIBITED ACTS.—No person may, except with the written permission of the Director of National Intelligence, or a designee of the Director, knowingly use the words 'Office of the Director of National Intelligence', the initials 'ODNI', the seal of the Office of the Director of National Intelligence, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence.

''(b) INJUNCTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 408 of this Act, is further amended by inserting after the item relating to section 1102 the following new item:

''Sec. 1103. Misuse of the Office of the Director of National Intelligence name, initials, or seal.''.

SEC. 414. PLAN TO IMPLEMENT RECOMMENDATIONS OF THE DATA CENTER ENERGY EFFICIENCY REPORTS.

(a) PLAN.—The Director of National Intelligence shall develop a plan to implement the recommendations of the report submitted to Congress under section 1 of the Act entitled ''An Act to study and promote the use of energy efficient computer servers in the United States'' (Public Law 109–431; 120 Stat. 2920) across the intelligence community.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the plan developed under subsection (a).

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 415. DIRECTOR OF NATIONAL INTELLIGENCE SUPPORT FOR REVIEWS OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND EXPORT ADMINISTRATION REGULATIONS.

The Director of National Intelligence may provide support for any review conducted by a department or agency of the United States Government of the International Traffic in Arms Regulations or Export Administration Regulations, including a review of technologies and goods on the United States Munitions List and Commerce Control List that may warrant controls that are different or additional to the controls such technologies and goods are subject to at the time of such review.

Subtitle B—Central Intelligence Agency

SEC. 421. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by striking ''and the protection'' and inserting ''the protection''; and

(2) by inserting before the semicolon the following: '', and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate''.

SEC. 422. APPEALS FROM DECISIONS INVOLVING CONTRACTS OF THE CENTRAL INTELLIGENCE AGENCY.

Section 8(d) of the Contract Disputes Act of 1978 (41 U.S.C. 607(d)) is amended by adding at the end ''Notwithstanding any other provision of this section and any other provision of law, an appeal from a decision of a contracting officer of the Central Intelligence Agency relative to a contract made by that Agency may be filed with whichever of the Armed Services Board of Contract Appeals or the Civilian Board of Contract Appeals is specified by such contracting officer as the Board to which such an appeal may be made and such Board shall have jurisdiction to decide that appeal.''.

SEC. 423. DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT AND DUTIES OF DEPUTY DIRECTOR OF THE CIA.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 406 of this Act, is further amended by inserting after section 104A the following new section:

''DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 104B. (a) DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President.

''(b) DUTIES.—The Deputy Director of the Central Intelligence Agency shall—

''(1) assist the Director of the Central Intelligence Agency in carrying out the duties and

responsibilities of the Director of the Central Intelligence Agency; and

''(2) during the absence or disability of the Director of the Central Intelligence Agency, or during a vacancy in the position of Director of the Central Intelligence Agency, act for and exercise the powers of the Director of the Central Intelligence Agency.''.

(b) CONFORMING AMENDMENTS.—

(1) EXECUTIVE SCHEDULE III.—Section 5314 of title 5, United States Code, is amended by striking ''Deputy Directors of Central Intelligence (2)'' and inserting ''Deputy Director of the Central Intelligence Agency''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 414 of this Act, is further amended by inserting after the item relating to section 104A the following new item:

''Sec. 104B. Deputy Director of the Central Intelligence Agency.''.

(c) APPLICABILITY.—The amendments made by this section shall apply on the earlier of—

(1) the date of the appointment by the President of an individual to serve as Deputy Director of the Central Intelligence Agency pursuant to section 104B of the National Security Act of 1947, as added by subsection (a), except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties until the individual appointed to the position of Deputy Director of the Central Intelligence Agency assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of the Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 424. AUTHORITY TO AUTHORIZE TRAVEL ON A COMMON CARRIER.

Subsection (b) of section 116 of the National Security Act of 1947 (50 U.S.C. 404k) is amended by striking the period at the end and inserting '', who may delegate such authority to other appropriate officials of the Central Intelligence Agency.''.

SEC. 425. INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

(a) APPOINTMENT AND QUALIFICATIONS OF THE INSPECTOR GENERAL.—Paragraph (1) of section 17(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(b)) is amended by striking the second and third sentences and inserting ''This appointment shall be made without regard to political affiliation and shall be on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation. Such appointment shall also be made on the basis of compliance with the security standards of the Agency and prior experience in the field of foreign intelligence.''.

(b) REMOVAL OF THE INSPECTOR GENERAL.—Paragraph (6) of section 17(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(b)) is amended—

(1) by striking ''immediately''; and

(2) by striking the period at the end and inserting ''not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

(c) APPLICATION OF SEMIANNUAL REPORTING REQUIREMENTS WITH RESPECT TO REVIEW REPORTS.—Paragraph (1) of section 17(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)) is amended in the matter preceding subparagraph (A) by inserting ''review,'' after ''investigation,''.

(d) PROTECTION AGAINST REPRISALS.—Subparagraph (B) of section 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(3)) is amended by inserting ''or providing such information'' after ''making such complaint''.

(e) INSPECTOR GENERAL SUBPOENA POWER.—Subparagraph (A) of section 17(e)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(5)) is amended by inserting ''in any medium (including electronically stored information or any tangible thing)'' after ''other data''.

(f) OTHER ADMINISTRATIVE AUTHORITIES.—

(1) IN GENERAL.—Subsection (e) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q), as amended by subsections (d) and (e) of this section, is further amended—

(A) by redesignating paragraph (8) as subparagraph (9);

(B) in paragraph (9), as so redesignated—

(i) by striking ''Subject to the concurrence of the Director, the'' and inserting ''The''; and

(ii) by adding at the end the following: ''Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—

''(A) the selection of internal and external candidates for employment with the Office of Inspector General; and

''(B) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of other Central Intelligence Agency offices.''; and

(C) by inserting after paragraph (7) the following new paragraph:

''(8)(A) The Inspector General shall—

''(i) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

''(ii) obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

''(B) The counsel appointed or obtained under subparagraph (A) shall perform such functions as the Inspector General may prescribe.''.

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1)(C) shall be construed to alter the duties and responsibilities of the General Counsel of the Central Intelligence Agency.

SEC. 426. BUDGET OF THE INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

Subsection (f) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by inserting ''(1)'' before ''Beginning''; and

(2) by adding at the end the following new paragraph:

''(2) For each fiscal year, the Inspector General shall transmit a budget estimate and request through the Director to the Director of National Intelligence that specifies for such fiscal year—

''(A) the aggregate amount requested for the operations of the Inspector General;

''(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office; and

''(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

''(3) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

''(A) the aggregate amount requested for the Inspector General of the Central Intelligence Agency;

''(B) the amount requested for Inspector General training;

''(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

''(D) the comments of the Inspector General, if any, with respect to such proposed budget.

''(4) The Director of National Intelligence shall submit to the Committee on Appropriations and the Select Committee on Intelligence of the Senate and the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives for each fiscal year—

''(A) a separate statement of the budget estimate transmitted pursuant to paragraph (2);

''(B) the amount requested by the Director of National Intelligence for the Inspector General pursuant to paragraph (3)(A);

''(C) the amount requested by the Director of National Intelligence for training of personnel of the Office of the Inspector General pursuant to paragraph (3)(B);

''(D) the amount requested by the Director of National Intelligence for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (3)(C); and

''(E) the comments of the Inspector General under paragraph (3)(D), if any, on the amounts requested pursuant to paragraph (3), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office.''.

SEC. 427. PUBLIC AVAILABILITY OF UNCLASSIFIED VERSIONS OF CERTAIN INTELLIGENCE PRODUCTS.

The Director of the Central Intelligence Agency shall make publicly available an unclassified version of any memoranda or finished intelligence products assessing the—

(1) information gained from high-value detainee reporting; and

(2) dated April 3, 2003, July 15, 2004, March 2, 2005, and June 1, 2005.

Subtitle C—Defense Intelligence Components

SEC. 431. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting ''the Defense Intelligence Agency,'' after ''the Corporation for Public Broadcasting,'';

(2) by inserting ''the National Geospatial-Intelligence Agency,'' after ''the National Endowment for the Humanities,''; and

(3) by inserting ''the National Reconnaissance Office, the National Security Agency,'' after ''the National Labor Relations Board,''.

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following new paragraph:

''(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.''.

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of such Act (5 U.S.C. App.) is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking ''The head'' and inserting ''Except as provided in paragraph (2), the head''; and

(3) by adding at the end the following new paragraph:

''(2)(A) The Secretary of Defense, in consultation with the Director of National Intelligence, may prohibit the inspector general of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Secretary determines that the prohibition is necessary to protect vital national security interests of the United States.

''(B) If the Secretary exercises the authority under subparagraph (A), the Secretary shall

submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of such authority not later than 7 days after the exercise of such authority.

''(C) At the same time the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Secretary shall notify the inspector general of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide such inspector general with a copy of such statement. Such inspector general may submit to such committees of Congress any comments on a notice or statement received by the inspector general under this subparagraph that the inspector general considers appropriate.

''(D) The elements of the intelligence community specified in this subparagraph are as follows:

''(i) The Defense Intelligence Agency.

''(ii) The National Geospatial-Intelligence Agency.

''(iii) The National Reconnaissance Office.

''(iv) The National Security Agency.

''(E) The committees of Congress specified in this subparagraph are—

''(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

''(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.''.

SEC. 432. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, and presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information, into the National System for Geospatial Intelligence.

''(B) The authority provided by this paragraph does not include authority for the National Geospatial-Intelligence Agency to manage tasking of handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.''; and

(3) in paragraph (3), as so redesignated, by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)''.

SEC. 433. DIRECTOR OF COMPLIANCE OF THE NATIONAL SECURITY AGENCY.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

''SEC. 2. There is a Director of Compliance of the National Security Agency, who shall be appointed by the Director of the National Security Agency and who shall be responsible for the programs of compliance over mission activities of the National Security Agency.''.

Subtitle D—Other Elements

SEC. 441. CODIFICATION OF ADDITIONAL ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(B) by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''; and

(2) in subparagraph (K), by striking '', including the Office of Intelligence of the Coast Guard''.

SEC. 442. AUTHORIZATION OF APPROPRIATIONS FOR COAST GUARD NATIONAL TACTICAL INTEGRATION OFFICE.

Title 14, United States Code, is amended—

(1) in paragraph (4) of section 93(a), by striking ''function'' and inserting ''function, including research, development, test, or evaluation related to intelligence systems and capabilities,''; and

(2) in paragraph (4) of section 662, by inserting ''intelligence systems and capabilities or'' after ''related to''.

SEC. 443. RETENTION AND RELOCATION BONUSES FOR THE FEDERAL BUREAU OF INVESTIGATION.

Section 5759 of title 5, United States Code, is amended—

(1) in subsection (a)(2), by striking ''is transferred to a different geographic area with a higher cost of living'' and inserting ''is subject to a mobility agreement and is transferred to a position in a different geographical area in which there is a shortage of critical skills'';

(2) in subsection (b)(2), by striking the period at the end and inserting '', including requirements for a bonus recipient's repayment of a bonus in circumstances determined by the Director of the Federal Bureau of Investigation.'';

(3) in subsection (c), by striking ''basic pay.'' and inserting ''annual rate of basic pay. The bonus may be paid in a lump sum or installments linked to completion of periods of service.''; and

(4) in subsection (d), by striking ''retention bonus'' and inserting ''bonus paid under this section''.

SEC. 444. EXTENSION OF THE AUTHORITY OF THE FEDERAL BUREAU OF INVESTIGATION TO WAIVE MANDATORY RETIREMENT PROVISIONS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Subsection (b) of section 8335 of title 5, United States Code, is amended—

(1) in the paragraph (2) enacted by section 112(a)(2) of the Department of Justice Appropriations Act, 2005 (title I of division B of Public Law 108–447; 118 Stat. 2868), by striking ''2009'' and inserting ''2011''; and

(2) by striking the paragraph (2) enacted by section 2005(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3704).

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Subsection (b) of section 8425 of title 5, United States Code, is amended—

(1) in the paragraph (2) enacted by section 112(b)(2) of the Department of Justice Appropriations Act, 2005 (title I of division B of Public Law 108–447; 118 Stat. 2868), by striking ''2009'' and inserting ''2011''; and

(2) by striking the paragraph (2) enacted by section 2005(b)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3704).

SEC. 445. REPORT AND ASSESSMENTS ON TRANSFORMATION OF THE INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, in consultation with the Director of National Intelligence, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report describing—

(A) a long-term vision for the intelligence capabilities of the National Security Branch of the Bureau;

(B) a strategic plan for the National Security Branch; and

(C) the progress made in advancing the capabilities of the National Security Branch.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a description of the direction, strategy, and goals for improving the intelligence capabilities of the National Security Branch;

(B) a description of the intelligence and national security capabilities of the National Security Branch that will be fully functional within the five-year period beginning on the date on which the report is submitted;

(C) a description—

(i) of the internal reforms that were carried out at the National Security Branch during the two-year period ending on the date on which the report is submitted; and

(ii) of the manner in which such reforms have advanced the capabilities of the National Security Branch;

(D) an assessment of the effectiveness of the National Security Branch in performing tasks that are critical to the effective functioning of the National Security Branch as an intelligence agency, including—

(i) human intelligence collection, both within and outside the parameters of an existing case file or ongoing investigation, in a manner that protects civil liberties;

(ii) intelligence analysis, including the ability of the National Security Branch to produce, and provide policymakers with, information on national security threats to the United States;

(iii) management, including the ability of the National Security Branch to manage and develop human capital and implement an organizational structure that supports the objectives and strategies of the Branch;

(iv) integration of the National Security Branch into the intelligence community, including an ability to robustly share intelligence and effectively communicate and operate with appropriate Federal, State, local, and tribal partners;

(v) implementation of an infrastructure that supports the national security and intelligence missions of the National Security Branch, including proper information technology and facilities; and

(vi) reformation of the culture of the National Security Branch, including the integration by the Branch of intelligence analysts and other professional staff into intelligence collection operations and the success of the National Security Branch in ensuring that intelligence and threat information drive the operations of the Branch;

(E) performance metrics and specific annual timetables for advancing the performance of the tasks referred to in clauses (i) through (vi) of subparagraph (D) and a description of the activities being undertaken to ensure that the performance of the National Security Branch in carrying out such tasks improves; and

(F) an assessment of the effectiveness of the field office supervisory term limit policy of the Federal Bureau of Investigation that requires the mandatory reassignment of a supervisor of the Bureau after a specific term of years.

(b) ANNUAL ASSESSMENTS.—

(1) REQUIREMENT FOR ASSESSMENTS.—Not later than 180 days after the date on which the report required by subsection (a)(1) is submitted, and annually thereafter for five years, the Director of National Intelligence, in consultation with the Director of the Federal Bureau of Investigation, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives an assessment of the performance of the National Security Branch in carrying out the tasks referred to in clauses (i) through (vi) of subsection (a)(2)(D) in comparison to such performance during previous years.

(2) CONSIDERATIONS.—In conducting each assessment required by paragraph (1), the Director of National Intelligence—

(A) shall use the performance metrics and specific annual timetables for carrying out such tasks referred to in subsection (a)(2)(E); and

(B) may request the assistance of any expert that the Director considers appropriate, including an inspector general of an appropriate department or agency.

TITLE V—REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

SEC. 501. REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

(a) REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.—

(1) IN GENERAL.—Subtitle B of title III of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106–567; 22 U.S.C. 7301 et seq.) is amended by striking sections 321, 322, 323, and 324, and inserting the following new sections:

"SEC. 321. DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

''(a) REORGANIZATION.—The Diplomatic Telecommunications Service Program Office established pursuant to title V of Public Law 102–140 shall be reorganized in accordance with this subtitle.

''(b) DUTIES.—The duties of the DTS–PO include implementing a program for the establishment and maintenance of a DTS Network capable of providing multiple levels of service to meet the wide-ranging needs of all United States Government departments and agencies operating from diplomatic and consular facilities outside of the United States, including national security needs for secure, reliable, and robust communications capabilities.

"SEC. 322. ESTABLISHMENT OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE GOVERNANCE BOARD.

''(a) GOVERNANCE BOARD.—

''(1) ESTABLISHMENT.—There is established the Diplomatic Telecommunications Service Governance Board to direct and oversee the activities and performance of the DTS–PO.

''(2) EXECUTIVE AGENT.—

''(A) DESIGNATION.—The Director of the Office of Management and Budget shall designate, from among the departments and agencies of the United States Government that use the DTS Network, a department or agency as the DTS–PO Executive Agent.

''(B) DUTIES.—The Executive Agent designated under subparagraph (A) shall—

''(i) nominate a Director of the DTS–PO for approval by the Governance Board in accordance with subsection (e); and

''(ii) perform such other duties as established by the Governance Board in the determination of written implementing arrangements and other relevant and appropriate governance processes and procedures under paragraph (3).

''(3) REQUIREMENT FOR IMPLEMENTING ARRANGEMENTS.—Subject to the requirements of this subtitle, the Governance Board shall determine the written implementing arrangements and other relevant and appropriate governance processes and procedures to manage, oversee, resource, or otherwise administer the DTS–PO.

''(b) MEMBERSHIP.—

''(1) SELECTION.—The Director of the Office of Management and Budget shall designate from among the departments and agencies that use the DTS Network—

''(A) four departments and agencies to each appoint one voting member of the Governance Board from the personnel of such departments and agencies; and

''(B) any other departments and agencies that the Director considers appropriate to each appoint one nonvoting member of the Governance Board from the personnel of such departments and agencies.

''(2) VOTING AND NONVOTING MEMBERS.—The Governance Board shall consist of voting members and nonvoting members as follows:

''(A) VOTING MEMBERS.—The voting members shall consist of a Chair, who shall be designated by the Director of the Office of Management and Budget, and the four members appointed by departments and agencies designated under paragraph (1)(A).

''(B) NONVOTING MEMBERS.—The nonvoting members shall consist of the members appointed by departments and agencies designated under paragraph (1)(B) and shall act in an advisory capacity.

''(c) CHAIR DUTIES AND AUTHORITIES.—The Chair of the Governance Board shall—

''(1) preside over all meetings and deliberations of the Governance Board;

''(2) provide the Secretariat functions of the Governance Board; and

''(3) propose bylaws governing the operation of the Governance Board.

''(d) QUORUM, DECISIONS, MEETINGS.—A quorum of the Governance Board shall consist of the presence of the Chair and four voting members. The decisions of the Governance Board shall require a majority of the voting membership. The Chair shall convene a meeting of the Governance Board not less than four times each year to carry out the functions of the Governance Board. The Chair or any voting member may convene a meeting of the Governance Board.

''(e) GOVERNANCE BOARD DUTIES.—The Governance Board shall have the following duties with respect to the DTS–PO:

''(1) To approve and monitor the plans, services, priorities, policies, and pricing methodology of the DTS–PO for bandwidth costs and projects carried out at the request of a department or agency that uses the DTS Network.

''(2) To provide to the DTS–PO Executive Agent the recommendation of the Governance Board with respect to the approval, disapproval, or modification of each annual budget request for the DTS–PO, prior to the submission of any such request by the Executive Agent.

''(3) To review the performance of the DTS–PO against plans approved under paragraph (1) and the management activities and internal controls of the DTS–PO.

''(4) To require from the DTS–PO any plans, reports, documents, and records the Governance Board considers necessary to perform its oversight responsibilities.

''(5) To conduct and evaluate independent audits of the DTS–PO.

''(6) To approve or disapprove the nomination of the Director of the DTS–PO by the Executive Agent with a majority vote of the Governance Board.

''(7) To recommend to the Executive Agent the replacement of the Director of the DTS–PO with a majority vote of the Governance Board.

''(f) NATIONAL SECURITY INTERESTS.—The Governance Board shall ensure that those enhancements of, and the provision of service for, telecommunication capabilities that involve the national security interests of the United States receive the highest prioritization.

"SEC. 323. FUNDING OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the operations, maintenance, development, enhancement, modernization, and investment costs of the DTS Network and the DTS–PO. Funds appropriated for allocation to the DTS–PO shall remain available to the DTS–PO for a period of two fiscal years.

''(b) FEES.—The DTS–PO shall charge a department or agency that uses the DTS Network for only those bandwidth costs attributable to such department or agency and for specific projects carried out at the request of such department or agency, pursuant to the pricing methodology for such bandwidth costs and such projects approved under section 322(e)(1), for which amounts have not been appropriated for allocation to the DTS–PO. The DTS–PO is authorized to directly receive payments from departments or agencies that use the DTS Network and to invoice such departments or agencies for the fees under this section either in advance of, or upon or after, providing the bandwidth or performing such projects. Such funds received from such departments or agencies shall remain available to the DTS–PO for a period of two fiscal years.

"SEC. 324. DEFINITIONS.

''In this subtitle:

''(1) DTS NETWORK.—The term 'DTS Network' means the worldwide telecommunications network supporting all United States Government agencies and departments operating from diplomatic and consular facilities outside of the United States.

''(2) DTS–PO.—The term 'DTS–PO' means the Diplomatic Telecommunications Service Program Office.

''(3) GOVERNANCE BOARD.—The term 'Governance Board' means the Diplomatic Telecommunications Service Governance Board established under section 322(a)(1).''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106–567; 114 Stat. 2831) is amended by striking the items relating to sections 321, 322, 323, and 324 and inserting the following new items:

''Sec. 321. Diplomatic Telecommunications Service Program Office.

''Sec. 322. Establishment of the Diplomatic Telecommunications Service Governance Board.

''Sec. 323. Funding of the Diplomatic Telecommunications Service.

''Sec. 324. Definitions.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUSPENSION OF REORGANIZATION.—

(A) REPEAL.—The Intelligence Authorization Act for Fiscal Year 2002 (Public Law 107–108; 22 U.S.C. 7301 note) is amended by striking section 311.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 311.

(2) REPEAL OF REFORM.—

(A) REPEAL.—The Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–405) is amended by striking section 305.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the item related to section 305.

(3) REPEAL OF REPORTING REQUIREMENTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)), as amended by section 351 of this Act, is further amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

TITLE VI—FOREIGN INTELLIGENCE AND INFORMATION COMMISSION ACT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Foreign Intelligence and Information Commission Act''.

SEC. 602. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Foreign Intelligence and Information Commission established in section 603(a).

(2) FOREIGN INTELLIGENCE; INTELLIGENCE.—The terms ''foreign intelligence'' and ''intelligence'' have the meaning given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(3) INFORMATION.—The term ''information'' includes information of relevance to the foreign policy of the United States collected and conveyed through diplomatic reporting and other reporting by personnel of the United States Government who are not employed by an element of

the intelligence community, including public and open-source information.

SEC. 603. ESTABLISHMENT AND FUNCTIONS OF THE COMMISSION.

(a) ESTABLISHMENT.—There is established in the legislative branch a Foreign Intelligence and Information Commission.

(b) PURPOSE.—The purpose of the Commission is to evaluate systems and processes at the strategic, interagency level and provide recommendations accordingly, and not to seek to duplicate the functions of the Director of National Intelligence.

(c) FUNCTIONS.—The Commission shall—

(1) evaluate the current processes or systems for the strategic integration of the intelligence community, including the Open Source Center, and other elements of the United States Government, including the Department of State, with regard to the collection, reporting, and analysis of foreign intelligence and information;

(2) provide recommendations to improve or develop such processes or systems to integrate the intelligence community with other elements of the United States Government, potentially including the development of an interagency strategy that identifies—

(A) the collection, reporting, and analysis requirements of the United States Government;

(B) the elements of the United States Government best positioned to meet collection and reporting requirements, with regard to missions, comparative institutional advantages, and any other relevant factors; and

(C) interagency budget and resource allocations necessary to achieve such collection, reporting, and analytical requirements;

(3) evaluate the extent to which current intelligence collection, reporting, and analysis strategies are intended to provide global coverage and anticipate future threats, challenges, and crises;

(4) provide recommendations on how to incorporate into the interagency strategy the means to anticipate future threats, challenges, and crises, including by identifying and supporting collection, reporting, and analytical capabilities that are global in scope and directed at emerging, long-term, and strategic targets;

(5) provide recommendations on strategies for sustaining human and budgetary resources to effect the global collection and reporting missions identified in the interagency strategy, including the prepositioning of collection and reporting capabilities;

(6) provide recommendations for developing, clarifying, and, if necessary, bolstering current and future collection and reporting roles and capabilities of elements of the United States Government that are not elements of the intelligence community deployed in foreign countries;

(7) provide recommendations related to the role of individual country missions in contributing to the interagency strategy;

(8) evaluate the extent to which the establishment of new embassies and out-of-embassy posts are able to contribute to expanded global coverage and increased collection and reporting and provide recommendations related to the establishment of new embassies and out-of-embassy posts;

(9) provide recommendations on executive or legislative changes necessary to establish any new executive branch entity or to expand the authorities of any existing executive branch entity, as needed to improve the strategic integration referred to in paragraph (1) and develop and oversee the implementation of any interagency strategy;

(10) provide recommendations on processes for developing and presenting to Congress budget requests for each relevant element of the United States Government that reflect the allocations identified in the interagency strategy and for congressional oversight of the development and implementation of the strategy; and

(11) provide recommendations on any institutional reforms related to the collection and reporting roles of individual elements of the United States Government outside the intelligence community, as well as any budgetary, legislative, or other changes needed to achieve such reforms.

SEC. 604. MEMBERS AND STAFF OF THE COMMISSION.

(a) MEMBERS OF THE COMMISSION.—

(1) APPOINTMENT.—The Commission shall be composed of 10 members as follows:

(A) Two members appointed by the majority leader of the Senate.

(B) Two members appointed by the minority leader of the Senate.

(C) Two members appointed by the Speaker of the House of Representatives.

(D) Two members appointed by the minority leader of the House of Representatives.

(E) One nonvoting member appointed by the Director of National Intelligence.

(F) One nonvoting member appointed by the Secretary of State.

(2) SELECTION.—

(A) IN GENERAL.—Members of the Commission shall be individuals who—

(i) are not officers or employees of the United States Government or any State or local government; and

(ii) have knowledge and experience—

(I) in foreign information and intelligence collection, reporting, and analysis, including clandestine collection and classified analysis (such as experience in the intelligence community), diplomatic reporting and analysis, and collection of public and open-source information;

(II) in issues related to the national security and foreign policy of the United States gained by serving as a senior official of the Department of State, a member of the Foreign Service, an employee or officer of an appropriate department or agency of the United States, or an independent organization with expertise in the field of international affairs; or

(III) with foreign policy decision-making.

(B) DIVERSITY OF EXPERIENCE.—The individuals appointed to the Commission should be selected with a view to establishing diversity of experience with regard to various geographic regions, functions, and issues.

(3) CONSULTATION.—The Speaker and the minority leader of the House of Representatives, the majority leader and the minority leader of the Senate, the Director of National Intelligence, and the Secretary of State shall consult among themselves prior to the appointment of the members of the Commission in order to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be considered by the Commission in accordance with this title.

(4) TIME OF APPOINTMENT.—The appointments under subsection (a) shall be made—

(A) after the date on which funds are first appropriated for the Commission pursuant to section 609; and

(B) not later than 60 days after such date.

(5) TERM OF APPOINTMENT.—Members shall be appointed for the life of the Commission.

(6) VACANCIES.—Any vacancy of the Commission shall not affect the powers of the Commission and shall be filled in the manner in which the original appointment was made.

(7) CHAIR.—The voting members of the Commission shall designate one of the voting members to serve as the chair of the Commission.

(8) QUORUM.—Five voting members of the Commission shall constitute a quorum for purposes of transacting the business of the Commission.

(9) MEETINGS.—The Commission shall meet at the call of the chair and shall meet regularly, not less than once every 3 months, during the life of the Commission.

(b) STAFF.—

(1) IN GENERAL.—The chair of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of that title relating to classification of positions and General Schedule pay rates, appoint and terminate an executive director and, in consultation with the executive director, appoint and terminate such other additional personnel as may be necessary to enable the Commission to perform its duties. In addition to the executive director and one full-time support staff for the executive director, there shall be additional staff with relevant intelligence and foreign policy experience to support the work of the Commission.

(2) SELECTION OF THE EXECUTIVE DIRECTOR.—The executive director shall be selected with the approval of a majority of the voting members of the Commission.

(3) COMPENSATION.—

(A) EXECUTIVE DIRECTOR.—The executive director shall be compensated at the maximum annual rate payable for an employee of a standing committee of the Senate under section 105(e) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(e)), as adjusted by any order of the President pro tempore of the Senate.

(B) STAFF.—The chair of the Commission may fix the compensation of other personnel of the Commission without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the maximum annual rate payable for an employee of a standing committee of the Senate under section 105(e) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(e)), as adjusted by any order of the President pro tempore of the Senate.

(c) EXPERTS AND CONSULTANTS.—The Commission is authorized to procure temporary or intermittent services of experts and consultants as necessary to the extent authorized by section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable under section 5376 of such title.

(d) STAFF AND SERVICES OF OTHER AGENCIES OR DEPARTMENTS OF THE UNITED STATES.—Upon the request of the Commission, the head of a department or agency of the United States may detail, on a reimbursable or nonreimbursable basis, any of the personnel of that department or agency to the Commission to assist the Commission in carrying out this title. The detail of any such personnel shall be without interruption or loss of civil service or Foreign Service status or privilege.

(e) SECURITY CLEARANCE.—The appropriate departments or agencies of the United States shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(f) REPORTS UNDER ETHICS IN GOVERNMENT ACT OF 1978.—Notwithstanding any other provision of law, for purposes of title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), each member and staff of the Commission—

(1) shall be deemed to be an officer or employee of the Congress (as defined in section 109(13) of such title); and

(2) shall file any report required to be filed by such member or such staff (including by virtue of the application of paragraph (1)) under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) with the Secretary of the Senate.

SEC. 605. POWERS AND DUTIES OF THE COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any department or agency of the United States such information as the Commission considers necessary to carry out this title. Upon request of

the chair of the Commission, the head of such department or agency shall furnish such information to the Commission, subject to applicable law.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as a department or agency of the United States.

(d) ADMINISTRATIVE SUPPORT.—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a nonreimbursable basis) such administrative support services as the Commission may request to carry out this title.

(e) ADMINISTRATIVE PROCEDURES.—The Commission may adopt such rules and regulations, relating to administrative procedure, as may be reasonably necessary to enable the Commission to carry out this title.

(f) TRAVEL.—

(1) IN GENERAL.—The members and staff of the Commission may, with the approval of the Commission, conduct such travel as is necessary to carry out this title.

(2) EXPENSES.—Members of the Commission shall serve without pay but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(g) GIFTS.—No member or staff of the Commission may receive a gift or benefit by reason of the service of such member or staff to the Commission.

SEC. 606. REPORT OF THE COMMISSION.

(a) IN GENERAL.—

(1) INTERIM REPORT.—Not later than 300 days after the date on which all members of the Commission are appointed under section 604(a), the Commission shall submit to the congressional intelligence committees an interim report setting forth the preliminary evaluations and recommendations of the Commission described in section 603(c).

(2) FINAL REPORT.—Not later than 60 days after the date of the submission of the report required by paragraph (1), the Commission shall submit a final report setting forth the final evaluations and recommendations of the Commission described in section 603(c) to each of the following:

(A) The President.

(B) The Director of National Intelligence.

(C) The Secretary of State.

(D) The congressional intelligence committees.

(E) The Committee on Foreign Relations of the Senate.

(F) The Committee on Foreign Affairs of the House of Representatives.

(b) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include that member's individual or dissenting views in a report required by paragraph (1) or (2) of subsection (a).

(c) FORM OF REPORT.—The reports required by paragraphs (1) and (2) of subsection (a), including any finding or recommendation of such report, shall be submitted in unclassified form, but may include a classified annex.

SEC. 607. TERMINATION.

(a) IN GENERAL.—The Commission shall terminate on the date that is 60 days after the date of the submission of the report required by section 606(a)(2).

(b) TRANSFER OF RECORDS.—Upon the termination of the Commission under subsection (a), all records, files, documents, and other materials in the possession, custody, or control of the Commission shall be transferred to the Select Committee on Intelligence of the Senate and deemed to be records of such Committee.

SEC. 608. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to carry out this title.

(b) AVAILABILITY.—Amounts made available to the Commission pursuant to subsection (a) shall remain available until expended.

TITLE VII—OTHER MATTERS

SEC. 701. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

(a) EXTENSION.—

(1) IN GENERAL.—Effective on the date on which funds are first appropriated pursuant to subsection (b)(1) and subject to paragraph (3), subsection (a) of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C. 401 note) is amended by striking ''September 1, 2004,'' and inserting ''one year after the date on which all members of the Commission are appointed pursuant to section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010,''.

(2) APPLICABILITY OF AMENDMENT.—The amendment made by paragraph (1) shall take effect as if included in the enactment of such section 1007.

(3) COMMISSION MEMBERSHIP.—The membership of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community established under subsection (a) of section 1002 of such Act (Public Law 107–306; 50 U.S.C. 401 note) (referred to in this section as the ''Commission'') shall be considered vacant and new members shall be appointed in accordance with such section 1002, as amended by this section.

(4) CLARIFICATION OF DUTIES.—Section 1002(i) of such Act is amended in the matter preceding paragraph (1) by striking ''including—'' and inserting ''including advanced research and development programs and activities. Such review shall include—''.

(b) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

(2) AVAILABILITY.—Amounts made available to the Commission pursuant to paragraph (1) shall remain available until expended.

(3) REPEAL OF EXISTING FUNDING AUTHORITY.—Section 1010 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C. 401 note) is repealed.

(c) TECHNICAL AMENDMENTS.—

(1) DIRECTOR OF CENTRAL INTELLIGENCE.—The Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306) is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of National Intelligence'' in the following provisions:

(A) Section 1002(h)(2).

(B) Section 1003(d)(1).

(C) Section 1006(a)(1).

(D) Section 1006(b).

(E) Section 1007(a).

(F) Section 1008.

(2) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT.—Paragraph (1) of section 1002(b) of such Act is amended by striking ''The Deputy Director of Central Intelligence for Community Management.'' and inserting ''The Principal Deputy Director of National Intelligence.''.

SEC. 702. CLASSIFICATION REVIEW OF EXECUTIVE BRANCH MATERIALS IN THE POSSESSION OF THE CONGRESSIONAL INTELLIGENCE COMMITTEES.

The Director of National Intelligence is authorized to conduct, at the request of one of the congressional intelligence committees and in accordance with procedures established by that committee, a classification review of materials in the possession of that committee that—

(1) are not less than 25 years old; and

(2) were created, or provided to that committee, by an entity in the executive branch.

TITLE VIII—TECHNICAL AMENDMENTS

SEC. 801. TECHNICAL AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 101—

(A) in subsection (a), by moving paragraph (7) two ems to the right; and

(B) by moving subsections (b) through (p) two ems to the right;

(2) in section 103, by redesignating subsection (i) as subsection (h);

(3) in section 109(a)—

(A) in paragraph (1), by striking ''section 112.;'' and inserting ''section 112;''; and

(B) in paragraph (2), by striking the second period;

(4) in section 301(1), by striking '''United States''' and all that follows through ''and 'State''' and inserting '''United States', 'person', 'weapon of mass destruction', and 'State''';

(5) in section 304(b), by striking ''subsection (a)(3)'' and inserting ''subsection (a)(2)''; and

(6) in section 502(a), by striking ''a annual'' and inserting ''an annual''.

SEC. 802. TECHNICAL AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended—

(1) in paragraph (1) of section 5(a), by striking ''authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).''; and

(2) in section 17(d)(3)(B)—

(A) in clause (i), by striking ''advise'' and inserting ''advice''; and

(B) by amending clause (ii) to read as follows:

''(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

''(I) Deputy Director;

''(II) Associate Deputy Director;

''(III) Director of the National Clandestine Service;

''(IV) Director of Intelligence;

''(V) Director of Support; or

''(VI) Director of Science and Technology.''.

SEC. 803. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE.

Section 528(c) of title 10, United States Code, is amended—

(1) in the heading, by striking ''ASSOCIATE DIRECTOR OF CIA FOR MILITARY AFFAIRS'' and inserting ''ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA''; and

(2) by striking ''Associate Director of the Central Intelligence Agency for Military Affairs'' and inserting ''Associate Director of Military Affairs, Central Intelligence Agency, or any successor position''.

SEC. 804. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 3(4)(L), by striking ''other'' the second place it appears;

(2) in section 102A—

(A) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program or programs'';

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program or programs'';

(ii) in paragraph (3) in the matter preceding subparagraph (A), by striking ''subparagraph (A)'' and inserting ''paragraph (1)(A)''; and

(iii) in paragraph (5)—

(I) in subparagraph (A), by striking ''or personnel'' in the matter preceding clause (i); and

(II) in subparagraph (B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(D) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION'';

(3) in section 103(b), by striking '', the National Security Act of 1947 (50 U.S.C. 401 et seq.),'';

(4) in section 104A(g)(1) in the matter preceding subparagraph (A), by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(5) in section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)'';

(6) in section 701(b)(1), by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(7) in section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''; and

(8) in section 1003(h)(2) in the matter preceding subparagraph (A), by striking ''subsection (i)(2)(B)'' and inserting ''subsection (g)(2)(B)''.

SEC. 805. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the heading, by striking ''FOREIGN''; and

(2) by striking ''foreign'' each place it appears.

(b) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE.—Such section 1403, as amended by subsection (a), is further amended—

(1) in subsections (a) and (c), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b), by inserting ''of National Intelligence'' after ''Director''.

(c) FUTURE-YEARS DEFENSE PROGRAM.—Subsection (c) of such section 1403, as amended by subsection (b), is further amended by striking ''multiyear defense program submitted pursuant to section 114a of title 10, United States Code'' and inserting ''future-years defense program submitted pursuant to section 221 of title 10, United States Code''.

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The heading of such section 1403 is amended to read as follows:

''SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1485) is amended by striking the item relating to section 1403 and inserting the following new item:

''Sec. 1403. Multiyear National Intelligence Program.''.

SEC. 806. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO THE NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3643) is amended—

(1) in subparagraph (B) of section 1016(e)(10) (6 U.S.C. 485(e)(10)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice'';

(2) in subsection (e) of section 1071, by striking ''(1)''; and

(3) in subsection (b) of section 1072, in the subsection heading by inserting ''AGENCY'' after ''INTELLIGENCE''.

(b) OTHER AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638) is amended—

(1) in section 2001 (28 U.S.C. 532 note)—

(A) in paragraph (1) of subsection (c)—

(i) by striking ''shall,'' and inserting ''shall''; and

(ii) by inserting ''of'' before ''an institutional culture'';

(B) in paragraph (2) of subsection (e), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f), by striking ''shall,'' in the matter preceding paragraph (1) and inserting ''shall''; and

(2) in section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 807. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

SEC. 808. TECHNICAL AMENDMENTS TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

SEC. 809. TECHNICAL AMENDMENTS TO SECTION 602 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995.

Section 602 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 403–2b) is amended—

(1) in subsection (a), in paragraph (2), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(ii) in subparagraph (B), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(C) in paragraph (3), by striking ''Director of Central Intelligence'' and inserting ''Director of the Central Intelligence Agency''.

SEC. 810. TECHNICAL AMENDMENTS TO SECTION 403 OF THE INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1992.

(a) ROLE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Section 403 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 403–2) is amended by striking ''The Director of Central Intelligence'' and inserting the following:

''(a) IN GENERAL.—The Director of National Intelligence''.

(b) DEFINITION OF INTELLIGENCE COMMUNITY.—Section 403 of the Intelligence Authorization Act, Fiscal Year 1992, as amended by subsection (a), is further amended—

(1) by striking ''Intelligence Community'' and inserting ''intelligence community''; and

(2) by striking the second sentence and inserting the following:

''(b) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Reyes moves that the House concur in the Senate amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 1674, the motion shall be debatable for 1 hour, equally divided and controlled by the Chair and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. REYES. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. REYES. Madam Speaker, I yield myself such time as I may consume.

I am proud to rise today in support of my motion to concur in the Senate amendment to H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010.

This bill has been a long time coming. It has been almost 6 years since an intelligence authorization bill has been signed into law. Year after year, the intelligence committees have marked up authorization bills and tried to get them enacted. And year after year, these efforts have fallen short.

Authorization bills are critical to the smooth functioning of the intelligence community. We face innovative and aggressive adversaries, and the intelligence community needs the flexibility to adapt. But the authorities and institutions of the intelligence community are, to a large extent, set by statute. Only acts of Congress—traditionally in the form of authorization bills—can give the community the tools it needs to keep America safe.

Most intelligence activities are, by necessity, shielded from public scrutiny. Congress has an obligation to ensure that the activities of the intelligence community are legal, effective,

and serve the best interests of the United States. The Intelligence Authorization Act is the principal means for doing this.

The bill before us today meets this high standard. It is the product of months of bipartisan discussions between the House and Senate intelligence committees, leadership, and the White House. Let me highlight several important provisions.

First, the bill would substantially reform the process through which the President notifies the so-called Gang of Eight regarding certain sensitive covert operations. As Members may know, the National Security Act gives the President the authority to limit briefings on certain sensitive covert actions to the Gang of Eight. It has been the belief of both intelligence committees that the Gang of Eight authority has been overused, and that the entire committee membership should be informed on matters of critical importance.

For that reason, an earlier version of the bill removed the statutory authority for limiting briefings to the Gang of Eight. Last July, the administration threatened to veto the bill if it included that language. After months of tough negotiations, we have reached a compromise that substantially improves the notification process, and which the President will sign.

The bill requires that the President notify all members of the intelligence committees that a Gang of Eight briefing has occurred and give a ''general description'' of that notification. It requires that the full briefing be automatically made available to all members in 6 months, unless the President recertifies that the briefing must stay limited.

It also requires that all Gang of Eight briefings be in writing and that the President maintain a written record of those receiving these limited briefings. Finally, like earlier drafts, it requires that the President provide the legal basis for an intelligence activity and sets a new standard for determining when certain activities must be notified.

Second, the bill would help the General Accounting Office gain access to the intelligence community. For decades, the executive branch has prevented GAO from conducting audits or investigations into intelligence activities. This bill directs the Director of National Intelligence to come up with regulations to govern GAO access to the intelligence community.

The new DNI, General Clapper, has suggested in testimony that he would be open to working with GAO. This provision would give him the opportunity to put his words into action.

Third, the bill would put in place a number of measures to help stamp out waste, fraud, and abuse. It would create an Inspector General for the intelligence community, with authority to conduct oversight across the community and on the critical issues regarding coordination and cooperation between agencies. It also requires a comprehensive assessment of contracting practices across the community, which would give Congress the tools it needs to help control contractor costs.

Fourth, the bill creates new cost-control measures for the acquisition of major systems, many of which have been subject to serious cost and schedule overruns in recent years. This includes a mechanism—based on the Department of Defense's Nunn-McCurdry provision—that requires congressional notification and program restructuring when certain cost thresholds are exceeded.

Fifth, the bill modifies various authorities to ensure the intelligence community has the tools it needs to keep the country safe. These include an exemption to certain public disclosure requirements for operational files transferred to the ODNI, a reform that the Director of the National Counterterrorism Center said was critical to information sharing.

Madam Speaker, these are vital reforms, as are others in this important bill. They have been priorities of this body, on a bipartisan basis, for a very long time. It's time we got these reforms enacted. It's time for us to pass this bill.

Therefore, I urge all my colleagues to vote ''yes.''

With that, Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, I yield myself as much time as I may consume.

The fourth time for this bill on the floor is not the charm. This continues the process of bringing badly thought through, badly formed legislation on intel to the floor of the House of Representatives.

This is the fourth rule that we've considered this year as we've gone through this process. It is interesting that this bill is titled the fiscal year 2010 authorization. It's September 29. Tomorrow is September 30. Maybe the President will sign this bill if we pass it tonight, meaning that much of the bill will be meaningless, or only in effect for 6 to 8 hours, maybe 10.

This bill, I don't believe, Mr. Chairman, even has a classified annex. It was the one thing that we agreed on, on a bipartisan basis, as to how funding for the bill, or for the intelligence community and different agencies within the intelligence community, at what level they would be funded. Again, it's one part where we had bipartisan agreement. It's gone. We're now just authorizing the expenditures as done through the appropriations committee. Members have no time to review the classified annex. There was no classified annex outlining these specific appropriations levels by different organizations within the intelligence community. Nothing for the Members to review.

The notifications, it's a fig leaf. It says the administration still shall determine who shall be informed of what and when.

□ 1840

We had stronger language before, accepted on a bipartisan basis. Now all the administration has to do is notify other people that the Gang of Four or the Gang of Eight has been notified of certain information, but they don't have to disclose. They have to outline why, but there is no requirement for more complete exposure.

It is a fig leaf that may serve as a justification for dealing with a complaint that was made by the Speaker of the House in May of 2009. The Speaker of this House said the CIA ''misleads us all the time.'' You know, we've asked for more of an explanation on that. The chairman of the committee and the chairwoman of the subcommittee in October 2009 said that they were going to do a notification and a covert action investigation—as far as I can tell, it has never happened, and it is not complete after almost a year now—to find out if there were problems with notification and if it were true that, as the Speaker claimed, the CIA misleads us all the time. So, in one way, we are providing something that may serve in dealing with this allegation by the Speaker.

At the same time, we have CIA employees around the world who did what the administration asked them to do and what previous administrations notified Congress they were doing about what they were going to do to keep America safe. They notified, and took Congress through that in great detail. The people went through that notification process in great detail, understanding that, when they left, if the administration had had a problem with it, they ought to have stood up and said, ''We've got issues with these, and we need to work through them.'' Instead, there was either silence or affirmation that what the CIA and what these individuals within the CIA were doing was appropriate, was necessary and was supported by the political leadership of this Nation as being their best intent to keep us safe.

So, while this bill may serve to provide some people with political cover, it does nothing to protect the CIA employees who now, for the third time, are under review by the Justice Department as to whether they should be prosecuted for doing what the political leadership of this country asked them to do.

Where is the equality? Where is the fairness? How does this serve our national interest by allowing these people to continue to be hung out, facing possible prosecution? It is wrong. It is inappropriate. It should have been dealt with in this bill.

I will detail a number of other issues that also need to be dealt with, but at this point in time, I reserve the balance of my time.

Mr. REYES. Madam Speaker, I yield to the gentlewoman from California

(Ms. HARMAN) for the purpose of a unanimous consent request.

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Madam Speaker, I rise in strong support of H.R. 2701. I commend the Speaker and committee majority for achieving administration support for more inclusive briefings.

Madam Speaker, during four years as Ranking Member of the House Intelligence Committee, I fought hard to expand the handful of Members briefed by the Bush administration. In my view, that administration abused the definition of covert action under the National Security Act of 1947.

Recently declassified transcripts from those briefings will show instances when serious concerns were raised regarding legal authorities for a range of policies, including "enhanced interrogation techniques."

Those were dark days, when even as Ranking Member, I struggled to get operational details about programs well within the jurisdiction of our committee.

As a member of the so-called "Gang of 8," I had no ability to consult staff or other colleagues about the information I received.

By the end of the Bush administration, more Members were briefed about sensitive programs, but the changes were not sufficient. It has taken a lot of persuasion to convince the Obama administration to agree formally to brief the entire committee, in most cases, about the government's covert action programs.

The bill before us today requires the President to provide all Members of the Intelligence Committee the same briefings delivered to the "Gang of 8" within 6 months unless he certifies "extraordinary circumstances."

And all Members of the Intelligence Committee must be notified that a Gang of 8 briefing has occurred.

The bill also requires the Director of National Intelligence to work with GAO to gain access to information within the Intelligence Community to be included in their reports.

These changes go a long way toward correcting the problems that plagued both sides of the aisle during my tenure on the House Intelligence Committee.

I am also pleased that the bill contains a provision I authored to require the DNI, in consultation with the Nuclear Regulatory Commission, to submit a report to Congress about the threat of dirty bombs (including highly dispersible substances such as cesium-137).

As an institution, Congress must exert our prerogative to monitor and rectify problems that surface in the programs that affect both our security and our liberty.

The American people deserve no less.

Mr. REYES. Madam Speaker, I yield 2 minutes to the chair of the Intelligence Community Management Subcommittee, the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, thank you for your distinguished leadership of the House Intelligence Committee.

Madam Speaker, after 5 long years, we will soon have an intelligence authorization bill enacted into law. I would have thought that the ranking member of the committee would at least acknowledge that, because it is an accomplishment. It is an accomplishment that is worth highlighting, and it is an accomplishment that should be a source of pride to all Members of Congress, because the Congress is weighing in with its priorities.

Now, passage of this act, in my view, is going to reassert Congress' role in the oversight of our Nation's intelligence agencies. We have a very special duty to oversee intelligence activities because our Nation's security is always at stake.

As the chair of the Subcommittee on Intelligence Community Management, I've had a particular interest in congressional oversight and the tools that we need to improve it. This bill contains many provisions that will improve the congressional oversight of intelligence activities.

First, the bill requires the DNI to establish procedures to allow GAO access to intelligence community information. This provision will clarify the guidelines under which GAO may audit the intelligence community while recognizing that GAO, on behalf of the intelligence committees, has the authority to do so. The new DNI Clapper noted the value of GAO studies during his confirmation hearing, and this provision will give him the opportunity to live up to his words.

Second, the bill modifies statutory authorization for the so-called ''Gang of Eight'' procedure, and raises the threshold for this limited notification. This is a big change. It requires that the President inform all members of the intelligence committees that a Gang of Eight briefing has occurred and provide a general description of that briefing.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. REYES. I yield the gentlewoman an additional 30 seconds.

Ms. ESHOO. All committee members will receive a full briefing 6 months after the Gang of Eight briefing unless the President continues to certify that ''extraordinary circumstances'' still exist that require a limited briefing.

These were hard fought-for changes and reforms, and they were not easy to come to. I think that, regardless of whether it is a Republican administration or a Democratic administration, these reforms are tough to get. Yet they have been secured, and I think they are very important, not only for the operation and the oversight of the committees, but for the betterment of the American people and our national security.

Finally, the bill creates a statutory and independent Inspector General for the intelligence community, and I think that this is another great plus.

This bill strengthens the prerogatives of Congress, and I urge my colleagues to support it.

Mr. HOEKSTRA. Madam Speaker, at this time, I yield 1 minute to the gentleman from California (Mr. GALLEGLY).

(Mr. GALLEGLY asked and was given permission to revise and extend his remarks.)

Mr. GALLEGLY. Madam Speaker, this is my last opportunity to address the House as a member of the Permanent Select Committee on Intelligence. The past 8 years have been the opportunity of a lifetime for me.

I want to thank former Speaker Denny Hastert and Minority Leader JOHN BOEHNER for appointing me to this critically important committee.

I also want to take a minute to express my great appreciation to the most impressive staff I've ever served with, particularly Jim Lewis, our staff director. Jim is clearly a true patriot, and the service he has provided our country I will carry throughout the rest of my life.

I am going to miss the committee, but I will never forget the opportunities of the last 8 years.

Mr. REYES. Madam Speaker, I yield 2 minutes to the chairman of the Technical and Tactical Intelligence Subcommittee, the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Thank you, Mr. Chairman.

Madam Speaker, as a member of the House Intelligence Committee, as chairman of the Technical and Tactical Intelligence Subcommittee and as a proud representative of the National Security Agency, which is in my district, I rise in support of H.R. 2701.

It has been nearly 6 years since an intelligence authorization bill has been enacted into law. These bills help ensure that the intelligence community has the tools it needs to keep us safe and that Congress has the tools it needs to be effective in its oversight capacity.

□ 1850

The bill before us today does both, and I would like to highlight two provisions.

First, the bill includes significant reforms to the way the intelligence community makes major purchases. Our subcommittee has focused much of our time on helping to ensure that we buy the right kind of satellites at the right price. Just like recent reforms to our defense procurement process, this bill helps us protect tax dollars while keeping our country safe and secure.

The Nunn-McCurdy provision requires congressional notification when costs run significantly over budget and cancels programs that run 25 percent or more over budget unless we get a reasonable explanation.

Second, the bill gives the Director of National Intelligence a voice in the process as we review and update security-related export controls known as ITAR.

These regulations restrict what American companies can sell overseas, but there are prohibitions on old, simple, and widely available technologies that are putting American companies at a severe disadvantage to foreign competitors. Before the restrictions went into effect in 1998, 73 percent of the world market for commercial satellites went to U.S. companies. By 2000,

that figure had dropped to 27 percent. That's unacceptable.

Loosening these outdated restrictions is critical to more than 250,000 American jobs supported by the satellite industry, which has taken a hit with the global economic downturn. Over the past 2 years, the industry has shed about 5 percent of its workforce.

In addition to this bill under consideration today, the House has passed an ITAR provision in the Foreign Affairs authorization, and we are waiting for the Senate to act.

Mr. HOEKSTRA. At this time, I yield 5 minutes to my colleague from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I appreciate the gentleman from Michigan yielding.

Madam Speaker, I think it's important also to express my appreciation to the gentleman from Michigan who has served on this committee for the last 8 years, including as chairman of the committee and, for the last 4 years, as the ranking member of the committee. The contributions he has made in that capacity to the country will never be fully known, but those of us on the committee I think do appreciate the considerable work that he has done and the contributions he has made.

It's unfortunate that the last bill on which he will help manage time on the floor is this bill. I don't see how any Member can come and congratulate ourselves on finally getting an intelligence authorization bill to the floor that doesn't even have a classified annex to it. It doesn't seem to me to be a real bill at all. Unfortunately, and through no fault of the chairman who has been struggling to get a bill to the floor for months—years, actually, more than a year; it is not his fault—but this is not a real bill.

Madam Speaker, as a matter of fact, the history of this bill is rather pitiful. It was reported out of the committee in June of 2009, but then for 8 months you couldn't find time to bring it to the floor. Now, why was that? It wasn't like we had a lot of other pressing business for 8 months that prevented this bill from coming to the floor. It was because the Speaker set off a firestorm and controversy about when she was briefed on interrogations and what she knew and when she knew it. And then to defend herself, she charged that the CIA lies to us or misleads us all the time.

Well, then the bill could not be brought to the floor because there had to be a way found to protect the Speaker. And so 8 months later it finally comes to the floor, and then it takes two rules to get it to the floor because there was a provision added in the manager's amendment, again to prosecute CIA people, to hold them to a higher standard of accountability than all the law enforcement folks around the country. So they had to go back to the drawing board.

Now, 7 months after that, we are brought this kind of a shell bill and asked to rubber-stamp on the last day of the session what the Senate has done. As I say, Madam Speaker, I don't think there's much to be proud of here.

On the notification provision that we've heard so much about, it does very little. And I think it is sad in a lot of ways that the majority walked away from the bipartisan, the truly bipartisan compromise of a couple years ago that would raise the bar and require any administration to give this Congress more information. Instead, we have this token language which does very little, and yet, Madam Speaker, as the Director of the National Counterterrorism Center testified last week before the Senate, we have had more attempted attacks on our homeland over the past year than at any time since the attacks of 9/11.

So I think what is particularly unfortunate is what this bill does not do. This bill does nothing to prevent Guantanamo detainees from being brought here to the mainland of the United States, and yet tomorrow, the end of the fiscal year, tomorrow, all of the existing statutory prohibitions on bringing those terrorists here to the mainland expire. This bill was an opportunity to do something about that, and yet it does nothing.

This bill says nothing about releasing detainees who end up returning to the fight and come back attacking and sometimes killing our soldiers around the world.

This bill does nothing about foreign terrorists being told that they have the right to remain silent even before we get the information we need from them to prevent the next attack. Even though this House has voted on a bipartisan basis that they are not entitled to be told they can remain silent before we get the information we need, that's not in this bill.

This bill does nothing to try to resolve the issues of whether detainees should be tried in military or civilian courts, and yet those are some of the very issues that the American people want to see resolved.

For you see, Madam Speaker, for the last several months House Republicans have been listening to people and asking them what they would like to see done in Congress, and we've heard lots of information about not letting taxes go up, about restraining spending, repealing the health care bill, but on national security, the things we heard and the things that are in the Pledge to America talk about bringing detainees to the United States and about not letting them be released prematurely so that they return to the fight and not caring more about their rights than about the rights of the lives of Americans that we try to prevent.

We could do a lot better than this bill, Madam Speaker, and it should be rejected.

Mr. REYES. Madam Speaker, I yield 2 minutes to a member of the committee, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the chairman for yielding, and I want to compliment him on all his hard work in bringing the bill to this point after a long, tough challenge for many years.

I rise in strong support, Madam Speaker, of H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010.

This long overdue bill is the work of a committee that has been diligently pursuing, for years, our national security. H.R. 2701 addresses many vital areas and contains critical provisions that will assist us in combating the ever-evolving and emerging threats that our Nation faces, such as those emanating from the FATA in Pakistan, Yemen, the Horn of Africa, and Somalia.

In this bill, we've sought to provide the necessary guidance and authorities for the critical intelligence and intelligence-related activities of our U.S. military and civilian personnel in Iraq and Afghanistan, and provide important support to address emerging issues in Africa, Latin America, and elsewhere.

I'm proud to say this bill also goes a long way toward bringing increased fiscal responsibility to the intelligence community. By reducing the cost overruns on our major systems acquisitions, the acquisitions provision of this bill will free up money to devote to our military and civilians combating threats and preserving our national security in Iraq, Afghanistan, Yemen, Somalia, and elsewhere.

This is a strong piece of legislation. It will make our country safer. I urge my colleagues to pass the bill and let us have an intelligence authorization act this Congress while we have so many men and women in uniform and out of uniform fighting for our safety and security.

I thank you again, Mr. Chairman, for your perseverance on this.

□ 1900

Mr. HOEKSTRA. I yield myself 1 minute.

Madam Speaker, I find it interesting that people talk about, we are bringing fiscal responsibility back to the Intelligence Committee. There's not even a classified annex which outlines the spending that this committee believes each of the agencies should have for running their operations for fiscal year 2010. As I said earlier, that's one area where we had bipartisan agreement. That's been taken out. That's gone. We are not providing any type of fiscal direction to the intelligence community by telling them what we believe our priorities are.

The other interesting thing, as we go through this process, is that in the bill 2 years ago, we had a bipartisan vote on the floor. We adopted an amendment that I offered to prohibit the use of authorized funds for earmark purposes. As you take a look here, we've authorized everything that the Appropriations Committee has done. What has the Appropriations Committee done? Lots of earmarks in the intelligence bill.

Mr. REYES. Madam Speaker, I now yield 2 minutes to a member of the committee, the gentleman from Oklahoma, who just, I might add, had a son last week, and a valued member of our committee, Mr. BOREN.

Mr. BOREN. Mr. Chairman, I thank you for all the hard work you and the entire staff have done on this legislation.

Madam Speaker, I rise today in support of H.R. 2701, the Intelligence Authorization Act of 2010. This bill is an excellent product and addresses many critical areas, including those that have previously received little attention. One of the most important provisions in the bill is the commitment to developing foreign language capability, specifically in African languages that have historically been underrepresented in the intelligence community.

The bill creates a pilot program under the National Security Education Program, or the NSEP. It expands the David L. Boren Scholars by requiring the Director of National Intelligence to identify five high-priority African languages for which language education programs do not currently exist. The NSEP would then develop intensive training programs for implementation in both the United States and in countries where the languages are spoken.

Let's not forget that 10 years ago, we didn't anticipate conflicts along the Afghanistan-Pakistan border and the need for Dari, Pashto, and Urdu speakers. When the need arose, we didn't have the capabilities to meet immediate demands, and to this day, we are still playing catchup. Similarly, we cannot predict from where the next crisis will emerge. But by recognizing the current instability in the Horn of Africa, Sudan, and Congo, we can anticipate crises that may impact U.S. national security interests in the near future. We should be training the linguists and translators in the relevant languages now so that, once again, we are not reactive in our efforts but proactive in our actions. I urge my colleagues to support this bill.

Mr. HOEKSTRA. I yield 4 minutes to my colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Speaker, I too want to extend my thanks and gratitude on behalf of a grateful Nation for the work and service behind closed doors, with the microphones and the cameras gone, that the gentleman from Michigan has given to the Intelligence Committee and the intelligence community, and his efforts to continue to fight for policy that keeps Americans safe.

Sir, I know America won't know of most of it, but please know that those of us that do have your back for the work that you've done. Thank you very, very much.

The face of terrorism is changing, and it's changing in a very rapid way. Years ago we sat down and we asked our intelligence officials to do very hard things. We said to go to dangerous places and talk to dangerous people, find out the information that we need, identify those who have done horrible things to this country, and help us bring them to justice.

It was the President of the United States at the time, George Bush. It was NANCY PELOSI who was sitting in the meetings, the intelligence meetings who said, Yes, that's the right policy. That's the right thing to do. And the battlefield has changed. It isn't just overseas anymore, where we write songs about our soldiers leaving the shores of the United States. The battlefield has come to us. It has killed U.S. citizens, and they attempt again and again to do that.

This bill is a disappointment. This bill is really offensive. This is a 2010 bill that will be practically irrelevant tomorrow. We are passing a bill that will be almost irrelevant tomorrow. There is no classified annex. You can't call this an intelligence bill that sets us on the right path with no classified annex. How can we congratulate ourselves for this?

There is more political cover in this bill than there is cover for the United States to go aggressively and pursue terrorism around the world. This bill protects the Speaker of the House, but it doesn't protect the CIA officers that all of us ask to do dangerous work around the world. Instead, they have to get lawyers and answer questions, the Department of Justice, after the President and this Congress said, Go do this for your country, for our safety, for our future. That's a slap in the face for the very people we have asked to risk their lives. They're not supposed to be facing a subpoena. They should be facing a crowd of cheering Americans saying, Thank you for your service in the difficult times this country faces in the war on terror. That is abandoned in this bill.

Tomorrow we are going to allow Guantanamo detainees to be transferred to the U.S. That provision is not in the bill. We all unified, said, This is a bad idea. Don't bring the best trained terrorists to the United States. It doesn't take a rocket scientist to say, That's an awful idea. And Americans say, Don't do it. There's a better way. This bill rejects that notion and goes to the very heart of why Americans are concerned about the direction of how we pursue terrorism in these days and in the days ahead.

It now treats foreign terrorists committing acts of terrorism against the United States with the same benefits as a United States citizen. What? Most Americans, the average Americans know you don't do that. They are enemy combatants. The battlefield might not be in Afghanistan. It might be on the seat of an airplane coming to the United States of America. The battlefield is no different because the results of death and terrorism and mayhem are the same.

We reject that in this bill and say, You know what, we are turning the page. We are going to treat those enemy combatants, those foreign terrorists, with all the benefits of a citizen of the United States.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOEKSTRA. I yield the gentleman 30 additional seconds.

Mr. ROGERS of Michigan. Madam Speaker, I hope that we can shake ourselves out of this notion that we are going to take the war on terror and treat it like a law enforcement event. It slows things down. We had that fight, but this bill goes even further. It says that we don't care what Americans believe will keep us safe, and we care more about the politics of what's going on today than we do the policies of terrorists who seek to do us harm. This is not the direction that we need. I would strongly urge this body's rejection and let's get about the work of a 2011 budget that can serve to protect the United States of America.

Mr. REYES. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, the American people are tuned in tonight. They must be confused that we are kind of talking in parallel universes here. For instance, there are no earmarks in this bill, in H.R. 2701. There are also a host of legislative provisions in this bill that will have a permanent effect on the operations in the intelligence community. Today's date, tomorrow's date, next week's date doesn't change any of that. And it's gratifying to know that for the last few months, our colleagues on the other side of the aisle have embarked on a listening campaign. It is good that they listen, and I hope that they have also gotten back the message that the American people are sick and tired of their strategy of just saying ''no'' to everything.

Isn't it interesting—at least I find it interesting—that H.R. 2701 had unanimous support on the Senate side. That means both Democrats and Republicans. But somehow, some people don't understand or didn't get the memo that it is okay to agree on protecting this country. It's okay to agree to pass a piece of legislation that fundamentally does that.

□ 1910

This bill does that. Is it perfect? No. Is it a compromise? Yes. But that is the reality of legislative compromises.

They talk about Guantanamo. Tonight we are going to vote on a continuing resolution. This bill does nothing to impact on anything to do with Guantanamo. Voting on the continuing resolution, we will vote on keeping those protections in place.

Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, let's talk about what should have been in this bill and what this bill does do and what it doesn't do.

We all know that the face of terrorism is changing. We have seen Fort

Hood, we have seen the attempted attack in Detroit, we have seen the attempted attack at Times Square. We know that terrorism is changing.

This bill is based on the past. There were reports that came out after these attacks and attempted attacks on the United States outlining changes that they thought needed to be made. As terrorism changed, intelligence policies needed to change as well.

The recommendations included improving the systems that deal with information, information sharing, terrorist screening, watch lists, watch list criteria, and those types of things. That's not dealt with in this bill. It is on the sidelines, even though the threat has evolved.

My colleagues have clearly articulated that, by doing nothing, we now open the possibility for Gitmo folks to come to the United States. We open the possibility and the likelihood that once again terror suspects overseas will be Mirandized.

Where is there a provision in this bill that would regulate covert actions that may impact U.S. citizens? Where is the bipartisan part of this bill, the classified annex, the part that we did agree? It was tossed.

Why wasn't there a conference on this bill? Why couldn't we go and have a meaningful discussion and debate involving all the parties about what would make a good intelligence bill?

When did Members meet to discuss the bipartisan agreement that has been claimed in the Senate amendment? They didn't meet. This is a short-circuited process that didn't address and doesn't address the top issues that needed to be addressed to keep America safe.

Mr. REYES. Madam Speaker, I yield myself 1 minute.

There are a lot of things that aren't in this bill. There aren't any things dealing with water, there aren't any things dealing with the border, there aren't any things dealing with other aspects.

We are here to pass a piece of legislation that has the support of every Senator in the other body. We are here to pass a piece of legislation that fundamentally protects this country.

And I can certainly understand the questions that my colleague from Michigan has because for the last year he hasn't been here. He has been in Michigan doing other things.

But to criticize a piece of legislation that we have reached out, that we have worked together—and as I said in my opening statement, this is a compromise agreement that was agreed to by the House, the Senate, and the administration. It is a good piece of legislation. It deserves to be supported.

Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, I yield myself 1 minute.

There aren't a lot of things in this bill. The chairman is absolutely right. Lots of things that should be in this bill. There should be a classified annex. There should be something that outlines our committee's response to what many believe are actions that are being carried out by the government through covert means that affect Americans overseas. This committee should take a stand on that position or on that issue.

This committee should take a stand on Mirandizing. This committee should take a stand on Gitmo. This committee should take a stand on the things that groups who have taken a look at what is happening to terrorism and have recommended changes that be made to keep America safe. And that is a reason why we are opposed to this bill.

We know what is in the bill, and we know what is not. The things that would keep America safe and safer in a changing environment are not in this bill.

Mr. REYES. Madam Speaker, it is my privilege now to yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the committee and the chairman of the Select Intelligence Oversight Panel.

Mr. HOLT. Madam Speaker, I want to thank the distinguished chair of the House Permanent Select Committee on Intelligence, Mr. REYES, for bringing this bill to the floor today. It has required a lot of effort, some compromise and hard work.

The bill advances a number of my priorities, including a sustained emphasis on improving our foreign language capabilities, expanding the Government Accountability Office's ability to conduct investigations of intelligence community activities, and a long overdue declassification review requirement of the gulf war illness-related records at the CIA.

I think we can still do more to provide strong congressional oversight of our intelligence activities. And I am also disappointed that the other body blocked the inclusion of language that I developed that would mandate the video recording of detainee interrogations by the Central Intelligence Agency.

A similar version of this language has been law since last year and governs video recording of detainees in custody of the Defense Department. And multiple studies have documented the benefits of video recording, electronic recording of interrogations, and law enforcement organizations across the United States routinely use the practice to protect both the person being interrogated and the officer conducting the interrogations. Clearly, in the intelligence community, this would be a valuable tool as well. And of course we know that at times the intelligence community does think this is a valuable tool. Otherwise, it would not have made recordings of interrogations of high-value detainees after they were captured in the wake of the 9/11 attacks.

Should a future President direct the CIA to hold detainees for interrogation, those interrogations certainly should be recorded. Accordingly, I hope we will be able to remedy this in next year's bill.

I also wanted to say a word about the so-called Gang of Eight briefings. Because of the importance of this issue, it can get obscured by ''inside the beltway'' jargon. I want to make it clear that in this legislation, we are not and we should not cede the congressional prerogative to compel the President to share information on covert action programs.

So as you read the language of this bill, as my colleagues read the language of the bill, I hope they will understand that we have a constitutional obligation, independent and separate from the executive, to oversee the activities of the executive branch in this area.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. REYES. Madam Speaker, I yield the gentleman an additional minute.

□ 1920

Mr. HOLT. I opposed the previous administration's effort to subvert congressional oversight of intelligence activities, and I am not convinced that we have struck the right compromise language in this legislation. But even so, the requirement of written notification of covert actions is an important step forward, and passing this bill will not mark the end of our reform process.

Given what is accomplished in this bill, I am pleased to vote for the bill, and I urge my colleagues to do so as well.

Mr. HOEKSTRA. I yield 2 minutes to my colleague from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Speaker, let me just say that I agree with the gentleman from New Jersey that we do have an independent constitutional responsibility to obtain the information that is necessary for us to do our job, not just on covert action but on all information. That is one of the reasons I was so disappointed at this fig leaf notification provision which is in this bill.

Madam Speaker, there are all sorts of bad ideas that start coming out and can even pass one body or another unanimously at the end of a session, but this bill is not a real bill.

We have talked several times about the classified annex. What that means is a line-by-line description of the various intelligence programs and how much funding would go to each of them. That is the basic essence of an intelligence authorization bill, and yet that does not exist with this bill. That is what had bipartisan support over the last 1½ years as we have been working on it. But then, when it comes to the floor, that part suddenly gets dropped. What is left is just a rubber stamp of what the appropriators have done, and that does include the earmarks that the gentleman from Michigan talked about.

So instead of coming to fruition for the work that this committee has done for the past 1½ years, instead we get what the Senate will accept or are expected to rubber-stamp it over here and pretend we have done something. But we haven't. We haven't done the basic things that the American people want us to do to keep this country safe.

And I think it is true, as the chairman indicated, the American people do not want us to just say ''no.'' They want us to say ''no'' more often to bad ideas and wish this Congress had said ''no'' more often to a lot of the things that had actually gotten passed. But they want us to seriously address the issues about Guantanamo detainees, about Mirandizing terrorists, about making sure that terrorists are not released prematurely, keeping this country safe; yet this bill falls short. It is a disappointment.

Mr. REYES. Madam Speaker, it is now my privilege to yield 3 minutes to a Member who has been a leader on the issue of cybersecurity, a member of our great committee and the chair of the Armed Services Subcommittee on Strategic Forces, Mr. LANGEVIN.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. I want to thank the chairman for yielding and congratulate him for his outstanding work on this important intelligence authorization bill. It has been my privilege to work on the committee now for 4 years.

Let me just say, Madam Speaker, that I rise in strong support of H.R. 2701. It has been nearly 6 years since an intelligence authorization bill has become law. This bill helps to provide the intelligence community with the essential tools it needs to confront the threats posed by our adversaries, and it is vital that this bill pass today.

It takes a number of important steps toward improving congressional notification, particularly with respect to Gang of Eight issues, making sure that the Intelligence Committee is actually informed when the top Members of the Congress have been notified that an intelligence activity has occurred. It also makes sure that the President has to provide the legal basis for all intelligence activities.

Beyond that, this bill would enact a number of important reforms, but it makes particularly important strides in securing the Nation's cyberspace.

Clearly, our Nation's water, power, communications, and emergency response systems all depend on a secure, resilient information infrastructure. All are under regular threat from hackers, terrorists, and foreign intelligence agencies.

This bill includes an amendment that I proposed requiring a study of the capabilities of America's current Federal cybersecurity workforce. The administration's 60-day cyber review highlighted the government's cyber workforce as one of the areas that needs the most improvement. The government right now simply doesn't have enough cybersecurity experts, and we have to do a better job of competing with the private sector for scarce talent.

This study that I made sure was in this bill addresses these weaknesses by examining how best to attract, retain, and develop the workforce that the United States Government needs to defend our critical infrastructure. This includes an evaluation of the benefits of outreach to industry and academia, who can be critical partners in securing our cyber networks.

Madam Speaker, more than ever the United States needs to realize that cybersecurity is an issue that requires urgent attention. The American people are depending on us. We cannot remain complacent. We can't wait until a catastrophic event happens. I look at this as a potentially pre-9/11 moment, where we know that there is a critical vulnerability in our cybersecurity infrastructure and we need to move more quickly to protect it.

I want to thank Chairman REYES for his outstanding leadership on this issue. A lot of the work you don't see that he does and the committee does behind the scenes, but it is essential, it is important, and I thank the gentleman for his leadership. I certainly urge passage of this bill.

Madam Speaker, I rise in support of H.R. 2701.

It has been nearly six years since an intelligence authorization bill has become law. These bills help provide the Intelligence Community with the tools it needs to confront the threats posed by our adversaries, and it is vital that this bill pass today.

The bill would enact a number of important reforms, but it makes particularly important strides in securing cyberspace. Our nation's water, power, communications, and emergency response systems all depend on a secure and resilient information infrastructure. All are under regular threat from hackers, terrorists, and foreign intelligence agencies.

This bill includes an amendment I proposed that requires a study of the capabilities of America's current federal cyber workforce. The Administration's 60-day cyber review highlighted the government's cyber workforce as one of the areas that needs the most improvement. The government simply does not have enough cybersecurity experts; we must do a better job competing with the private sector for scarce talent.

This study addresses these weaknesses by examining how best to attract, retain, and develop the workforce the United States government needs to defend our critical infrastructure. This includes an evaluation of the benefits of outreach to industry and academia, who can be critical partners in securing our networks.

Madam Speaker, more than ever the U.S. needs to realize that cybersecurity is an issue that requires urgent attention. We cannot remain complacent.

I strongly support this bill. I urge all my colleagues to do the same.

Mr. HOEKSTRA. I reserve the balance of my time.

Mr. REYES. Could I inquire as to the amount of time on either side?

The SPEAKER pro tempore. The gentleman from Texas has 7 minutes, and the gentleman from Michigan has 8 minutes.

Mr. REYES. Madam Speaker, it is now my privilege to yield 1 minute to the majority leader, a gentleman who has worked tirelessly the last few months to make sure that we have a good bill and a good compromise. I have been told that compromise is one where everyone feels that they didn't get everything they needed but it's at a place where we should be able to support it. No one personifies that better than our majority leader, Mr. HOYER.

Mr. HOYER. I thank the chairman for his generous remarks. More importantly, however, I thank him for his very hard, focused, untiring work on making sure that, for the first time since 2004, we pass an authorization bill for intelligence.

I want to say that all of us have been engaged in this, but no one more than the chairman, and I thank him for his work. I also thank the staff, the staff director, and members of the staff who have done an extraordinary job as well. I know that the minority staff has worked hard on this as well, and Mr. HOEKSTRA, of course, who has been on the Intelligence Committee for many, many years.

I rise, Madam Speaker, in support of this intelligence authorization bill. The passage of this legislation, as I said earlier, is the first intelligence authorization bill to be passed since 2004. On something as critically important as our national security, national intelligence, it is unfortunate that we haven't been more successful in the past in passing a bill, for whatever reasons. This is a major step to strengthen our national security.

The bill continues policies that are working to help keep America safe from terrorist attack, policies which have been supported by two administrations. It also strengthens oversight of our intelligence community.

□ 1930

In a democracy, we have recognized in a bipartisan way that intelligence is critical, but in a free and open society it is also important that the people's representatives have meaningful oversight. While this community deserves the support of Congress, and it has always had mine, it also requires oversight by the Congress and direction from the Congress as to what policies the people's representatives believe ought to be followed. In my opinion, this bill does that.

The bill creates an independent inspector general with responsibility for the entire intelligence community. It reforms the briefing process for the bipartisan leadership of both Chambers and their Intelligence Committees, ensuring that the full membership of the House and Senate Intelligence Committees are informed when briefings occur and making the briefings available to all members of the committees 6 months after the initial briefings.

It is critically important that we keep secret those matters which are important to keep secret for our national security. On the other hand, we know from history, we know from experience, that it is critically important, as I have said in the past, that the people's representatives have knowledge and briefings as to those undertakings of this community.

This bill provides for the development of a framework that will enable the Government Accountability Office to conduct proper oversight of intelligence activities and reforms the intelligence community's acquisition process to avoid waste of taxpayer money.

This bill passed the Senate with unanimous support from both parties. This is not a partisan bill. This is a bill that the Senate Republicans and the Senate Democrats believed added to the security of our country.

In fact, I agree with Senate Intelligence Committee Vice Chairman KIT BOND, who formerly was, of course, the chairman of the Intelligence Committee, with whom I worked very hard in a bipartisan fashion to pass the Foreign Intelligence Surveillance Act, with the help of my friend the chairman and the support of President Bush.

KIT BOND said this about this bill: ''We can do more to protect Americans from attack, and passing the intelligence authorization bill,'' referring to the bill that is on the floor, ''passing the intelligence authorization bill and improving congressional oversight over our spy agencies is an important first step.''

That is what Senator BOND said, the Republican chair of the Intelligence Committee, and now the vice chair of the Intelligence Committee.

I want to thank the members of the House Intelligence Committee on both sides of the aisle, especially, as I have said, Chairman SILVESTRE REYES and his staff, for their very hard work in writing and securing support for this legislation. It was not an easy road. There was disagreement.

The administration, this House, the Senate, had to come to an agreement. They have come to an agreement, an agreement which I think is, as KIT BOND said, a step in the right direction, an important step, and I hope that my colleagues will support it.

This is another contribution to strong and responsible leadership of our national security. I urge my colleagues to support it so that President Obama can sign it into law.

There is no higher responsibility than we have when we raise our hands in this Chamber to support and defend the Constitution of the United States and the laws thereof. Clearly, one of our major responsibilities is to protect America from adversaries, whether they be domestic or foreign, and in that process have an intelligence community that has the capability of ferreting out those who would harm this country and its people. But we also need to have an active, engaged, and responsible, as we do, Intelligence Committee, both in the House and in the Senate, to ensure that the values that make this country so special are honored even as we take every step that is necessary and proper to defend and protect America and Americans.

I urge the passage of this important piece of legislation.

Mr. REYES. Madam Speaker, I reserve the balance of my time to close.

Mr. HOEKSTRA. I yield myself the balance of my time.

Mr. Chairman, thank you for the opportunity to work with you on the committee. I am disappointed that we did not get to agreement on this bill and that we are at different places on what is a very important piece of legislation to keep America safe.

I wish you the best in your future in Congress, as I leave this institution and as I leave the House Intelligence Committee. It has been a great honor to serve on this committee and do the work that we have tried to do to keep America safe.

You know, there are things that I wish we would have gotten done as we structured this bill that would have enabled us to move forward in a bipartisan basis.

There have been a number of investigations, beginning in 2007 dealing with the tapes investigation, dealing with detention, dealing with interrogation. I wish those investigations had been completed and reports would have been issued, and that we would have used the findings of those reports and those investigations to improve this bill.

I wish that we would have continued to move forward in a way that, a few years ago, in a bipartisan basis, this House said we are not going to put earmarks into intelligence bills.

I wish that we as a committee would have taken a position in repudiating a position that the President of the United States took soon after he assumed office which said he was going to close Gitmo and move the detainees from Guantanamo, move them into the United States. I wish we had said in this bill that we would have continued that prohibition on moving and expending any funds for moving people from Guantanamo into the United States. That is now an open question as to whether that may or may not happen.

I wish that in this bill we would have taken a position and said that it is inappropriate to Mirandize terrorists captured overseas, in many ways, I believe, giving them more legal rights than what we give to our own employees of the CIA.

CIA employees that do face perhaps the possibility of being prosecuted, I wish we would have said in this bill, these people have been investigated twice, they did what the leadership and the political leadership of this country asked them to do, and we will now protect them and say no, no funds will be used to prosecute them for the things that leadership in the United States of America asked them to do to keep us safe.

I wish we would have clearly said that we repudiate the policy of this administration where they for a period of time said, ''We are not going to use the word 'terrorism' anymore. We are going to wipe the slate clean, and we are not going to use that language. We are now going to call terrorism 'man-made disasters.' ''

We all know that if you don't correctly identify the threat that you face, you will never be able to contain it, confront it, and defeat it.

I wish that we would have taken a strong position in this bill in response to what happened at Fort Hood. Remember at Fort Hood, for months after the attack at Fort Hood, where 14 Americans were brutally murdered, this administration refused to recognize that this might be related to terrorism or the threats that we face from overseas.

We now know that in this and other terrorist attacks, as this face of terrorism changes, that in Fort Hood and other instances, Anwar al-Awlaki, associated with al Qaeda on the Arabian Peninsula, played a part. We maybe don't know exactly how big of a part, but whether it was Fort Hood, whether it was the Christmas Day attack or what happened at Times Square, al-Awlaki may have been involved in some if not all of these attacks, and we know that al-Awlaki, bin Laden and all of these individuals continue to plan attacks against the U.S., against our allies in Europe, and against other friends around the planet.

These are all things that needed to be done in this bill. These are all things that needed to be done if we were going to keep America safer.

Right now, we all see and read about the fact that there is heightened awareness of threats, a heightened threat alert in Europe and in the United States, because we sense that there is an urgency by the radical jihadists to attack the West and to attack them again. This bill needed to meet that standard of addressing a changing environment, a changing threat level.

□ 1940

We see that happening. And my fear is that sometime in the future people are going to say Congress came up short. They didn't connect the dots one more time. They didn't connect the dots of threats coming out of Pakistan, coming out of Somalia, coming out of northern Africa, coming out of the Arabian peninsula. They didn't clearly understand the changing face of terrorism. They didn't learn the lessons from Fort Hood. They didn't learn the lessons from Christmas Day. They didn't learn the lessons from Times Square. Because the people who investigated those said, These are the types of things that we need to do to keep

America safe. And as we close out a fiscal year, Congress acted; but it didn't act on the lessons learned. Why didn't they act? Didn't they really have all the knowledge? Didn't they really connect the dots? I think we have the information. We could have connected the dots better. We needed to connect the dots better because each and every day the threats that we face change and adapt.

The challenge that we have as a Nation, that we have as an intelligence community is to design an intelligence community, to design an intelligence capability that is one step ahead of the challenges that we face, not one or two steps behind. The face of terrorism is changing. This bill doesn't put us out in front of dealing with those threats. It leaves us behind. That's why I am disappointed in this bill. That's why I am voting ''no,'' and I encourage my colleagues to vote ''no,'' because we need to do better than what is in this bill.

Having a bill with no classified annex providing no direction is not an authorization bill. Much more needs to be done. I wish and I hope that we can send this bill back, vote it down and improve it, and do what this country needs and what this country demands from us to keep America safe.

With that, I yield back the balance of my time.

Mr. REYES. I yield myself the balance of my time.

Madam Speaker, I want to take this time to thank the ranking member. Although we have disagreed many times on the way forward, we have never disagreed on the purpose that we're both here, and that is working hard to keep this country safe. As I thank the ranking member for his hard work and wish him well, knowing that he is going to be leaving Congress, I also want to assure you that we will continue to focus on the many things that I know we have in common, and that is making sure we do everything we can to continue to protect this country, continue to work together, the Senate, the House, and the administration, towards that effort.

I, too, would like to close by thanking all of the people who have worked so hard and for so long to get this bill to this point. First, I would like to thank the Speaker and the majority leader for their leadership and support during these tough negotiations. I would like to also thank Chairman FEINSTEIN and Vice Chairman BOND for their dogged commitment towards working in a bipartisan fashion to get this bill passed.

I would like to thank the members of the House intelligence committee who have all contributed valuable ideas and hard work towards this bill. Not everyone got everything that they wanted included in this bill, but I think it is a good compromise. I would also like to thank the staffs of the House and Senate Intelligence Committees on both sides, the minority and the majority side; the legislative counsels; all those who worked so very hard and many long hours. And in our case here, since we are going to have a bill for the first time in almost 6 years, it is vital and important to recognize that hard work.

This has been a monumental effort on the part of many, many people. The intelligence communities have worked for years on Intelligence authorization bills, only to see those efforts and that hard work frustrated by vetoes, by bipartisan politics, and other roadblocks. We have only been able to break through these barriers through diligence, leadership on both sides, and a commitment to national security that extends beyond partisan divisions.

The bill that we bring to the floor tonight is a product of compromise. As I said, we didn't get everything through this body. We didn't get everything that everyone wanted to be included, but I think we have got a great product that will help keep this country safe.

Finally, as I reflect back on the faces of countless men and women throughout the world in the 16 different agencies and the military working together as never before to counter the challenges and the threats that we face as a country, I am impressed by their professionalism, their dedication, their commitment, and their trust that we are going to do the right thing to give them the tools to carry out their assignments, to carry out their work, and to continue to keep us safe.

We have worked very hard, and now it is time for Members to do their part. This is the essence of what we have been sent here to do. We make difficult decisions that are in the best interest of our country. We don't always agree, but we govern. That is the American way. I am proud to have been a part of this process. I urge my colleagues to support this bipartisan product. And in the Senate, as the majority leader said, every member of the Senate supported this bill, sending a clear bipartisan statement on national security. That is what we're sent here to do.

So I hope that this evening we can send a similar message to the country that when the stakes are high, when the stakes are about the national security of our country, we can come together, set aside politics, set aside divisions and all the things that the American people have told us are not important in the realm of national security.

So it has been a great privilege and a great honor to lead this committee as chairman. This evening will be the culmination of months and months of work. And I am very appreciative of the work that has been done by both the majority and the minority and by the staffs on both sides. Certainly, I think we have a lot to be proud of; and, most of all, we can be grateful that the hard work being done by our men and women in the intelligence community through our support keeps us safe.

With that, Madam Speaker, I urge my colleagues to vote ''yes.''

Ms. PELOSI. Madam Speaker, every month, we take the time to pause here on the House floor and honor our men and women in uniform for their service.

Today, we have an opportunity to do the same for those who serve in our intelligence community. These officers are selflessly protecting the security of the American people. We are indebted to them for their dedication to the mission of keeping our Nation safe.

I would like to thank the distinguished Chairman of the Intelligence Committee, SILVESTRE REYES, for his leadership in bringing a bill to the floor today that has bipartisan support in Congress. It represents an agreement between Congress and the Executive Branch. And it will be signed into law by the President.

Keeping the American people safe is the first priority of every Member of Congress. One of the ways in which we do this is through the oversight of intelligence. A robust oversight framework is critical to ensuring that the intelligence community functions as effectively and efficiently as possible.

This legislation will enhance Congress's ability to perform its essential oversight role. It expands and improves congressional notification for covert action, including those currently restricted to the so-called gang of eight. It provides the framework for the Government Accountability Office to have access to intelligence community information so that it may conduct investigations, audits and evaluations when requested by Congress.

I urge my colleagues to join me in supporting this legislation, and the intelligence officers at home and abroad who keep the American people safe.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of the Intelligence Authorization Act of 2010.

This measure authorizes funding for the Office of the National Intelligence Director, the Central Intelligence Agency, and the National Security Agency, as well as the foreign intelligence activities of the Defense Department, FBI, State Department and Homeland Security Department. Further, to ensure that these and other activities are conducted in a manner that is consistent with the laws of the United States, the measure increases the levels of oversight of the intelligence community in several key ways.

First, the bill modifies the processes for reporting of intelligence activities, including covert actions, to the congressional intelligence committees.

The President is required by law to keep congressional intelligence committees fully and currently informed of intelligence activities, but under extraordinary circumstances, the President can limit these communications to the Chairmen and Ranking Members of the intelligence committees, the Speaker and Minority Leader of the House, and the Majority and Minority Leaders of the Senate. The bill alters this and requires the President to notify all members of the congressional intelligence committees when the 'Gang of Eight' has been contacted and notified of a covert incident and to provide a general description of that briefing.

Second, the bill requires the Director of National Intelligence to write regulations to permit

the Government Accountability Office to audit the intelligence community. Additionally, the Director of National Intelligence is required to provide a comprehensive report on the use of contractors throughout the intelligence community.

This bill funds the U.S. national security and intelligence programs and objectives that help to keep Americans safe. The bill also helps to ensure that these activities are conducted in a manner consistent with the Constitution and laws of the United States.

I encourage my colleagues to join me today in support of this important bill.

Mr. HOEKSTRA. Madam Speaker, I would like to note for the RECORD my specific objections in several respects with the Fiscal Year 2010 Intelligence Authorization Act ''agreement'' that was passed by the Senate and agreed to by the Administration based on a Staff draft, and that now may come before the House just two days before the end of that fiscal year after repeated delays. The bill is completely unnecessary and moot for the purposes of authorizing intelligence activity; it instead appears intended to force through several controversial provisions as the House approaches a ''lame duck'' session.

While I have repeatedly raised our broader concerns with respect to this legislation in the House and in our formal Minority Views, I felt it important to memorialize what we believe are significant shortcomings and flaws in the current bill, especially with provisions that were not previously included in the House bill. I do not believe that this bill in its current form addresses a number of critical national security issues, and in many respects would fail to empower our intelligence professionals and create significant and unnecessary new bureaucracy and politicization of the intelligence community.

Most significantly, we are concerned with the absence of provisions to address the following critical issues:

Earmarks: The bill removes language from a previous Republican amendment to prohibit the use of funds authorized in the bill for any earmarked purpose, and effectively authorizes earmarks of the Appropriations Committee.

Covert Action Authorities: The bill does nothing to provide safeguards for certain covert action activities that could impact U.S. citizens.

Intelligence Flaws Revealed After Fort Hood Shooting: The bill contains no substantive provisions to address critical information sharing flaws brought to light in the aftermath of the Fort Hood shooting.

Interrogation of High Value Detainees: The bill contains no substantive provisions to make intelligence collection a priority in the interrogation of high value detainees, or to address the complete lack of coordinated decisionmaking with respect to interrogation of high value detainees.

FISA Authorities: The bill does nothing to provide critically needed clarification of authorities under the Foreign Intelligence Surveillance Act.

Guantanamo Detainees: The bill contains no outright prohibition on using intelligence funds to bring Guantanamo Bay detainees into the United States, or to prohibit secret payments to foreign countries using intelligence funds to accept Guantanamo Bay detainees. The conference agreement also omits a Republican amendment—agreed to on a bipartisan basis—to evaluate potential threats from released Uighur detainees.

Administration of Miranda Warnings: The bill omits a Republican amendment—supported on a bipartisan basis in the Committee and in the House—to prohibit giving Miranda warnings to foreign terrorist suspects in foreign countries in order to protect intelligence collection.

In addition, I have concerns with several provisions of the bill that we believe are seriously flawed in several different respects. A number of these provisions are inconsistent with the letter or the spirit of bipartisan agreements reached in the Intelligence Reform and Terrorism Prevention Act of 2004. I believe a number of provisions would unduly and unwisely further grow the intelligence bureaucracy. I believe that other provisions would impinge on the smooth operation of the intelligence community, and that others would interfere with efficient and centralized intelligence oversight as recommended by the 9/11 Commission. Other objectionable provisions do not appear to have been fully or adequately justified, some with potentially significant consequences. The objectionable provisions include, but are not limited to, the following:

Contractor Conversion: While I support appropriate review of the size and nature of the contractor workforce, Section 103 of the bill would provide unlimited authority to add an unlimited number of employees, regardless of any other statutory limitation. This is inconsistent with bipartisan agreements in the House Intelligence Committee with respect to limiting the size of the ODNI.

''A not A'' Funds: Section 101 of the bill would deem any appropriated but unauthorized funding to be authorized. This provision fundamentally cedes the authorization prerogatives of the Intelligence Committees to the Appropriations Committees, and virtually renders moot bipartisan agreements on the funding authorizations contained in the classified annex.

No Classified Annex: The bill omits the classified annex that provides the specific direction to the intelligence community on the conduct of operations and the permissible uses of funds, which had been negotiated on a bipartisan basis.

Unlimited Increases in Employee Compensation: Section 301 of the bill would allow unlimited increases to pay and benefit authorization for any increases authorized by law. Such unrestricted authority effectively renders moot specific authorization levels elsewhere and can be used by the ODNI to circumvent such restrictions for additional unapproved growth. Similarly, Section 303 would permit the DNI to authorize technically unlimited pay for specific positions at his sole discretion. I am not aware of any demonstrated need for such extraordinary authority.

Award of SIS Rank: Section 304 of the bill would permit the Director of National Intelligence to recommend that the President directly award Senior Intelligence Service rank to employees across the intelligence community. This would directly involve the DNI in specific agency personnel matters contrary to the intent of the IRTPA and may foster cronyism and non-merit based promotions of intelligence community personnel.

Temporary Personnel Authorizations for Critical Language Training: Section 306 of the bill would exempt up to 100 ODNI personnel from personnel caps for the purposes of language training. Given the widespread prevalence of persons receiving foreign language training in the intelligence community, I believe this is a thinly veiled authorization to circumvent existing personnel caps, again inconsistent with the intended size and scope of the ODNI and bipartisan agreements within the House Committee on personnel levels within the ODNI.

Education Programs: Sections 311 through 314 of the bill would create or modify a number of education programs in the intelligence community. While I do not necessarily oppose any of these programs, I do not believe that these provisions—most of them permanent—have been adequately explained or justified. I note that previous versions of the bill would have required a study to review and justify such programs, which suggests that others share our concerns that these programs have not yet been fully reviewed. For that provision to be dropped in lieu of outright authorization makes little sense in light of the implicit acknowledgment that further study is needed.

Business System Transformation: Section 322 of the bill would require the DNI to ''develop and implement'' (rather than coordinate) an enterprise architecture to ''cover all intelligence community business systems''. I believe this provision is inconsistent with the role and scope of the ODNI contemplated in the IRTPA.

IP Funded Acquisitions: Section 326 of the bill authorizes the DNI to delegate certain acquisition authorities within the intelligence community. This provision is inconsistent with the express agreement reached in the IRTPA conference not to permit such delegation.

Congressional Notification: Section 331 of the bill continues to cede sole authority to the President to determine which members of the congressional intelligence committees would receive briefings on particularly sensitive intelligence matters. This provision is inconsistent with previous bipartisan agreements reached in the House Committee, and fails entirely to protect the Constitutional prerogative of the Congress to make its own rules of proceedings. It would have little meaningful effect and appears to provide political cover at the expense of real reform in this critical area.

GAO Review: Section 348 of the bill also contains a provision that requires the Executive Branch to promulgate guidelines for dealing with GAO reviews of intelligence community programs. I believe that this provision is unwise for a number of reasons. Most notably, it potentially cedes significant elements of the traditional oversight role of the intelligence committees to the GAO and potentially to other Committees of the Congress, and it fails to adequately protect the security and dissemination of classified work product under the same terms as the Committee rules. In addition, this specific provision cedes to the Executive Branch and the Comptroller General the determination of how to manage GAO inquiries that should be directed by Members of Congress.

Report on Intelligence Community Contractors: Section 339 of the bill would improperly require reports on sensitive intelligence collection matters—including covert action programs—to be provided to the Armed Services committees, contrary to the Rules of the House. Several other provisions of the bill also require reports on intelligence matters to be submitted to Committees that may not have jurisdiction over the material to be reported on.

Reprogramming Standard: Section 362 of the bill would modify the reprogramming standard for intelligence activities in a manner that would render it virtually meaningless. This change is contrary to the express

bipartisan agreement reached in the Intelligence Reform and Terrorism Prevention Act conference.

Declassification of Intelligence Budget Topline: Section 364 provides for permanent declassification of the intelligence budget topline. This provision serves no demonstrable intelligence purpose, and is contrary to the express bipartisan agreement reached in the Intelligence Reform and Terrorism Prevention Act conference.

Review Authority of the Public Interest Declassification Board: Section 365 would allow any individual member of certain committees to request declassification review of certain records. This provision is contrary to the express bipartisan agreement reached in the Intelligence Reform and Terrorism Prevention Act conference to restrict such requests.

Accountability Reviews: Section 401 of the bill would authorize the DNI or the congressional intelligence committees to directly conduct or request accountability reviews of individual intelligence community personnel. This provision would involve the DNI in individual personnel matters within intelligence agencies in a manner inconsistent with the authorities contemplated in the IRTPA.

Inspector General of the Intelligence Community: While I do not necessarily oppose the concept of greater coordination by the DNI of intelligence community inspectors general, Section 405 of the bill is a massive and unduly prescriptive provision that is inconsistent with the contemplated size and scope of the ODNI and in many respects duplicates existing oversight by Department inspectors general.

Inspector General of the Central Intelligence Agency: Similarly, I have significant concern that Section 425 of the bill is unduly prescriptive and burdensome with respect to the organization and management of the office of the Inspector General of the Central Intelligence Agency.

Defense Inspector General Matters: Section 431 of the bill would authorize the Secretary of Defense to prohibit certain inspector general reviews of intelligence matters within the intelligence community. I see no apparent justification for this provision, which we believe could potentially interfere with the independence of the intelligence community and may be inconsistent with the intention of the IRTPA.

Confirmation of Heads of Certain Components of the Intelligence Community: Section 432 of the bill would require Senate confirmation of the heads of certain IC agencies. This provision threatens to politicize such positions, which are often held by career military officers, and could impede the efficient functioning of these agencies in times of vacancy.

FBI Relocation and Retention Bonuses: Section 443 of the bill would provide certain authorities relating to relocation and retention bonuses for the entire Federal Bureau of Investigation—not just employees funded by the National Intelligence Program. Such a broad provision is outside the Committee's jurisdiction, has not been justified to the Committee, and has not been reviewed for consistency across the Intelligence Community and federal law enforcement. While I strongly support line personnel of the FBI, we believe that this provision must be more carefully reviewed and harmonized with personnel practices in other intelligence and law enforcement agencies. Similarly, we believe that section 444, which extends authority to delay certain FBI mandatory retirements must be better reviewed, especially for its implications for federal law enforcement retirement, which is intended to promote a young and vigorous workforce and should be applied consistently across federal law enforcement agencies.

Mr. THOMPSON of California. Madam Speaker, I rise in support of H.R. 2701.

As Chairman of the Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence, I am pleased that today we can discuss the merits and qualities of this much needed, and long overdue, legislation. This bill will support critical U.S. intelligence capabilities, enhance congressional oversight, and improve accountability across the Intelligence Community.

In addition to modifying congressional notification procedures for covert actions and providing a framework to allow GAO access to the Intelligence Community, this legislation also contains several important reporting requirements.

Specifically, H.R. 2701 includes a reporting requirement related to the Intelligence Community's involvement in detention and interrogation activities. This report will assist in improving the effectiveness of interrogations and prevent the repeat of past abuses by directing the Director of National Intelligence to revisit training policies and procedures for interrogators, as well as evaluate current scientific research on the conduct of interrogations.

Another provision requires the newly created Inspector General of the Intelligence Community to study the electronic waste disposal practices of the IC. This provision serves a dual purpose: to protect our environment and our national security.

The language directs the IC/IG to assess both the environmental impact of disposal practices and the steps taken to ensure that discarded devices do not contain sensitive information that can be exploited by our adversaries.

Madam Speaker, this legislation is long overdue and will enhance the capabilities of the Intelligence Community and make our nation safer. I urge my colleagues to support this bill.

Mr. KUCINICH. Madam Speaker, I support the dedicated public servants of our intelligence community and commend their efforts to ensure our national security. However, I must oppose the Motion to Concur in the Senate Amendment to H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010.

I continue to grow concerned that covert intelligence activities may constitute violations of the Constitution and that they severely undermine the rule of law. I am further concerned that these activities are conducted with total impunity. This legislation includes provisions to establish mechanisms of accountability over operations conducted by the intelligence community. I support those provisions. However, the compromise language included in this bill further weakens already weak disclosure requirements. More importantly, the provisions meant to address a lack of accountability included in this bill will do nothing to control intelligence activities that are tantamount to war.

It was reported in The Washington Post this week that the Central Intelligence Agency (CIA) has deployed a covert "well-armed 3,000-member Afghan paramilitary force" that is used for "surveillance, raids and combat operations in Afghanistan. The senior official quoted in the article admits that these teams are also "crucial to the United States' secret war in Pakistan." In addition to this troubling revelation, the CIA has conducted over 20 drone attacks in Pakistan just this month. Philip Alston, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has called on the United States to comply with international rule of law and disclose the criteria for individuals that may be targeted, how the government ensures the drone attacks are legal, and the nature of the follow-up the government conducts when civilians are killed. Thus far, the Administration has failed to provide any of this information.

These actions severely undermine the rule of law and our moral standing in the world. We only stand to gain more enemies if we continue to conduct seemingly indiscriminate drone attacks in a country with whom we are not at war. We can only further diminish our national security with our war in Afghanistan, which includes significant covert intelligence operations.

This legislation will not quell the intelligence activities that urgently require reform. If this bill allows intelligence agencies to continue covert wars in Afghanistan, Pakistan and even Yemen, I cannot support this bill. I oppose this legislation and urge my colleagues to do the same.

Mr. SMITH of Washington. Madam Speaker, as a member of the House Permanent Select Committee on Intelligence, I support the passage of H.R. 2071, the Intelligence Authorization for Fiscal Year 2010. This important legislation addresses many critical issues for our intelligence community and provides essential resources for the men and women of the intelligence community to do the hard work to combat our ever emerging threats. It provides necessary guidance and oversight, especially in key areas of notification and accountability to Congress. I am also very pleased about the improvements made in several key areas of importance to our national security including counterterrorism, acquisition reform, cybersecurity, and satellites.

H.R. 2071 advances our counterterrorism work by strengthening the ability of the National Counterterrorism Center to share information with State and local law enforcement officials without the risk of that information being exposed. The bill also ensures that Congress continues to receive reporting on intelligence concerning terrorist financial assets.

Mirroring the crucial cost control work my colleagues and I implemented in the House Armed Services Committee, this measure includes a number of provisions that bring our Intelligence community acquisition procedures closer in line with recently enacted Department of Defense acquisition reforms. These represent signifilant reforms to the way the intelligence community conducts acquisitions. Among other things, the provisions would create a notification system similar to the Department of Defense's "Nunn-McCurdy" system, which requires the community to report to Congress and restructure programs when costs for major systems grow beyond established thresholds.

The bill also makes important strides toward securing our cyber resources. The Intelligence community needs the ability to stop threats posed by hackers, cyber-criminals, and hostile governments. Our Intelligence community must be able to respond to these cyber threats quickly and with our best technologies.

H.R. 2071 increases resources for critical cybersecurity programs to protect vulnerable infrastructure and requires reporting on the effectiveness of current cyber-threat information sharing and distribution.

Finally, this bill makes important investments to maintain current satellite manufacturing capabilities and encourages the Intelligence community to continue to work with the commercial imagery industry.

The Fiscal Year 2010 Intelligence Authorization Act advances a number of issues critical to protecting our national security and will improve the ability of our intelligence community to do the hard work to keep our nation safe. As the first Intelligence Authorization bill in six years, this legislation makes essential reforms and provides vital tools that apply not just to Fiscal Year 2010 but continue for years to come.

Mr. REYES. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 2701 is postponed.

COIN MODERNIZATION, OVERSIGHT, AND CONTINUITY ACT OF 2010

Mr. WATT. Madam Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of the bill (H.R. 6162) to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the bill is as follows:

H.R. 6162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coin Modernization, Oversight, and Continuity Act of 2010''.

SEC. 2. AUTHORITY TO CONDUCT RESEARCH AND DEVELOPMENT ON ALL CIRCULATING COINS.

(a) IN GENERAL.—To accomplish the goals of this Act and the requirements of subchapter II of chapter 51 of title 31, United States Code, the Secretary of the Treasury may—

(1) conduct any appropriate testing of appropriate coinage metallic materials within or outside of the Department of the Treasury; and

(2) solicit input from or otherwise work in conjunction with entities within or outside of the Federal Government including independent research facilities or current or potential suppliers of the metallic material used in volume production of circulating coins,

to complete the report referred to in this Act and to develop, evaluate or begin the use of new metallic materials for such production.

(b) FACTORS TO BE CONSIDERED.—In the conduct of research, development, and the solicitation of input or work in conjunction with entities within and outside the Federal Government, and in reporting to the Congress with recommendations, as required by this Act, the Secretary of the Treasury shall consider the following:

(1) Factors relevant to the potential impact of any revisions to the composition of the material used in coin production on the current coinage material suppliers.

(2) Factors relevant to the ease of use and ability to co-circulate of new coinage materials, including the effect on vending machines and commercial coin processing equipment and making certain, to the greatest extent practicable, that any new coins work without interruption in existing coin acceptance equipment without modification.

(3) Such other factors that the Secretary of the Treasury, in consultation with merchants who would be affected by any change in the composition of circulating coins, vending machine and other coin acceptor manufacturers, vending machine owners and operators, transit officials, municipal parking officials, depository institutions, coin and currency handlers, armored-car operators, car wash operators, and American-owned manufacturers of commercial coin processing equipment, considers to be appropriate and in the public interest, after notice and opportunity for comment.

SEC. 3. BIENNIAL REPORT TO THE CONGRESS ON THE CURRENT STATUS OF COIN PRODUCTION COSTS AND ANALYSIS OF ALTERNATIVE CONTENT.

(a) REPORT REQUIRED.—Before the end of the 2-year period beginning on the date of the enactment of this Act, and at 2-year intervals following the end of such period, the Secretary of the Treasury shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate analyzing production costs for each circulating coin, cost trends for such production, and possible new metallic materials or technologies for the production of circulating coins.

(b) DETAILED RECOMMENDATIONS.—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury shall include detailed recommendations for any appropriate changes to the metallic content of circulating coins in such a form that the recommendations could be enacted into law as appropriate.

(c) IMPROVED PRODUCTION EFFICIENCY.—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury shall include recommendations for changes in the methods of producing coins that would further reduce the costs to produce circulating coins, and include notes on the legislative changes that are necessary to achieve such goals.

(d) MINIMIZING CONVERSION COSTS.—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury, to the greatest extent possible, may not include any recommendation for new specifications for producing a circulating coin that would require any significant change to coin-accepting and coin-handling equipment to accommodate changes to all circulating coins simultaneously.

(e) FRAUD PREVENTION.—The reports required under this section shall make no recommendation for a specification change that would facilitate or allow the use of a coin with a lesser value produced, minted, or issued by another country, or the use of any token or other easily or regularly produced metal device of minimal value, in the place of a circulating coin produced by the Secretary.

(f) RULE OF CONSTRUCTION.—No provision of this Act shall be construed as requiring that additional research and development be conducted for any report under this Act but any such report shall include information on any such research and development during the period covered by the report.

SEC. 4. MEETING DEMAND FOR SILVER NUMISMATIC ITEMS.

Section 5112(e) of title 31, United States Code is amended by striking ''quantities'' and inserting ''qualities and quantities that the Secretary determines are''.

SEC. 5. TECHNICAL CORRECTIONS.

Section 5112 of title 31, United States Code is amended—

(1) in subsection (e), by inserting ''qualities and'' before ''quantities'';

(2) in subsection (i)(1), by inserting ''qualities and'' before ''quantities''; and

(3) in subsection (u)(1)—

(A) by striking ''exact duplicates'' and inserting ''likenesses'';

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(D) in subparagraph (A), by striking ''of 3.0 inches'' and inserting ''determined by the Secretary that is no less than 2.5 inches and no greater than 3.0 inches''.

AMENDMENT OFFERED BY MR. WATT

Mr. WATT. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coin Modernization, Oversight, and Continuity Act of 2010''.

SEC. 2. AUTHORITY TO CONDUCT RESEARCH AND DEVELOPMENT ON ALL CIRCULATING COINS.

(a) IN GENERAL.—To accomplish the goals of this Act and the requirements of subchapter II of chapter 51 of title 31, United States Code, the Secretary of the Treasury may—

(1) conduct any appropriate testing of appropriate coinage metallic materials within or outside of the Department of the Treasury; and

(2) solicit input from or otherwise work in conjunction with entities within or outside of the Federal Government including independent research facilities or current or potential suppliers of the metallic material used in volume production of circulating coins,

to complete the report referred to in this Act and to develop and evaluate the use of new metallic materials.

(b) FACTORS TO BE CONSIDERED.—In the conduct of research, development, and the solicitation of input or work in conjunction with entities within and outside the Federal Government, and in reporting to the Congress with recommendations, as required by this Act, the Secretary of the Treasury shall consider the following:

(1) Factors relevant to the potential impact of any revisions to the composition of the material used in coin production on the current coinage material suppliers.

(2) Factors relevant to the ease of use and ability to co-circulate of new coinage materials, including the effect on vending machines and commercial coin processing equipment and making certain, to the greatest extent practicable, that any new coins work without interruption in existing coin acceptance equipment without modification.

(3) Such other factors that the Secretary of the Treasury, in consultation with merchants

who would be affected by any change in the composition of circulating coins, vending machine and other coin acceptor manufacturers, vending machine owners and operators, transit officials, municipal parking officials, depository institutions, coin and currency handlers, armored-car operators, car wash operators, and American-owned manufacturers of commercial coin processing equipment, considers to be appropriate and in the public interest, after notice and opportunity for comment.

SEC. 3. BIENNIAL REPORT TO THE CONGRESS ON THE CURRENT STATUS OF COIN PRODUCTION COSTS AND ANALYSIS OF ALTERNATIVE CONTENT.

(a) REPORT REQUIRED.—Before the end of the 2-year period beginning on the date of the enactment of this Act, and at 2-year intervals following the end of such period, the Secretary of the Treasury shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate analyzing production costs for each circulating coin, cost trends for such production, and possible new metallic materials or technologies for the production of circulating coins.

(b) DETAILED RECOMMENDATIONS.—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury shall include detailed recommendations for any appropriate changes to the metallic content of circulating coins in such a form that the recommendations could be enacted into law as appropriate.

(c) IMPROVED PRODUCTION EFFICIENCY.—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury shall include recommendations for changes in the methods of producing coins that would further reduce the costs to produce circulating coins, and include notes on the legislative changes that are necessary to achieve such goals.

(d) MINIMIZING CONVERSION COSTS.—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury, to the greatest extent possible, may not include any recommendation for new specifications for producing a circulating coin that would require any significant change to coin-accepting and coin-handling equipment to accommodate changes to all circulating coins simultaneously.

(e) FRAUD PREVENTION.—The reports required under this section shall make no recommendation for a specification change that would facilitate or allow the use of a coin with a lesser value produced, minted, or issued by another country, or the use of any token or other easily or regularly produced metal device of minimal value, in the place of a circulating coin produced by the Secretary.

(f) RULE OF CONSTRUCTION.—No provision of this Act shall be construed as requiring that additional research and development be conducted for any report under this Act but any such report shall include information on any such research and development during the period covered by the report.

SEC. 4. MEETING DEMAND FOR SILVER AND GOLD NUMISMATIC ITEMS.

Subsections (e) and (i) of section 5112 of title 31, United States Code are each amended by striking ''quantities'' and inserting ''qualities and quantities that the Secretary determines are''.

SEC. 5. TECHNICAL CORRECTIONS.

Section 5112(u)(1) of title 31, United States Code is amended—

(1) by striking ''exact duplicates'' and inserting ''likenesses'';

(2) by striking subparagraph (C);

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(4) in subparagraph (A), by striking ''of 3.0 inches'' and inserting ''determined by the Secretary that is no less than 2.5 inches and no greater than 3.0 inches''.

SEC. 6. BUDGETARY EFFECT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Mr. WATT (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1950

AMERICAN EAGLE PALLADIUM BULLION COIN ACT OF 2010

Mr. WATT. Madam Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of the bill (H.R. 6166) to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the bill is as follows:

H.R. 6166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Eagle Palladium Bullion Coin Act of 2010''.

SEC. 2. PALLADIUM COIN.

Section 5112 of title 31, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph;

''(12) A $25 coin of an appropriate size and thickness, as determined by the Secretary, that weighs 1 troy ounce and contains .9995 fine palladium.''; and

(2) by adding at the end the following new subsection:

''(v) PALLADIUM BULLION INVESTMENT COINS.—

''(1) IN GENERAL.—Subject to the submission to the Secretary and the Congress of a marketing study described in paragraph (8), beginning not more than 6 months after the submission of the study to the Secretary and the Congress, the Secretary shall mint and issue the palladium coins described in paragraph (12) of subsection (a) in such quantities as the Secretary may determine to be appropriate to meet demand.

''(2) SOURCE OF BULLION.—

''(A) IN GENERAL.—The Secretary shall acquire bullion for the palladium coins issued under this subsection by purchase of palladium mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined. If no such palladium is available or if it is not economically feasible to obtain such palladium, the Secretary may obtain palladium for the palladium coins described in paragraph (12) of subsection (a) from other available sources.

''(B) PRICE OF BULLION.—The Secretary shall pay not more than the average world price for the palladium under subparagraph (A).

''(3) SALE OF COINS.—Each coin issued under this subsection shall be sold for an amount the Secretary determines to be appropriate, but not less than the sum of—

''(A) the market value of the bullion at the time of sale; and

''(B) the cost of designing and issuing the coins, including labor, materials, dies, use of machinery, overhead expenses, marketing, distribution, and shipping.

''(4) TREATMENT.—For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

''(5) QUALITY.—The Secretary may issue the coins described in paragraph (1) in both proof and uncirculated versions, except that, should the Secretary determine that it is appropriate to issue proof or uncirculated versions of such coin, the Secretary shall, to the greatest extent possible, ensure that the surface treatment of each year's proof or uncirculated version differs in some material way from that of the preceding year.

''(6) DESIGN.—Coins minted and issued under this subsection shall bear designs on the obverse and reverse that are close likenesses of the work of famed American coin designer and medallic artist Adolph Alexander Weinman—

''(A) the obverse shall bear a high-relief likeness of the 'Winged Liberty' design used on the obverse of the so-called 'Mercury dime';

''(B) the reverse shall bear a high-relief version of the reverse design of the 1907 American Institute of Architects medal; and

''(C) the coin shall bear such other inscriptions, including 'Liberty', 'In God We Trust', 'United States of America', the denomination and weight of the coin and the fineness of the metal, as the Secretary determines to be appropriate and in keeping with the original design.

''(7) MINT FACILITY.—Any United States mint, other than the United States Mint at West Point, New York, may be used to strike coins minted under this subsection other than any proof version of any such coin. If the Secretary determines that it is appropriate to issue any proof version of such coin, coins of such version shall be struck only at the United States Mint at West Point, New York.

''(8) MARKETING STUDY DEFINED.—The market study described in paragraph (1) means an analysis of the market for palladium bullion investments conducted by a reputable, independent third party that demonstrates that there would be adequate demand for palladium bullion coins produced by the United States Mint to ensure that such coins could be minted and issued at no net cost to taxpayers.''.

AMENDMENT OFFERED BY MR. WATT

Mr. WATT. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Eagle Palladium Bullion Coin Act of 2010''.

SEC. 2. PALLADIUM COIN.

Section 5112 of title 31, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph;

''(12) A $25 coin of an appropriate size and thickness, as determined by the Secretary, that weighs 1 troy ounce and contains .9995 fine palladium.''; and

(2) by adding at the end the following new subsection:

''(v) PALLADIUM BULLION INVESTMENT COINS.—

''(1) IN GENERAL.—Subject to the submission to the Secretary and the Congress of a marketing study described in paragraph (8), beginning not more than 1 year after the submission of the study to the Secretary and the Congress, the Secretary shall mint and issue the palladium coins described in paragraph (12) of subsection (a) in such quantities as the Secretary may determine to be appropriate to meet demand.

''(2) SOURCE OF BULLION.—

''(A) IN GENERAL.—The Secretary shall acquire bullion for the palladium coins issued under this subsection by purchase of palladium mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined. If no such palladium is available or if it is not economically feasible to obtain such palladium, the Secretary may obtain palladium for the palladium coins described in paragraph (12) of subsection (a) from other available sources.

''(B) PRICE OF BULLION.—The Secretary shall pay not more than the average world price for the palladium under subparagraph (A).

''(3) SALE OF COINS.—Each coin issued under this subsection shall be sold for an amount the Secretary determines to be appropriate, but not less than the sum of—

''(A) the market value of the bullion at the time of sale; and

''(B) the cost of designing and issuing the coins, including labor, materials, dies, use of machinery, overhead expenses, marketing, distribution, and shipping.

''(4) TREATMENT.—For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

''(5) QUALITY.—The Secretary may issue the coins described in paragraph (1) in both proof and uncirculated versions, except that, should the Secretary determine that it is appropriate to issue proof or uncirculated versions of such coin, the Secretary shall, to the greatest extent possible, ensure that the surface treatment of each year's proof or uncirculated version differs in some material way from that of the preceding year.

''(6) DESIGN.—Coins minted and issued under this subsection shall bear designs on the obverse and reverse that are close likenesses of the work of famed American coin designer and medallic artist Adolph Alexander Weinman—

''(A) the obverse shall bear a high-relief likeness of the 'Winged Liberty' design used on the obverse of the so-called 'Mercury dime';

''(B) the reverse shall bear a high-relief version of the reverse design of the 1907 American Institute of Architects medal; and

''(C) the coin shall bear such other inscriptions, including 'Liberty', 'In God We Trust', 'United States of America', the denomination and weight of the coin and the fineness of the metal, as the Secretary determines to be appropriate and in keeping with the original design.

''(7) MINT FACILITY.—Any United States mint, other than the United States Mint at West Point, New York, may be used to strike coins minted under this subsection other than any proof version of any such coin. If the Secretary determines that it is appropriate to issue any proof version of such coin, coins of such version shall be struck only at the United States Mint at West Point, New York.

''(8) MARKETING STUDY DEFINED.—The market study described in paragraph (1) means an analysis of the market for palladium bullion investments conducted by a reputable, independent third party that demonstrates that there would be adequate demand for palladium bullion coins produced by the United States Mint to ensure that such coins could be minted and issued at no net cost to taxpayers.''.

SEC. 3. BUDGETARY EFFECT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Mr. WATT (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WATT. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 6162 and H.R. 6166.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PLAIN WRITING ACT OF 2010

Mr. CLAY. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 946) to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Amendments:

On page 2, line 17, strike ''relevant to'' and insert ''necessary for''.

On page 3, strike lines 5 through 9 and insert the following:

(3) PLAIN WRITING.—The term ''plain writing'' means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience.

On page 4, line 2, after ''website'' insert ''as required under paragraph (2)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. I yield myself such time as I may consume.

H.R. 946, the Plain Writing Act of 2010, was introduced by Representative BRUCE BRALEY on February 10, 2009, and it passed the House by an overwhelming margin on March 17, 2010. The Senate made slight amendments to the bill and passed it by unanimous consent earlier this week.

This is straightforward, good-government legislation. H.R. 946 requires agencies to use plain writing in government documents.

The organization, AARP, wrote a letter supporting this bill, and I quote:

''The use of plain language in documents issued to the public will save the Federal Government an enormous amount of time now spent helping citizens understand the correspondence they receive.''

The changes made to the bill by the Senate are very minor, including adding language clarifying that plain writing should be appropriate to the subject or field and intended audience.

This bill will make the government more transparent and efficient, and I urge my colleagues to join me in support of the Senate amendments to H.R. 946.

Madam Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

I rise today in opposition to H.R. 946, the Plain Writing Act of 2010.

Madam Speaker, we all want Federal agencies to communicate information about benefits and services in plain language. Overly bureaucratic language can confuse the public and prevent individual citizens from receiving benefits and services Congress intended to provide them. If we could get government agencies to write in plain language by issuing a congressional fiat, this problem would have been solved, I am sure, a long time ago. This bill is unlikely to accomplish its purpose, but

it is likely to incur a cost of about $5 million annually, according to the Congressional Budget Office. This is the heart of my concern.

The bill directs senior agency officials to make certain that the agency is communicating clearly with the public. Federal employees are to be trained to write plainly, and documents produced by the agency are to be drafted using writing that follows ''best practices appropriate to the subject or field and intended audience.'' Thus, even the bill's definition of the term ''plain writing'' is not necessarily clear.

Madam Speaker, at a time of record budget deficits and amid our Federal Government's fiscal woes, we should not be spending another $5 million to direct the Federal Government to do something that it should already be doing. Federal agencies that deal with the public should obviously be communicating the benefits and services they provide in clear, understandable language. It should not require legislation to accomplish that goal, and it is not clear how the legislation would actually achieve that. Federal agencies already receive funds to communicate about their programs and throwing more money at the problem is unlikely to improve the situation.

I urge Members to oppose H.R. 946.

I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I would now like to yield 5 minutes to the chief sponsor of this legislation, the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. I thank my friend from Missouri for yielding to me.

In February of 2009, I introduced the Plain Writing Act, and I rise today to talk about the responsibility of this government to communicate effectively with its citizens.

I know that lawyers are often blamed for the legalese that makes government documents so difficult to read and understand, so some might find it unusual that this ''plain language'' bill was introduced by someone who practiced law for 23 years before being elected to Congress. They might be surprised to learn that the use of clear, concise language in communications has been a passion of mine since I started practicing in 1983, when the Iowa Supreme Court adopted plain language guidelines for use in its jury instructions. Since that time, I've been speaking and writing about the importance of using plain language to improve both written and spoken communications.

I was proud to introduce the Plain Writing Act, a bill that requires the Federal Government to write documents such as letters from the Social Security Administration or a notice from the Department of Veterans Affairs in simple, easy-to-understand language. I first introduced this bill last Congress and was proud when it passed the House floor earlier this year with overwhelming support. In fact, this same bill passed by a vote of 376–1 on April 14, 2008, and by a vote of 386–33 on March 17, 2010. Yesterday it passed the Senate unanimously.

I want to thank Oversight and Government Reform Chairman ED TOWNS and Ranking Member DARRELL ISSA for their support of this important legislation. I also want to thank Senator BENNETT from Utah, Senator VOINOVICH from Ohio and Senator AKAKA from Hawaii for working together in a bipartisan manner to get the Senate to pass this important bill.

Anyone who's done their own taxes knows the headache of trying to understand pages and pages of confusing forms and instructions. There is absolutely no reason for the Federal Government not to write these tax documents and other public documents in language we can all understand. Yet despite the objections of my friend from Utah, the Federal Government, no matter who's in charge, has always had a problem with this accountability.

Writing documents in plain language will increase government accountability and save Americans time and money. Plain, straightforward language makes it easier for taxpayers to understand what the Federal Government is doing and what services it's offering. Small businesses will see substantial benefits from eliminating Federal gobbledygook.

□ 2000

Often small businesses have to hire lawyers and accountants to help them navigate the maze of Federal paperwork and convoluted language. The National Federation of Independent Business estimates that the average per hour cost of paperwork and recordkeeping for small businesses is $48.72. The use of clear, easy-to-understand language in government paperwork will substantially reduce burdens on small businesses and save taxpayers millions of dollars.

The Plain Writing Act will require the Federal Government to use plain communications, forms, and public distributed documents, writing in a clear, concise, well-organized manner that follows the best practices of plain language writing.

Using these complex forms, letters, and notices imposes unnecessary hardships on American citizens, and replacing them with plain language will improve service to the public, save time that agencies currently spend answering questions about what documents mean, and make it easier to hold agencies accountable for their work.

I know this bill will make it easier for Americans and small businesses to work and understand their government.

I want to thank all of my colleagues on both sides of the aisle who join me today in standing up for plain language and plain writing and standing up for effective communication with our constituents and standing up for small business owners and in standing up for the taxpayers who, despite the CBO estimate of the short-term cost, will see substantial savings as we reduce the time that Federal agencies spend responding to requests for information.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

I have the greatest respect for Chairman CLAY and for Congressman BRALEY. I think their goals and intentions, the stated objective is admirable. It is laudable. It's something I'm sure we can all agree with. We should be writing in plain, clear language.

There are two challenges. The thing that just makes me smile about this is that this language was put together. It passed in the House. It goes over to the Senate. The Senate comes back and says your definition of plain language is not clear. In fact, they came back—and this is what it says right in the bill that they sent back to us, the term, quote, plain writing, end quote, means writing that is clear, and then it continues on. This is not necessarily going to solve the problem. This is not going to solve the problem.

And yet in a time of record budget deficits, we're 13-plus trillion dollars in debt. We're spending $5- to $600 million a day just in interest on that debt. This bill suggests and authorizes that we're going to authorize $50 million over the next 10 years, $50 million to say, Go write in plain language.

Well, let's be plain and let's be clear. We've got a debt crisis in this country. That's plain. It is clear. We all understand it. Our Federal Government should not be spending $50 million over 10 years directing agencies to say, Write more plain, clear language. Why they need $5 million a year to try to implement this is beyond me, but enough is enough. We cannot afford this.

Tell and direct and insist that every agency and every document be instituted in plain, clear language, and if the head of that agency can't achieve that goal, then they should fire somebody and get somebody who can do that.

There is no definition in the bill of what clear and plain writing is. To say that it is clear does not solve the problem, and so the Federal Government, every time it runs into trouble, what does it do? Let's throw more money at it. We can't afford $50 million over the next 10 years to write plain language. That's plain. That's clear. And that's why we should oppose this bill.

I have no additional speakers, and I yield back the balance of my time.

Mr. CLAY. Madam Speaker, again, I encourage all Members to support the Senate amendments to H.R. 946, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 946.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CHAFFETZ. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SECURE AND RESPONSIBLE DRUG DISPOSAL ACT OF 2010

Mr. INSLEE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 3397) to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Secure and Responsible Drug Disposal Act of 2010''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The nonmedical use of prescription drugs is a growing problem in the United States, particularly among teenagers.

(2) According to the Department of Justice's 2009 National Prescription Drug Threat Assessment—

(A) the number of deaths and treatment admissions for controlled prescription drugs (CPDs) has increased significantly in recent years;

(B) unintentional overdose deaths involving prescription opioids, for example, increased 114 percent from 2001 to 2005, and the number of treatment admissions for prescription opioids increased 74 percent from 2002 to 2006; and

(C) violent crime and property crime associated with abuse and diversion of CPDs has increased in all regions of the United States over the past 5 years.

(3) According to the Office of National Drug Control Policy's 2008 Report ''Prescription for Danger'', prescription drug abuse is especially on the rise for teens—

(A) one-third of all new abusers of prescription drugs in 2006 were 12- to 17-year-olds;

(B) teens abuse prescription drugs more than any illicit drug except marijuana—more than cocaine, heroin, and methamphetamine combined; and

(C) responsible adults are in a unique position to reduce teen access to prescription drugs because the drugs often are found in the home.

(4)(A) Many State and local law enforcement agencies have established drug disposal programs (often called ''take-back'' programs) to facilitate the collection and destruction of unused, unwanted, or expired medications. These programs help get outdated or unused medications off household shelves and out of the reach of children and teenagers.

(B) However, take-back programs often cannot dispose of the most dangerous pharmaceutical drugs—controlled substance medications—because Federal law does not permit take-back programs to accept controlled substances unless they get specific permission from the Drug Enforcement Administration and arrange for full-time law enforcement officers to receive the controlled substances directly from the member of the public who seeks to dispose of them.

(C) Individuals seeking to reduce the amount of unwanted controlled substances in their household consequently have few disposal options beyond discarding or flushing the substances, which may not be appropriate means of disposing of the substances. Drug take-back programs are also a convenient and effective means for individuals in various communities to reduce the introduction of some potentially harmful substances into the environment, particularly into water.

(D) Long-term care facilities face a distinct set of obstacles to the safe disposal of controlled substances due to the increased volume of controlled substances they handle.

(5) This Act gives the Attorney General authority to promulgate new regulations, within the framework of the Controlled Substances Act, that will allow patients to deliver unused pharmaceutical controlled substances to appropriate entities for disposal in a safe and effective manner consistent with effective controls against diversion.

(6) The goal of this Act is to encourage the Attorney General to set controlled substance diversion prevention parameters that will allow public and private entities to develop a variety of methods of collection and disposal of controlled substances, including some pharmaceuticals, in a secure, convenient, and responsible manner. This will also serve to reduce instances of diversion and introduction of some potentially harmful substances into the environment.

SEC. 3. DELIVERY OF CONTROLLED SUBSTANCES BY ULTIMATE USERS FOR DISPOSAL.

(a) REGULATORY AUTHORITY.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following:

''(g)(1) An ultimate user who has lawfully obtained a controlled substance in accordance with this title may, without being registered, deliver the controlled substance to another person for the purpose of disposal of the controlled substance if—

''(A) the person receiving the controlled substance is authorized under this title to engage in such activity; and

''(B) the disposal takes place in accordance with regulations issued by the Attorney General to prevent diversion of controlled substances.

''(2) In developing regulations under this subsection, the Attorney General shall take into consideration the public health and safety, as well as the ease and cost of program implementation and participation by various communities. Such regulations may not require any entity to establish or operate a delivery or disposal program.

''(3) The Attorney General may, by regulation, authorize long-term care facilities, as defined by the Attorney General by regulation, to dispose of controlled substances on behalf of ultimate users who reside, or have resided, at such long-term care facilities in a manner that the Attorney General determines will provide effective controls against diversion and be consistent with the public health and safety.

''(4) If a person dies while lawfully in possession of a controlled substance for personal use, any person lawfully entitled to dispose of the decedent's property may deliver the controlled substance to another person for the purpose of disposal under the same conditions as provided in paragraph (1) for an ultimate user.''.

(b) CONFORMING AMENDMENT.—Section 308(b) of the Controlled Substances Act (21 U.S.C. 828(b)) is amended—

(1) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(2) by adding at the end the following:

''(3) the delivery of such a substance for the purpose of disposal by an ultimate user, long-term care facility, or other person acting in accordance with section 302(g).''.

SEC. 4. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements to ensure that the guidelines and policy statements provide an appropriate penalty increase of up to 2 offense levels above the sentence otherwise applicable in Part D of the Guidelines Manual if a person is convicted of a drug offense resulting from the authorization of that person to receive scheduled substances from an ultimate user or long-term care facility as set forth in the amendments made by section 3.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. INSLEE) and the gentleman from Pennsylvania (Mr. PITTS) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. INSLEE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. INSLEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of S. 3397, as amended, the Secure and Responsible Drug Disposal Act of 2010. This bill is our effort to respond to the very rapidly rising rate of prescription drug abuse in our country where 2,500 teens a day are using prescription drugs illegally for the first time. And this bill will help, we think, significantly in helping remove prescription drugs from the illicit drug pipeline by giving citizens an ability to get rid of their drugs, their prescription drugs, in a legal fashion so that communities can fashion a way to create drug take-back programs so citizens can get rid of their unnecessary and no longer useful prescription drugs.

The House has previously passed a version. We have made some improvements to the bill after it went through the Senate. I just want to note some of those improvements.

Today, when people do not have ready access to drug disposal programs, they often flush them down, and drugs ultimately end up in the waterways. In order to ensure that the drug take-back programs that we fashion under this bill are environmentally sound, it's important that the Attorney General consider the environmental impacts of take-back programs and work with the Environmental Protection Agency and communities on appropriate ways to dispose of the collected

substance in an environmentally sound manner. We also have provided ways to make sure communities are engaged in designing these programs so that they meet the individual needs of specific communities.

I want to thank all the people who have worked on this bipartisan legislation, particularly Representative STUPAK who is ending his congressional career having done some great work in this regard.

With that, I yield as much time as he may consume to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding, and I rise in support of S. 3397.

Millions of Americans are prescribed narcotics for postoperative pain, bone fractures, and other ailments each year. However, most patients do not consume all the prescriptions they are prescribed. These drugs remain in drug cabinets for years, easily accessible to teens wishing to experiment with drugs.

But failure to dispose of prescription medications properly causes several problems. First, there's the potential for a child to ingest the drugs accidently. Second, we know that teen prescription drug abuse is on the rise. Unused prescriptions in a house are easily accessible to teens wishing to experiment with drugs. Third, there's a potential for narcotics to be abused by the patient or sold to someone else to abuse.

□ 2010

The Controlled Substance Act regulates prescription narcotics through a registration system. Currently there are roughly 1.3 million DEA registrants who are legally allowed to handle or distribute narcotics from the manufacturer to the distributor to the pharmacist to the doctor. However, the Controlled Substance Act currently exempts patients from this registration requirement. This legislation allows individuals to dispose of unused prescription controlled substances to a recipient authorized by the DEA, Drug Enforcement Administration.

The bill also authorizes the Attorney General to promulgate regulations for the lawful disposal of prescription controlled substances by a long-term care facility. S. 3397 also clarifies that the DEA regulations set forth in this legislation may not require any entity to establish a drug take-back program. It's a voluntary program.

I want to thank my friend and colleague JAY INSLEE for all of his hard work on this legislation and his staff over the past years, LAMAR SMITH on the minority side, who worked closely with us, and colleagues on both sides of the aisle and their staff for their hard work and commitment to empower patients to prevent prescription drug abuse, especially amongst young people.

I urge my colleagues to vote in support of this legislation.

Mr. PITTS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Secure and Responsible Drug Disposal Act will improve drug take-back programs where pharmacies and others accept unused prescription drugs and dispose of them safely. Prescription drugs provide valuable therapeutic benefits to tens of millions of Americans, from treating disease to improving people's quality of life. However, a segment of our society does not use these medications for therapy but, rather, abuses them for some sort of dangerous high. Many teenagers get their hands on these medications by stealing unused medications from the family's medicine cabinet.

While some pharmacies, States, and localities have established prescription drug take-back programs, these programs may not take back controlled substances due a technical reading of the Controlled Substances Act. By passing this legislation, these programs could help further reduce the likelihood of prescription drugs being diverted to those to whom they were not prescribed.

It is important to note that this bill does not require any entity to establish a drug take-back program. But if a drug take-back program currently operates, it only makes sense to allow that facility to take back controlled drugs like oxycontin as well as noncontrolled prescription drugs.

I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. INSLEE. I reserve the balance of my time.

Mr. PITTS. I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. I thank the gentleman for yielding, and I want to compliment the authors of the legislation in your work on this.

But I would like to point out something before we get too excited about whether we are doing a good thing today. Number one, we are—but what are we leaving on the table? If we are trying to address the issue with regard to prescription drugs and making sure that that drug gets in the hands of the right person and that the drug is safe, there is a bigger issue out there. It is called the drug safety issue and whether America's closed system is truly closed. And what we are leaving on the table is an issue which this Congress has not addressed, and it's JOHN DINGELL's drug safety bill. And not only is it that, its electronic pedigree, red paper pedigree with regard to drug safety, but the biggest one of all, I would say to the Colombian drug cartel, is that you're in the wrong drug business. We have got all the laws imaginable to whack you pretty hard for your cocaine and your marijuana. But the great threat that is occurring right now to America are drugs coming into the country that we know are not safe.

Now, let's do a quick little math because I am leaving Congress, and this is an issue that those of you who are still here, we, as a Nation, you, as legislators, must address this. We have 11 international mail facilities, 11 of them. Our ports of entry. You add UPS at Louisville and FedEx at Memphis, 13. Every day we have on average of 35,000 pharmaceutical packages coming into the international mail facilities. They are coming in because people are getting them on the Internet, and they are going to some drugsave.com out of Canada or whomever. They think it is safe, and they think that that drug is just like what I can get down at my local drugstore, and they order it. And it's coming through illicit, bad operators who are preying on America's sick and elderly.

Every time FDA goes out there and checks, we are finding that, on average, 80 percent of those drugs are either adulterated, knock-off, or they are counterfeit. Now let's do the math: 13 international mail facilities times 35,000 average per day, that gives you 455,000 of these pharmaceutical packages per day, times 365. Now we are in excess of 160 million pharmaceutical packages. We are talking boxes of drugs, not just little ones. We are talking boxes of drugs. And if 80 percent of that number are counterfeit, knock-off, adulterated drugs, we are in excess of 132 million.

Now, of a smaller percentage that the FDA actually finds and discovers, we have a return-to-sender policy. That's why I wanted to address this. Can you believe that? FDA has a return-to-sender policy. So here we are—I compliment you. We are going to say, Okay, if these drugs aren't good, we want to make sure they don't get into the hands of the people that the doctor doesn't want them to. So we are going to say, Let's destroy them. But as a Nation, our FDA has a return-to-sender policy. So when they discover in an international mail facility that the package is adulterated, knock-off, or counterfeit drugs, they don't destroy them. They do not destroy them. They then take that package and send it back to the bad actor. The bad actor must think, America, what a great place. What a great place. I will steal people's money; I will prey on the sick and the elderly; and the American Government will actually send my counterfeit drugs back to me so I can do it again.

So I just want to make this point. Your legislation is absolutely wonderful. But I want to point out, there is a really large problem out there. So before we get too excited that we are doing something really good—and we are but on a much smaller level. Because if we are going to allow millions of people to gain access to these types of drugs, we know that these drugs do not metastasize in the body in the way in which the doctors are intending them to do. And people actually think that the drugs they are taking are exactly what they can get down at CVS

or Walgreens or whatever, and it's not happening.

So my only point I appeal to all of you is, number one, congratulations; number two, we have a really large issue that we need to address in the next Congress. We really do. And let's get our arms around this. I want to congratulate JOHN DINGELL on his drug safety bill. And it's a shame that we actually weren't able to get this done in the committee. Again, my compliments to you. But this is a big issue as a Nation we must address and protect America.

Mr. INSLEE. I just want to thank Senators KLOBUCHAR and CORNYN for their work on this and say this is a good bipartisan effort. We are not done on this, as Mr. BUYER pointed out, but this is a good start. I urge passage.

Mr. INSLEE. I yield back the balance of my time.

Mr. PITTS. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The question is on the motion offered by the gentleman from Washington (Mr. INSLEE) that the House suspend the rules and pass the bill, S. 3397, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

N O T I C E

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.