JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

CONGRESS OF THE UNITED STATES

Begun and held at the Capitol, in the City of Washington, in the District of Columbia, on Tuesday, the sixth day of January, in the year of our Lord two thousand and nine, being the *first session* of the ONE HUNDRED ELEVENTH CONGRESS, held under the Constitution of the United States, and in the two hundred and thirty-third year of the independence of the United States.

THURSDAY, NOVEMBER 19, 2009
(146)

¶146.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PASTOR of Arizona, who laid before the House the following communication:

WASHINGTON, DC,
November 19, 2009.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶146.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced he had examined and approved the Journal of the proceedings of Wednesday, November 18, 2009.

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

¶146.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4715. A letter from the Management and Program Analyst, Department of Agriculture, transmitting the Department's final rule — Sale and Disposal of National Forest System Timber; Downpayment and Periodic Payments (RIN: 0596-AC80) received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4716. A letter from the Chief, PRAB/Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule — Senior Farmers' Market Nutrition Program Regulations, Nondiscretionary Provisions of Public Law 110-246, the Food, Conservation, and Energy Act of 2008 (RIN: 0584-AD92) received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4717. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

4718. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8095] received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4719. A letter from the Associate General Counsel for Legislation and Regulation Divisions, Department of Housing and Urban Development, transmitting the Department's final rule — Home Equity Conversion Mortgage (HECM) Counseling Standardization and Roster [Docket No.: FR-4989-F-02] (RIN: 2502-AI34) received October 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4720. A letter from the Associate General Counsel for Legislation and Regulation Divisions, Department of Housing and Urban Development, transmitting the Department's final rule — HUD Acquisition Regulation (HUDAR) Debarment and Suspension Procedures; Correcting Amendment [Docket No.: FR-5098-C-03] (RIN: 2535-AA28) received October 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4721. A letter from the Acting Deputy General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Exception to the Maturity Limit on Second Mortgages (RIN: 3133-AD64) received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4722. A letter from the Chief, PRAB, Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Vendor Cost Containment [FNS-2009-001] (RIN: 0584-AD71) received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4723. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 7 [NRC-2009-0349] (RIN: 3150-AI71) received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4724. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

4725. A letter from the Deputy Secretary of the Treasury, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

4726. A letter from the Co-Chairs, Commission on Wartime Contraction, transmitting Special Report 2 ''Lowest-priced security not good enough for war-zone embassies'', pursuant to Public Law 110-181, section 841(d)(2); to the Committee on Foreign Affairs.

4727. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of civil aircraft equipped with the JETEYE Counter-MANPADS installation Kit (A-Kit), pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4728. A letter from the Librarian of Congress, Library of Congress, transmitting the Annual Report of the Library of Congress, for the fiscal year 2008, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

4729. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure [Docket No.: 0812171612-9134-02] (RIN: 0648-XR63) received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4730. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XS04) received October 28, 2009, pursuant to 5 U.S.C.

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801(a)(1)(A); to the Committee on Natural Resources.

4731. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XS06) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4732. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Black Sea Bass Recreational Fishery; Emergency Rule [Docket No.: 0909101271-91272-01] (RIN: 0648-AY23) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4733. A letter from the Deputy Assistant Administrator for Management and Administration, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife and Plants; Final Rulemaking To Designate Critical Habitat for the Threatened Southern Distinct Population Segment of North American Green Sturgeon [Docket No.: 080730953-91263-02] (RIN: 0648-AX04) received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4734. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery off the Southern Atlantic States; Amendment 7 [Docket No.: 071025620-91118-03] (RIN: 0648-AW19) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4735. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for 2009 Summer Period [Docket No.: 0809251266-81485-02] (RIN: 0648-XR94) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4736. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; 2009-10 Main Hawaiian Islands Bottomfish Total Allowable Catch [Docket No.: 0908131233-91275-02] (RIN: 0648-XQ14) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4737. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Western Alaska Community Development Quota Program, Rockfish Program, Amendment 80 Program; Bering Sea and Aleutian Islands Area Crab Rationalization Program [Docket No.: 080312430-91317-02] (RIN: 0648-AW56) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4738. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS12) received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4739. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XR78) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4740. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XR32) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4741. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS11) received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4742. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XS17) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4743. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XR92) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4744. A letter from the Assistant Attorney General, Department of Justice, transmitting the annual report of the Office of Justice Programs' Bureau of Justice Assistance for Fiscal Year 2006 and 2007, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

4745. A letter from the Chairperson, National Commission on Children and Disasters, transmitting An interim report on the Commission's progress, pursuant to Public Law 110-161, section 611(a) (121 Stat. 2217); to the Committee on Transportation and Infrastructure.

¶146.4 PROVIDING FOR CONSIDERATION OF H.R. 2781

Mr. CARDOZA, by direction of the Committee on Rules, called up the following resolution (H. Res. 908):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2781) to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System, 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 Natural Resources 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 Natural Resources; and (2) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. CARDOZA moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶146.5 COMMITTEE ELECTION—MAJORITY

Mr. LARSON of Connecticut, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 921):

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Mr. Owens (to rank immediately after Mr. Murphy of New York).

(2) COMMITTEE ON HOMELAND SECURITY.—Mr. Owens (to rank immediately after Mr. Luján).

(3) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Garamendi (to rank immediately after Mr. Griffith).

(4) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Garamendi.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶146.6 H. RES. 908—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 908) providing for consideration of the bill (H.R. 2781) to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 241 Nays 176

¶146.7 [Roll No. 902]

YEAS—241

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
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.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
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
Wexler
Wilson (OH)
Woolsey
Yarmuth

NAYS—176

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
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)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Abercrombie
Boustany
Brown (SC)
Burgess
Capuano
Carter
Clarke
Engel
Gohmert
Lewis (GA)
McCaul
McDermott
Miller, George
Moran (VA)
Nadler (NY)
Skelton
Wu

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Ms. FOXX demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 244 Nays 176

¶146.8 [Roll No. 903]

AYES—244

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
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.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
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
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
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—176

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Cao
Capito
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)

Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
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)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Abercrombie
Boustany
Brown (SC)
Camp
Capuano
Carter
Gutierrez
Kennedy
Lewis (GA)
McCaul
McDermott
Miller, George
Moran (VA)
Watt

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶146.9 S. 1599—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 1599) to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 425 Nays 0

¶146.10 [Roll No. 904]

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
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
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
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
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
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
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 (WA)
Snyder
Souder
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
Wexler
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Abercrombie
Brown (SC)
Capuano
Carter
McCaul
Miller, George
Moran (VA)
Smith (TX)
Wilson (OH)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶146.11 MOLALLA RIVER, OREGON

Mr. GRIJALVA, pursuant to House Resolution 908, called up for consideration the bill (H.R. 2781) to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes.

Pending consideration of said bill,

Pursuant to House Resolution 908, the amendment in the nature of a substitute recommended by the Committee on Natural Resources, now printed in the bill, was considered as agreed to.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 908, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title,

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. HASTINGS of Washington, objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 292 / Nays 133

¶146.12 [Roll No. 905]

YEAS—292

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Camp
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
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
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
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
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—133

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Cao
Capito
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rohrabacher
Rooney
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Turner
Wamp
Westmoreland
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—9

Brown (SC)
Capuano
Carter
McCaul
Melancon
Miller, George
Moore (WI)
Murphy, Tim
Rothman (NJ)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶146.13 H. CON. RES. 212—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 212) expressing the sense of Congress on the occasion of the 20th anniversary of historic events in Central and Eastern Europe, particularly the Velvet Revolution in Czechoslovakia, and reaffirming the bonds of friendship and cooperation between the United States and the Slovak and Czech Republics; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 426 / Nays 0

¶146.14 [Roll No. 906]

YEAS—426

Abercrombie
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
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
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
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)

Moran (VA)	Rogers (AL)	Speier
Murphy (CT)	Rogers (KY)	Spratt
Murphy (NY)	Rogers (MI)	Stark
Murphy, Patrick	Rohrabacher	Stearns
Murphy, Tim	Rooney	Stupak
Myrick	Ros-Lehtinen	Sullivan
Nadler (NY)	Roskam	Sutton
Napolitano	Ross	Tanner
Neal (MA)	Roybal-Allard	Taylor
Neugebauer	Royce	Teague
Nunes	Ruppersberger	Terry
Nye	Rush	Thompson (CA)
Oberstar	Ryan (OH)	Thompson (MS)
Obey	Ryan (WI)	Thompson (PA)
Olson	Salazar	Thornberry
Olver	Sánchez, Linda T.	Tiahrt
Ortiz	Sanchez, Loretta	Tiberi
Owens	Sarbanes	Tierney
Pallone	Scalise	Titus
Pascrell	Schakowsky	Tonko
Pastor (AZ)	Schauer	Towns
Paul	Schiff	Tsongas
Paulsen	Schmidt	Turner
Payne	Schock	Upton
Pence	Schrader	Van Hollen
Perlmutter	Schwartz	Velázquez
Perriello	Scott (GA)	Visclosky
Peters	Scott (VA)	Walden
Peterson	Sensenbrenner	Walz
Petri	Serrano	Wamp
Pingree (ME)	Sessions	Wasserman Schultz
Pitts	Sestak	Waters
Platts	Shadegg	Watson
Poe (TX)	Shea-Porter	Watt
Polis (CO)	Sherman	Waxman
Pomeroy	Shimkus	Weiner
Posey	Shuler	Welch
Price (GA)	Shuster	Westmoreland
Price (NC)	Simpson	Wexler
Putnam	Sires	Whitfield
Quigley	Skelton	Wilson (OH)
Radanovich	Slaughter	Wilson (SC)
Rahall	Smith (NE)	Wittman
Rangel	Smith (NJ)	Wolf
Rehberg	Smith (TX)	Woolsey
Reichert	Smith (WA)	Wu
Reyes	Snyder	Yarmuth
Richardson	Souder	Young (AK)
Rodriguez	Space	Young (FL)
Roe (TN)		

NOT VOTING—8

Brown (SC)	Melancon	Murtha
Carter	Miller, George	Rothman (NJ)
McCaul	Moore (WI)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A concurrent resolution expressing the sense of Congress on the occasion of the 20th anniversary of historic events in Central and Eastern Europe, particularly the Velvet Revolution in Czechoslovakia, and reaffirming the bonds of friendship and cooperation between the United States and the Slovak Republic and the Czech Republic.''.

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶146.15 MEDICARE PAYMENT SYSTEM

Mr. WAXMAN, pursuant to House Resolution 903, called up for consideration the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians.

When said bill was considered.

After debate,

The previous question having been ordered by said resolution.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. GINGREY moved to recommit the bill to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following 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 ''Medicare SGR Improvement and Reform Act of 2009''.

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

Sec. 1. Short title; table of contents.

TITLE I—ENSURING CONTINUED ACCESS TO PHYSICIANS IN MEDICARE

Sec. 101. Improving Medicare physician payments.
Sec. 102. Statement of policy.

TITLE II—DEFICIT PROTECTION AND FISCAL RESPONSIBILITY

Subtitle A—Enacting Real Medical Liability Reform

Sec. 201. Encouraging speedy resolution of claims.
Sec. 202. Compensating patient injury.
Sec. 203. Maximizing patient recovery.
Sec. 204. Additional health benefits.
Sec. 205. Punitive damages.
Sec. 206. Authorization of payment of future damages to claimants in health care lawsuits.
Sec. 207. Definitions.
Sec. 208. Effect on other laws.
Sec. 209. State flexibility and protection of states' rights.
Sec. 210. Applicability; effective date.

Subtitle B—Application of Medicare Improvement Fund

Sec. 211. Application of Medicare Improvement Fund.

Subtitle C—Pathway for Biosimilar Biological Products

Sec. 221. Licensure pathway for biosimilar biological products.
Sec. 222. Fees relating to biosimilar biological products.
Sec. 223. Amendments to certain patent provisions.

Subtitle D—Administrative Simplification

Sec. 231. Administrative simplification.

TITLE I—ENSURING CONTINUED ACCESS TO PHYSICIANS IN MEDICARE

SEC. 101. IMPROVING MEDICARE PHYSICIAN PAYMENTS.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraphs:

''(10) 2 PERCENT ANNUAL UPDATE FOR YEARS 2010 THROUGH 2013.—

''(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), and (9)(B) and subparagraph (B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for each of 2010, 2011, 2012, and 2013, the update to the single conversion factor shall be 2 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2014 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2014 and subsequent years as if subparagraph (A) had never applied, subject to paragraph (11).

''(11) UPDATE FOR 2014 AND POSSIBLE SUBSEQUENT YEARS THROUGH 2019.—

''(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), and (9)(B) and subparagraph (B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2014 and, at the Secretary's discretion, for subsequent years ending not later than 2019, the update to the single conversion factor shall be such percentage for each such year as the Secretary determines will result in additional expenditures under this title in the aggregate for all such years of $26,400,000,000. Not later than October 1, 2013, the Secretary shall establish by regulation the method the Secretary will use in allocating the $26,400,000,000 under the previous sentence between 2014 and subsequent years. Such allocation shall be designed in a manner so that the single conversion factor for a year is not less than 79 percent of the conversion factor for the previous year.

''(B) LIMITED EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for subsequent years as if subparagraph (A) had never applied, but taking into account the aggregate additional increase in expenditures permitted under such subparagraph.''.

SEC. 102. STATEMENT OF POLICY.

It is the policy of the Federal Government that the sustainable growth rate formula, upon which physician payments are based for the Medicare program, should be permanently repealed and replaced with a reimbursement policy that pays doctors an amount reflecting the true cost of services provided in a high-quality and efficient manner and uses a fiscally responsibly funding mechanism.

TITLE II—DEFICIT PROTECTION AND FISCAL RESPONSIBILITY

Subtitle A—Enacting Real Medical Liability Reform

SEC. 201. 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. 202. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, nothing in this subtitle 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. 203. 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. 204. 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. 205. 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. 206. 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 subtitle.

SEC. 207. DEFINITIONS.

In this subtitle:

(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. 208. 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 subtitle does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this subtitle 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 subtitle or otherwise applicable law (as determined under this subtitle) will apply to such aspect of such action.

(b) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this subtitle 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. 209. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this subtitle 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 subtitle. The provisions governing health care lawsuits set forth in this subtitle 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 subtitle; 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 subtitle (including State standards of negligence) shall be governed by otherwise applicable State or Federal law.

(2) This subtitle 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 subtitle or create a cause of action.

(c) STATE FLEXIBILITY.—No provision of this subtitle 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 subtitle, notwithstanding section 202(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 210. APPLICABILITY; EFFECTIVE DATE.

This subtitle 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.

Subtitle B—Application of Medicare Improvement Fund

SEC. 211. APPLICATION OF MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking ''for services furnished'' and all that follows and inserting ''for services furnished on or after January 1, 2010, $0.''.

Subtitle C—Pathway for Biosimilar Biological Products

SEC. 221. LICENSURE PATHWAY FOR BIOSIMILAR BIOLOGICAL PRODUCTS.

(a) LICENSURE OF BIOLOGICAL PRODUCTS AS BIOSIMILAR OR INTERCHANGEABLE.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended—

(1) in subsection (a)(1)(A), by inserting ''under this subsection or subsection (k)'' after ''biologics license''; and

(2) by adding at the end the following:

''(k) LICENSURE OF BIOLOGICAL PRODUCTS AS BIOSIMILAR OR INTERCHANGEABLE.—

''(1) IN GENERAL.—Any person may submit an application for licensure of a biological product under this subsection.

''(2) CONTENT.—

''(A) IN GENERAL.—

''(i) REQUIRED INFORMATION.—An application submitted under this subsection shall include information demonstrating that—

''(I) the biological product is biosimilar to a reference product based upon data derived from—

''(aa) analytical studies that demonstrate that the biological product is highly similar to the reference product notwithstanding minor differences in clinically inactive components;

''(bb) animal studies (including the assessment of toxicity); and

''(cc) a clinical study or studies (including the assessment of immunogenicity and pharmacokinetics or pharmacodynamics) that

are sufficient to demonstrate safety, purity, and potency in 1 or more appropriate conditions of use for which the reference product is licensed and intended to be used and for which licensure is sought for the biological product;

''(II) the biological product and reference product utilize the same mechanism or mechanisms of action for the condition or conditions of use prescribed, recommended, or suggested in the proposed labeling, but only to the extent the mechanism or mechanisms of action are known for the reference product;

''(III) the condition or conditions of use prescribed, recommended, or suggested in the labeling proposed for the biological product have been previously approved for the reference product;

''(IV) the route of administration, the dosage form, and the strength of the biological product are the same as those of the reference product; and

''(V) the facility in which the biological product is manufactured, processed, packed, or held meets standards designed to assure that the biological product continues to be safe, pure, and potent.

''(ii) DETERMINATION BY SECRETARY.—The Secretary may determine, in the Secretary's discretion, that an element described in clause (i)(I) is unnecessary in an application submitted under this subsection.

''(iii) ADDITIONAL INFORMATION.—An application submitted under this subsection—

''(I) shall include publicly available information regarding the Secretary's previous determination that the reference product is safe, pure, and potent; and

''(II) may include any additional information in support of the application, including publicly available information with respect to the reference product or another biological product.

''(B) INTERCHANGEABILITY.—An application (or a supplement to an application) submitted under this subsection may include information demonstrating that the biological product meets the standards described in paragraph (4).

''(3) EVALUATION BY SECRETARY.—Upon review of an application (or a supplement to an application) submitted under this subsection, the Secretary shall license the biological product under this subsection if—

''(A) the Secretary determines that the information submitted in the application (or the supplement) is sufficient to show that the biological product—

''(i) is biosimilar to the reference product; or

''(ii) meets the standards described in paragraph (4), and therefore is interchangeable with the reference product; and

''(B) the applicant (or other appropriate person) consents to the inspection of the facility that is the subject of the application, in accordance with subsection (c).

''(4) SAFETY STANDARDS FOR DETERMINING INTERCHANGEABILITY.—Upon review of an application submitted under this subsection or any supplement to such application, the Secretary shall determine the biological product to be interchangeable with the reference product if the Secretary determines that the information submitted in the application (or a supplement to such application) is sufficient to show that—

''(A) the biological product—

''(i) is biosimilar to the reference product; and

''(ii) can be expected to produce the same clinical result as the reference product in any given patient; and

''(B) for a biological product that is administered more than once to an individual, the risk in terms of safety or diminished efficacy of alternating or switching between use of the biological product and the reference product is not greater than the risk of using the reference product without such alternation or switch.

''(5) GENERAL RULES.—

''(A) ONE REFERENCE PRODUCT PER APPLICATION.—A biological product, in an application submitted under this subsection, may not be evaluated against more than 1 reference product.

''(B) REVIEW.—An application submitted under this subsection shall be reviewed by the division within the Food and Drug Administration that is responsible for the review and approval of the application under which the reference product is licensed.

''(C) RISK EVALUATION AND MITIGATION STRATEGIES.—The authority of the Secretary with respect to risk evaluation and mitigation strategies under the Federal Food, Drug, and Cosmetic Act shall apply to biological products licensed under this subsection in the same manner as such authority applies to biological products licensed under subsection (a).

''(D) RESTRICTIONS ON BIOLOGICAL PRODUCTS CONTAINING DANGEROUS INGREDIENTS.—If information in an application submitted under this subsection, in a supplement to such an application, or otherwise available to the Secretary shows that a biological product—

''(i) is, bears, or contains a select agent or toxin listed in section 73.3 or 73.4 of title 42, section 121.3 or 121.4 of title 9, or section 331.3 of title 7, Code of Federal Regulations (or any successor regulations); or

''(ii) is, bears, or contains a controlled substance in schedule I or II of section 202 of the Controlled Substances Act, as listed in part 1308 of title 21, Code of Federal Regulations (or any successor regulations);

the Secretary shall not license the biological product under this subsection unless the Secretary determines, after consultation with appropriate national security and drug enforcement agencies, that there would be no increased risk to the security or health of the public from licensing such biological product under this subsection.

''(6) EXCLUSIVITY FOR FIRST INTERCHANGEABLE BIOLOGICAL PRODUCT.—Upon review of an application submitted under this subsection relying on the same reference product for which a prior biological product has received a determination of interchangeability for any condition of use, the Secretary shall not make a determination under paragraph (4) that the second or subsequent biological product is interchangeable for any condition of use until the earlier of—

''(A) 1 year after the first commercial marketing of the first interchangeable biosimilar biological product to be approved as interchangeable for that reference product;

''(B) 18 months after—

''(i) a final court decision on all patents in suit in an action instituted under subsection (l)(5) against the applicant that submitted the application for the first approved interchangeable biosimilar biological product; or

''(ii) the dismissal with or without prejudice of an action instituted under subsection (l)(5) against the applicant that submitted the application for the first approved interchangeable biosimilar biological product; or

''(C)(i) 42 months after approval of the first interchangeable biosimilar biological product if the applicant that submitted such application has been sued under subsection (l)(5) and such litigation is still ongoing within such 42-month period; or

''(ii) 18 months after approval of the first interchangeable biosimilar biological product if the applicant that submitted such application has not been sued under subsection (l)(5).

For purposes of this paragraph, the term 'final court decision' means a final decision of a court from which no appeal (other than a petition to the United States Supreme Court for a writ of certiorari) has been or can be taken.

''(7) EXCLUSIVITY FOR REFERENCE PRODUCT.—

''(A) EFFECTIVE DATE OF BIOSIMILAR APPLICATION APPROVAL.—Approval of an application under this subsection may not be made effective by the Secretary until the date that is 12 years after the date on which the reference product was first licensed under subsection (a).

''(B) FILING PERIOD.—An application under this subsection may not be submitted to the Secretary until the date that is 4 years after the date on which the reference product was first licensed under subsection (a).

''(C) FIRST LICENSURE.—Subparagraphs (A) and (B) shall not apply to a license for or approval of—

''(i) a supplement for the biological product that is the reference product; or

''(ii) a subsequent application filed by the same sponsor or manufacturer of the biological product that is the reference product (or a licensor, predecessor in interest, or other related entity) for—

''(I) a change (not including a modification to the structure of the biological product) that results in a new indication, route of administration, dosing schedule, dosage form, delivery system, delivery device, or strength; or

''(II) a modification to the structure of the biological product that does not result in a change in safety, purity, or potency.

''(8) PEDIATRIC STUDIES.—

''(A) EXCLUSIVITY.—If, before or after licensure of the reference product under subsection (a) of this section, the Secretary determines that information relating to the use of such product in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which shall include a timeframe for completing such studies), the applicant or holder of the approved application agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe, and the reports thereof are submitted and accepted in accordance with section 505A(d)(3) of the Federal Food, Drug, and Cosmetic Act the period referred to in paragraph (7)(A) of this subsection is deemed to be 12 years and 6 months rather than 12 years.

''(B) EXCEPTION.—The Secretary shall not extend the period referred to in subparagraph (A) of this paragraph if the determination under section 505A(d)(3) of the Federal Food, Drug, and Cosmetic Act is made later than 9 months prior to the expiration of such period.

''(C) APPLICATION OF CERTAIN PROVISIONS.—The provisions of subsections (a), (d), (e), (f), (h), (j), (k), and (l) of section 505A of the Federal Food, Drug, and Cosmetic Act shall apply with respect to the extension of a period under subparagraph (A) of this paragraph to the same extent and in the same manner as such provisions apply with respect to the extension of a period under subsection (b) or (c) of section 505A of the Federal Food, Drug, and Cosmetic Act.

''(9) GUIDANCE DOCUMENTS.—

''(A) IN GENERAL.—The Secretary may, after opportunity for public comment, issue guidance in accordance, except as provided in subparagraph (B)(i), with section 701(h) of the Federal Food, Drug, and Cosmetic Act with respect to the licensure of a biological product under this subsection. Any such guidance may be general or specific.

''(B) PUBLIC COMMENT.—

''(i) IN GENERAL.—The Secretary shall provide the public an opportunity to comment on any proposed guidance issued under subparagraph (A) before issuing final guidance.

''(ii) INPUT REGARDING MOST VALUABLE GUIDANCE.—The Secretary shall establish a process through which the public may provide the Secretary with input regarding priorities for issuing guidance.

''(C) NO REQUIREMENT FOR APPLICATION CONSIDERATION.—The issuance (or non-issuance) of guidance under subparagraph (A) shall not preclude the review of, or action on, an application submitted under this subsection.

''(D) REQUIREMENT FOR PRODUCT CLASS-SPECIFIC GUIDANCE.—If the Secretary issues product class-specific guidance under subparagraph (A), such guidance shall include a description of—

''(i) the criteria that the Secretary will use to determine whether a biological product is highly similar to a reference product in such product class; and

''(ii) the criteria, if available, that the Secretary will use to determine whether a biological product meets the standards described in paragraph (4).

''(E) CERTAIN PRODUCT CLASSES.—

''(i) GUIDANCE.—The Secretary may indicate in a guidance document that the science and experience, as of the date of such guidance, with respect to a product or product class (not including any recombinant protein) does not allow approval of an application for a license as provided under this subsection for such product or product class.

''(ii) MODIFICATION OR REVERSAL.—The Secretary may issue a subsequent guidance document under subparagraph (A) to modify or reverse a guidance document under clause (i).

''(iii) NO EFFECT ON ABILITY TO DENY LICENSE.—Clause (i) shall not be construed to require the Secretary to approve a product with respect to which the Secretary has not indicated in a guidance document that the science and experience, as described in clause (i), does not allow approval of such an application.

''(10) NAMING.—The Secretary shall ensure that the labeling and packaging of each biological product licensed under this subsection bears a name that uniquely identifies the biological product and distinguishes it from the reference product and any other biological products licensed under this subsection following evaluation against such reference product.

''(l) PATENT NOTICES; RELATIONSHIP TO FINAL APPROVAL.—

''(1) DEFINITIONS.—For the purposes of this subsection, the term—

''(A) 'biosimilar product' means the biological product that is the subject of the application under subsection (k);

''(B) 'relevant patent' means a patent that—

''(i) expires after the date specified in subsection (k)(7)(A) that applies to the reference product; and

''(ii) could reasonably be asserted against the applicant due to the unauthorized making, use, sale, or offer for sale within the United States, or the importation into the United States of the biosimilar product, or materials used in the manufacture of the biosimilar product, or due to a use of the biosimilar product in a method of treatment that is indicated in the application;

''(C) 'reference product sponsor' means the holder of an approved application or license for the reference product; and

''(D) 'interested third party' means a person other than the reference product sponsor that owns a relevant patent, or has the right to commence or participate in an action for infringement of a relevant patent.

''(2) HANDLING OF CONFIDENTIAL INFORMATION.—Any entity receiving confidential information pursuant to this subsection shall designate one or more individuals to receive such information. Each individual so designated shall execute an agreement in accordance with regulations promulgated by the Secretary. The regulations shall require each such individual to take reasonable steps to maintain the confidentiality of information received pursuant to this subsection and use the information solely for purposes authorized by this subsection. The obligations imposed on an individual who has received confidential information pursuant to this subsection shall continue until the individual returns or destroys the confidential information, a court imposes a protective order that governs the use or handling of the confidential information, or the party providing the confidential information agrees to other terms or conditions regarding the handling or use of the confidential information.

''(3) PUBLIC NOTICE BY SECRETARY.—Within 30 days of acceptance by the Secretary of an application filed under subsection (k), the Secretary shall publish a notice identifying—

''(A) the reference product identified in the application; and

''(B) the name and address of an agent designated by the applicant to receive notices pursuant to paragraph (4)(B).

''(4) EXCHANGES CONCERNING PATENTS.—

''(A) EXCHANGES WITH REFERENCE PRODUCT SPONSOR.—

''(i) Within 30 days of the date of acceptance of the application by the Secretary, the applicant shall provide the reference product sponsor with a copy of the application and information concerning the biosimilar product and its production. This information shall include a detailed description of the biosimilar product, its method of manufacture, and the materials used in the manufacture of the product.

''(ii) Within 60 days of the date of receipt of the information required to be provided under clause (i), the reference product sponsor shall provide to the applicant a list of relevant patents owned by the reference product sponsor, or in respect of which the reference product sponsor has the right to commence an action of infringement or otherwise has an interest in the patent as such patent concerns the biosimilar product.

''(iii) If the reference product sponsor is issued or acquires an interest in a relevant patent after the date on which the reference product sponsor provides the list required by clause (ii) to the applicant, the reference product sponsor shall identify that patent to the applicant within 30 days of the date of issue of the patent, or the date of acquisition of the interest in the patent, as applicable.

''(B) EXCHANGES WITH INTERESTED THIRD PARTIES.—

''(i) At any time after the date on which the Secretary publishes a notice for an application under paragraph (3), any interested third party may provide notice to the designated agent of the applicant that the interested third party owns or has rights under 1 or more patents that may be relevant patents. The notice shall identify at least 1 patent and shall designate an individual who has executed an agreement in accordance with paragraph (2) to receive confidential information from the applicant.

''(ii) Within 30 days of the date of receiving notice pursuant to clause (i), the applicant shall send to the individual designated by the interested third party the information specified in subparagraph (A)(i), unless the applicant and interested third party otherwise agree.

''(iii) Within 90 days of the date of receiving information pursuant to clause (ii), the interested third party shall provide to the applicant a list of relevant patents which the interested third party owns, or in respect of which the interested third party has the right to commence or participate in an action for infringement.

''(iv) If the interested third party is issued or acquires an interest in a relevant patent after the date on which the interested third party provides the list required by clause (iii), the interested third party shall identify that patent within 30 days of the date of issue of the patent, or the date of acquisition of the interest in the patent, as applicable.

''(C) IDENTIFICATION OF BASIS FOR INFRINGEMENT.—For any patent identified under clause (ii) or (iii) of subparagraph (A) or under clause (iii) or (iv) of subparagraph (B), the reference product sponsor or the interested third party, as applicable—

''(i) shall explain in writing why the sponsor or the interested third party believes the relevant patent would be infringed by the making, use, sale, or offer for sale within the United States, or importation into the United States, of the biosimilar product or by a use of the biosimilar product in treatment that is indicated in the application;

''(ii) may specify whether the relevant patent is available for licensing; and

''(iii) shall specify the number and date of expiration of the relevant patent.

''(D) CERTIFICATION BY APPLICANT CONCERNING IDENTIFIED RELEVANT PATENTS.—Not later than 45 days after the date on which a patent is identified under clause (ii) or (iii) of subparagraph (A) or under clause (iii) or (iv) of subparagraph (B), the applicant shall send a written statement regarding each identified patent to the party that identified the patent. Such statement shall either—

''(i) state that the applicant will not commence marketing of the biosimilar product and has requested the Secretary to not grant final approval of the application before the date of expiration of the noticed patent; or

''(ii) provide a detailed written explanation setting forth the reasons why the applicant believes—

''(I) the making, use, sale, or offer for sale within the United States, or the importation into the United States, of the biosimilar product, or the use of the biosimilar product in a treatment indicated in the application, would not infringe the patent; or

''(II) the patent is invalid or unenforceable.

''(5) ACTION FOR INFRINGEMENT INVOLVING REFERENCE PRODUCT SPONSOR.—If an action for infringement concerning a relevant patent identified by the reference product sponsor under clause (ii) or (iii) of paragraph (4)(A), or by an interested third party under clause (iii) or (iv) of paragraph (4)(B), is brought within 60 days of the date of receipt of a statement under paragraph (4)(D)(ii), and the court in which such action has been commenced determines the patent is infringed prior to the date applicable under subsection (k)(7)(A) or (k)(8), the Secretary shall make approval of the application effective on the day after the date of expiration of the patent that has been found to be infringed. If more than one such patent is found to be infringed by the court, the approval of the application shall be made effective on the day after the date that the last such patent expires.

''(6) NOTIFICATION OF AGREEMENTS.—

''(A) REQUIREMENTS.—

''(i) AGREEMENT BETWEEN BIOSIMILAR PRODUCT APPLICANT AND REFERENCE PRODUCT SPONSOR.—If a biosimilar product applicant under subsection (k) and the reference product sponsor enter into an agreement described in subparagraph (B), the applicant and sponsor shall each file the agreement in accordance with subparagraph (C).

''(ii) AGREEMENT BETWEEN BIOSIMILAR PRODUCT APPLICANTS.—If 2 or more biosimilar product applicants submit an application under subsection (k) for biosimilar products with the same reference product and enter into an agreement described in subparagraph (B), the applicants shall each file the agreement in accordance with subparagraph (C).

''(B) SUBJECT MATTER OF AGREEMENT.—An agreement described in this subparagraph—

''(i) is an agreement between the biosimilar product applicant under subsection (k) and the reference product sponsor or between 2 or more biosimilar product applicants under subsection (k) regarding the manufacture, marketing, or sale of—

''(I) the biosimilar product (or biosimilar products) for which an application was submitted; or

''(II) the reference product;

''(ii) includes any agreement between the biosimilar product applicant under subsection (k) and the reference product sponsor or between 2 or more biosimilar product applicants under subsection (k) that is contingent upon, provides a contingent condition for, or otherwise relates to an agreement described in clause (i); and

''(iii) excludes any agreement that solely concerns—

''(I) purchase orders for raw material supplies;

''(II) equipment and facility contracts;

''(III) employment or consulting contracts; or

''(IV) packaging and labeling contracts.

''(C) FILING.—

''(i) IN GENERAL.—The text of an agreement required to be filed by subparagraph (A) shall be filed with the Assistant Attorney General and the Federal Trade Commission not later than—

''(I) 10 business days after the date on which the agreement is executed; and

''(II) prior to the date of the first commercial marketing of, for agreements described in subparagraph (A)(i), the biosimilar product that is the subject of the application or, for agreements described in subparagraph (A)(ii), any biosimilar product that is the subject of an application described in such subparagraph.

''(ii) IF AGREEMENT NOT REDUCED TO TEXT.—If an agreement required to be filed by subparagraph (A) has not been reduced to text, the persons required to file the agreement shall each file written descriptions of the agreement that are sufficient to disclose all the terms and conditions of the agreement.

''(iii) CERTIFICATION.—The chief executive officer or the company official responsible for negotiating any agreement required to be filed by subparagraph (A) shall include in any filing under this paragraph a certification as follows: 'I declare under penalty of perjury that the following is true and correct: The materials filed with the Federal Trade Commission and the Department of Justice under section 351(l)(6) of the Public Health Service Act, with respect to the agreement referenced in this certification: (1) represent the complete, final, and exclusive agreement between the parties; (2) include any ancillary agreements that are contingent upon, provide a contingent condition for, or are otherwise related to, the referenced agreement; and (3) include written descriptions of any oral agreements, representations, commitments, or promises between the parties that are responsive to such section and have not been reduced to writing.'.

''(D) DISCLOSURE EXEMPTION.—Any information or documentary material filed with the Assistant Attorney General or the Federal Trade Commission pursuant to this paragraph shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Nothing in this subparagraph prevents disclosure of information or documentary material to either body of the Congress or to any duly authorized committee or subcommittee of the Congress.

''(E) ENFORCEMENT.—

''(i) CIVIL PENALTY.—Any person that violates a provision of this paragraph shall be liable for a civil penalty of not more than $11,000 for each day on which the violation occurs. Such penalty may be recovered in a civil action—

''(I) brought by the United States; or

''(II) brought by the Federal Trade Commission in accordance with the procedures established in section 16(a)(1) of the Federal Trade Commission Act.

''(ii) COMPLIANCE AND EQUITABLE RELIEF.—If any person violates any provision of this paragraph, the United States district court may order compliance, and may grant such other equitable relief as the court in its discretion determines necessary or appropriate, upon application of the Assistant Attorney General or the Federal Trade Commission.

''(F) RULEMAKING.—The Federal Trade Commission, with the concurrence of the Assistant Attorney General and by rule in accordance with section 553 of title 5, United States Code, consistent with the purposes of this paragraph—

''(i) may define the terms used in this paragraph;

''(ii) may exempt classes of persons or agreements from the requirements of this paragraph; and

''(iii) may prescribe such other rules as may be necessary and appropriate to carry out the purposes of this paragraph.

''(G) SAVINGS CLAUSE.—Any action taken by the Assistant Attorney General or the Federal Trade Commission, or any failure of the Assistant Attorney General or the Commission to take action, under this paragraph shall not at any time bar any proceeding or any action with respect to any agreement between a biosimilar product applicant under subsection (k) and the reference product sponsor, or any agreement between biosimilar product applicants under subsection (k), under any other provision of law, nor shall any filing under this paragraph constitute or create a presumption of any violation of any competition laws.''.

(b) DEFINITIONS.—Section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)) is amended—

(1) by striking ''In this section, the term 'biological product' means'' and inserting the following: ''In this section:

''(1) The term 'biological product' means'';

(2) in paragraph (1), as so designated, by inserting ''protein (except any chemically synthesized polypeptide),'' after ''allergenic product,''; and

(3) by adding at the end the following:

''(2) The term 'biosimilar' or 'biosimilarity', in reference to a biological product that is the subject of an application under subsection (k), means—

''(A) that the biological product is highly similar to the reference product notwithstanding minor differences in clinically inactive components; and

''(B) there are no clinically meaningful differences between the biological product and the reference product in terms of the safety, purity, and potency of the product.

''(3) The term 'interchangeable' or 'interchangeability', in reference to a biological product that is shown to meet the standards described in subsection (k)(4), means that the biological product may be substituted for the reference product without the intervention of the health care provider who prescribed the reference product.

''(4) The term 'reference product' means the single biological product licensed under subsection (a) against which a biological product is evaluated in an application submitted under subsection (k).''.

(c) PRODUCTS PREVIOUSLY APPROVED UNDER SECTION 505.—

(1) REQUIREMENT TO FOLLOW SECTION 351.—Except as provided in paragraph (2), an application for a biological product shall be submitted under section 351 of the Public Health Service Act (42 U.S.C. 262) (as amended by this Act).

(2) EXCEPTION.—An application for a biological product may be submitted under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) if—

(A) such biological product is in a product class for which a biological product in such product class is the subject of an application approved under such section 505 not later than the date of enactment of this Act; and

(B) such application—

(i) has been submitted to the Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') before the date of enactment of this Act; or

(ii) is submitted to the Secretary not later than the date that is 10 years after the date of enactment of this Act.

(3) LIMITATION.—Notwithstanding paragraph (2), an application for a biological product may not be submitted under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) if there is another biological product approved under subsection (a) of section 351 of the Public Health Service Act that could be a reference product with respect to such application (within the meaning of such section 351) if such application were submitted under subsection (k) of such section 351.

(4) DEEMED APPROVED UNDER SECTION 351.—An approved application for a biological product under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) shall be deemed to be a license for the biological product under such section 351 on the date that is 10 years after the date of enactment of this Act.

(5) DEFINITIONS.—For purposes of this subsection, the term ''biological product'' has the meaning given such term under section 351 of the Public Health Service Act (42 U.S.C. 262) (as amended by this Act).

SEC. 222. FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS.

Subparagraph (B) of section 735(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g(1)) is amended by inserting '', including licensure of a biological product under section 351(k) of such Act'' before the period at the end.

SEC. 223. AMENDMENTS TO CERTAIN PATENT PROVISIONS.

(a) Section 271(e)(2) of title 35, United States Code is amended—

(1) in subparagraph (A), by striking ''or'' after ''patent,'';

(2) in subparagraph (B), by adding ''or'' after the comma at the end;

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

''(C) a statement under section 351(l)(4)(D)(ii) of the Public Health Service Act,''; and

(4) in the matter following subparagraph (C) (as added by paragraph (3)), by inserting before the period the following: '', or if the statement described in subparagraph (C) is provided in connection with an application to obtain a license to engage in the commercial manufacture, use, or sale of a biological product claimed in a patent or the use of which is claimed in a patent before the expiration of such patent''.

(b) Section 271(e)(4) of title 35, United States Code, is amended by striking ''in paragraph (2)'' in both places it appears and inserting ''in paragraph (2)(A) or (2)(B)''.

Subtitle D—Administrative Simplification

SEC. 231. ADMINISTRATIVE SIMPLIFICATION.

(a) OPERATING RULES FOR HEALTH INFORMATION TRANSACTIONS.—

(1) DEFINITION OF OPERATING RULES.—Section 1171 of the Social Security Act (42 U.S.C. 1320d) is amended by adding at the end the following:

''(9) OPERATING RULES.—The term 'operating rules' means the necessary business rules and guidelines for the electronic exchange of information that are not defined by a standard or its implementation specifications as adopted for purposes of this part.''.

(2) OPERATING RULES AND COMPLIANCE.—Section 1173 of the Social Security Act (42 U.S.C. 1320d–2) is amended—

(A) in subsection (a)(2), by adding at the end the following new subparagraph:

''(J) Electronic funds transfers.''; and

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

''(g) OPERATING RULES.—

''(1) IN GENERAL.—The Secretary shall adopt a single set of operating rules for each transaction described in subsection (a)(2) with the goal of creating as much uniformity in the implementation of the electronic standards as possible. Such operating rules shall be consensus-based and reflect the necessary business rules affecting health plans and health care providers and the manner in which they operate pursuant to standards issued under Health Insurance Portability and Accountability Act of 1996.

''(2) OPERATING RULES DEVELOPMENT.—In adopting operating rules under this subsection, the Secretary shall rely on recommendations for operating rules developed by a qualified nonprofit entity, as selected by the Secretary, that meets the following requirements:

''(A) The entity focuses its mission on administrative simplification.

''(B) The entity demonstrates an established multi-stakeholder and consensus-based process for development of operating rules, including representation by or participation from health plans, health care providers, vendors, relevant Federal agencies, and other standard development organizations.

''(C) The entity has established a public set of guiding principles that ensure the operating rules and process are open and transparent.

''(D) The entity coordinates its activities with the HIT Policy Committee and the HIT Standards Committee (as established under title XXX of the Public Health Service Act) and complements the efforts of the Office of the National Healthcare Coordinator and its related health information exchange goals.

''(E) The entity incorporates national standards, including the transaction standards issued under Health Insurance Portability and Accountability Act of 1996.

''(F) The entity supports nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory practices.

''(G) The entity allows for public review and updates of the operating rules.

''(3) REVIEW AND RECOMMENDATIONS.—The National Committee on Vital and Health Statistics shall—

''(A) review the operating rules developed by a nonprofit entity described under paragraph (2);

''(B) determine whether such rules represent a consensus view of the health care industry and are consistent with and do not alter current standards;

''(C) evaluate whether such rules are consistent with electronic standards adopted for health information technology; and

''(D) submit to the Secretary a recommendation as to whether the Secretary should adopt such rules.

''(4) IMPLEMENTATION.—

''(A) IN GENERAL.—The Secretary shall adopt operating rules under this subsection, by regulation in accordance with subparagraph (C), following consideration of the rules developed by the non-profit entity described in paragraph (2) and the recommendation submitted by the National Committee on Vital and Health Statistics under paragraph (3)(D) and having ensured consultation with providers.

''(B) ADOPTION REQUIREMENTS; EFFECTIVE DATES.—

''(i) ELIGIBILITY FOR A HEALTH PLAN AND HEALTH CLAIM STATUS.—The set of operating rules for transactions for eligibility for a health plan and health claim status shall be adopted not later than July 1, 2011, in a manner ensuring that such rules are effective not later than January 1, 2013, and may allow for the use of a machine readable identification card.

''(ii) ELECTRONIC FUNDS TRANSFERS AND HEALTH CARE PAYMENT AND REMITTANCE ADVICE.—The set of operating rules for electronic funds transfers and health care payment and remittance advice shall be adopted not later than July 1, 2012, in a manner ensuring that such rules are effective not later than January 1, 2014.

''(iii) OTHER COMPLETED TRANSACTIONS.—The set of operating rules for the remainder of the completed transactions described in subsection (a)(2), including health claims or equivalent encounter information, enrollment and disenrollment in a health plan, health plan premium payments, and referral certification and authorization, shall be adopted not later than July 1, 2014, in a manner ensuring that such rules are effective not later than January 1, 2016.

''(C) EXPEDITED RULEMAKING.—The Secretary shall promulgate an interim final rule applying any standard or operating rule recommended by the National Committee on Vital and Health Statistics pursuant to paragraph (3). The Secretary shall accept public comments on any interim final rule published under this subparagraph for 60 days after the date of such publication.

''(h) COMPLIANCE.—

''(1) HEALTH PLAN CERTIFICATION.—

''(A) ELIGIBILITY FOR A HEALTH PLAN, HEALTH CLAIM STATUS, ELECTRONIC FUNDS TRANSFERS, HEALTH CARE PAYMENT AND REMITTANCE ADVICE.—Not later than December 31, 2013, a health plan shall file a statement with the Secretary, in such form as the Secretary may require, certifying that the data and information systems for such plan are in compliance with any applicable standards (as described under paragraph (7) of section 1171) and operating rules (as described under paragraph (9) of such section) for electronic funds transfers, eligibility for a health plan, health claim status, and health care payment and remittance advice, respectively.

''(B) OTHER COMPLETED TRANSACTIONS.—Not later than December 31, 2015, a health plan shall file a statement with the Secretary, in such form as the Secretary may require, certifying that the data and information systems for such plan are in compliance with any applicable standards and operating rules for the remainder of the completed transactions described in subsection (a)(2), including health claims or equivalent encounter information, enrollment and disenrollment in a health plan, health plan premium payments, and referral certification and authorization, respectively. A health plan shall provide the same level of documentation to certify compliance with such transactions as is required to certify compliance with the transactions specified in subparagraph (A).

''(2) DOCUMENTATION OF COMPLIANCE.—A health plan shall provide the Secretary, in such form as the Secretary may require, with adequate documentation of compliance with the standards and operating rules described under paragraph (1). A health plan shall not be considered to have provided adequate documentation and shall not be certified as being in compliance with such standards, unless the health plan—

''(A) demonstrates to the Secretary that the plan conducts the electronic transactions specified in paragraph (1) in a manner that fully complies with the regulations of the Secretary; and

''(B) provides documentation showing that the plan has completed end-to-end testing for such transactions with their partners, such as hospitals and physicians.

''(3) SERVICE CONTRACTS.—A health plan shall be required to comply with any applicable certification and compliance requirements (and provide the Secretary with adequate documentation of such compliance) under this subsection for any entities that provide services pursuant to a contract with such health plan.

''(4) CERTIFICATION BY OUTSIDE ENTITY.—The Secretary may contract with an independent, outside entity to certify that a health plan has complied with the requirements under this subsection, provided that the certification standards employed by such entities are in accordance with any standards or rules issued by the Secretary.

''(5) COMPLIANCE WITH REVISED STANDARDS AND RULES.—A health plan (including entities described under paragraph (3)) shall comply with the certification and documentation requirements under this subsection for any interim final rule promulgated by the Secretary under subsection (i) that amends any standard or operating rule described under paragraph (1) of this subsection. A health plan shall comply with such requirements not later than the effective date of the applicable interim final rule.

''(6) AUDITS OF HEALTH PLANS.—The Secretary shall conduct periodic audits to ensure that health plans (including entities described under paragraph (3)) are in compliance with any standards and operating rules that are described under paragraph (1).

''(i) REVIEW AND AMENDMENT OF STANDARDS AND RULES.—

''(1) ESTABLISHMENT.—Not later than January 1, 2014, the Secretary shall establish a review committee (as described under paragraph (4)).

''(2) EVALUATIONS AND REPORTS.—

''(A) HEARINGS.—Not later than April 1, 2014, and not less than biennially thereafter, the Secretary, acting through the review committee, shall conduct hearings to evaluate and review the existing standards and operating rules established under this section.

''(B) REPORT.—Not later than July 1, 2014, and not less than biennially thereafter, the review committee shall provide recommendations for updating and improving such standards and rules. The review committee shall recommend a single set of operating rules per transaction standard and maintain the goal of creating as much uniformity as possible in the implementation of the electronic standards.

''(3) INTERIM FINAL RULEMAKING.—

''(A) IN GENERAL.—Any recommendations to amend existing standards and operating rules that have been approved by the review committee and reported to the Secretary under paragraph (2)(B) shall be adopted by the Secretary through promulgation of an interim final rule not later than 90 days after receipt of the committee's report.

''(B) PUBLIC COMMENT.—

''(i) PUBLIC COMMENT PERIOD.—The Secretary shall accept public comments on any interim final rule published under this paragraph for 60 days after the date of such publication.

''(ii) EFFECTIVE DATE.—The effective date of any amendment to existing standards or operating rules that is adopted through an interim final rule published under this paragraph shall be 25 months following the close of such public comment period.

''(4) REVIEW COMMITTEE.—

''(A) DEFINITION.—For the purposes of this subsection, the term 'review committee' means a committee within the Department of Health and Human services that has been designated by the Secretary to carry out this subsection, including—

''(i) the National Committee on Vital and Health Statistics; or

''(ii) any appropriate committee as determined by the Secretary.

''(B) COORDINATION OF HIT STANDARDS.—In developing recommendations under this subsection, the review committee shall consider the standards approved by the Office of the National Coordinator for Health Information Technology.

''(j) PENALTIES.—

''(1) PENALTY FEE.—

''(A) IN GENERAL.—Not later than April 1, 2014, and annually thereafter, the Secretary shall assess a penalty fee (as determined under subparagraph (B)) against a health plan that has failed to meet the requirements under subsection (h) with respect to certification and documentation of compliance with the standards (and their operating rules) as described under paragraph (1) of such subsection.

''(B) FEE AMOUNT.—Subject to subparagraphs (C), (D), and (E), the Secretary shall assess a penalty fee against a health plan in the amount of $1 per covered life until certification is complete. The penalty shall be assessed per person covered by the plan for which its data systems for major medical policies are not in compliance and shall be imposed against the health plan for each day that the plan is not in compliance with the requirements under subsection (h).

''(C) ADDITIONAL PENALTY FOR MISREPRESENTATION.—A health plan that knowingly provides inaccurate or incomplete information in a statement of certification or documentation of compliance under subsection (h) shall be subject to a penalty fee that is double the amount that would otherwise be imposed under this subsection.

''(D) ANNUAL FEE INCREASE.—The amount of the penalty fee imposed under this subsection shall be increased on an annual basis by the annual percentage increase in total national health care expenditures, as determined by the Secretary.

''(E) PENALTY LIMIT.—A penalty fee assessed against a health plan under this subsection shall not exceed, on an annual basis—

''(i) an amount equal to $20 per covered life under such plan; or

''(ii) an amount equal to $40 per covered life under the plan if such plan has knowingly provided inaccurate or incomplete information (as described under subparagraph (C)).

''(F) DETERMINATION OF COVERED INDIVIDUALS.—The Secretary shall determine the number of covered lives under a health plan based upon the most recent statements and filings that have been submitted by such plan to the Securities and Exchange Commission.

''(2) NOTICE AND DISPUTE PROCEDURE.—The Secretary shall establish a procedure for assessment of penalty fees under this subsection that provides a health plan with reasonable notice and a dispute resolution procedure prior to provision of a notice of assessment by the Secretary of the Treasury (as described under paragraph (4)(B)).

''(3) PENALTY FEE REPORT.—Not later than May 1, 2014, and annually thereafter, the Secretary shall provide the Secretary of the Treasury with a report identifying those health plans that have been assessed a penalty fee under this subsection.

''(4) COLLECTION OF PENALTY FEE.—

''(A) IN GENERAL.—The Secretary of the Treasury, acting through the Financial Management Service, shall administer the collection of penalty fees from health plans that have been identified by the Secretary in the penalty fee report provided under paragraph (3).

''(B) NOTICE.—Not later than August 1, 2014, and annually thereafter, the Secretary of the Treasury shall provide notice to each health plan that has been assessed a penalty fee by the Secretary under this subsection. Such notice shall include the amount of the penalty fee assessed by the Secretary and the due date for payment of such fee to the Secretary of the Treasury (as described in subparagraph (C)).

''(C) PAYMENT DUE DATE.—Payment by a health plan for a penalty fee assessed under this subsection shall be made to the Secretary of the Treasury not later than November 1, 2014, and annually thereafter.

''(D) UNPAID PENALTY FEES.—Any amount of a penalty fee assessed against a health plan under this subsection for which payment has not been made by the due date provided under subparagraph (C) shall be—

''(i) increased by the interest accrued on such amount, as determined pursuant to the underpayment rate established under section 6601 of the Internal Revenue Code of 1986; and

''(ii) treated as a past-due, legally enforceable debt owed to a Federal agency for purposes of section 6402(d) of the Internal Revenue Code of 1986.

''(E) ADMINISTRATIVE FEES.—Any fee charged or allocated for collection activities conducted by the Financial Management Service will be passed on to a health plan on a pro-rata basis and added to any penalty fee collected from the plan.''.

(b) PROMULGATION OF RULES.—

(1) UNIQUE HEALTH PLAN IDENTIFIER.—The Secretary shall promulgate a final rule to establish a unique health plan identifier (as described in section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b))) based on the input of the National Committee of Vital and Health Statistics. The Secretary may do so on an interim final basis and such rule shall be effective not later than October 1, 2012.

(2) ELECTRONIC FUNDS TRANSFER.—The Secretary shall promulgate a final rule to establish a standard for electronic funds transfers (as described in section 1173(a)(2)(J) of the Social Security Act, as added by subsection (a)(2)(A)). The Secretary may do so on an interim final basis and shall adopt such standard not later than January 1, 2012, in a manner ensuring that such standard is effective not later than January 1, 2014.

(c) EXPANSION OF ELECTRONIC TRANSACTIONS IN MEDICARE.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (23), by striking the ''or'' at the end;

(2) in paragraph (24), by striking the period and inserting ''; or''; and

(3) by inserting after paragraph (24) the following new paragraph:

''(25) not later than January 1, 2014, for which the payment is other than by electronic funds transfer (EFT) or an electronic remittance in a form as specified in ASC X12 835 Health Care Payment and Remittance Advice or subsequent standard.''.

(d) MEDICARE AND MEDICAID COMPLIANCE REPORTS.—Not later than July 1, 2013, the Secretary of Health and Human Services shall submit a report to the Chairs and Ranking Members of the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Chairs and Ranking Members of the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate on the extent to which the Medicare program and providers that serve beneficiaries under that program, and State Medicaid programs and providers that serve beneficiaries under those programs, transact electronically in accordance with transaction standards issued under the Health Insurance Portability and Accountability Act of 1996, part C of title XI of the Social Security Act, and regulations promulgated under such Acts.

Pending consideration of said motion,

¶146.16 POINT OF ORDER

Mr. WAXMAN made a point of order against consideration of the motion, and said:

''Mr. Speaker, pursuant to clause 7 of House rule XVI, matters within the motion to recommit are not germane to the underlying bill, and I insist on my point of order.''.

Mr. GINGREY was recognized to speak to the point of order and said:

''So, Mr. Speaker, my motion to recommit ensures that physicians are reimbursed fairly and that this reimbursement is fully paid for and would add not one cent to the deficit.

''This motion to recommit will provide physicians with a 2 percent Medicare payment rate increase in each of the next 4 years. The motion to recommit would erase the scheduled 21 percent cut in 2010——

''Mr. Speaker, the motion to recommit would erase the scheduled 21 percent cut in 2010 and the estimated 5 percent cuts in 2011, 2012, and 2013. The Democratic bill would only provide eight-tenths of 1 percent payment rate increase.''.

Mr. WAXMAN was further recognized and said:

''Mr. Speaker, I don't believe the gentleman's argument is pertinent to the point of order. I insist on my point of order.''.

The SPEAKER pro tempore, Mr. SALAZAR, sustained the point of order, and said:

''The gentleman from California makes a point of order that the amendment proposed in the instructions included in the motion to recommit offered by the gentleman from Georgia is not germane.

''The bill, H.R. 3961, addresses the narrow topic of payments under the Medicare sustainable growth rate system. The bill adjusts the formulas for the SGR system to alter payments to physicians under that system.

''Among other topics, the motion to recommit addresses the subject of medical liability reform. It includes provisions on compensation, court procedure, and liability for damages.

''As recorded in section 934 of the House Rules and Manual, a general principle of germaneness is that an amendment must confine itself to the committee of jurisdiction over the subject matters contained in the bill. The bill, H.R. 3961, merited referral only to the Committee on Energy and Commerce and the Committee on Ways and Means. The motion to recommit, addressing the subject of medical liability reform, introduces subject matter properly within the jurisdiction of the Committee on the Judiciary.

''The motion is therefore not germane and the point of order is sustained.''.

Mr. GINGREY appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. WAXMAN moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. GINGREY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 251 Nays 177

¶146.17 [Roll No. 907]

YEAS—251

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

NAYS—177

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

NOT VOTING—6

Brown (SC)	McCaul	Miller, George
Carter	Melancon	Wexler

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Mr. CANTOR moved to recommit the bill to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendment:

Add at the end of the bill the following:

SEC. 3. FINDINGS.

Congress finds that the Secretary of Health and Human Services has the authority to increase payments for services under section 1848 of the Social Security Act (related to payments for physician services) in an amount not to exceed $22,300,000,000.

SEC. 4. LIMITATIONS.

(a) IN GENERAL.—In executing the amendments made by section 2(b) of this Act the Secretary of Health and Human Services shall implement an adjustment in payments under section 1848 of the Social Security Act under such amendments for 2011 or any subsequent year only to the extent that the Secretary determines that the cost of such adjustment when added to the cost of the amendment made by section 2(a) does not exceed $22,300,000,000. Such cost determinations shall be calculated based on the difference between net expenditures resulting from the provisions of this Act and anticipated net expenditures for each year under the law as in effect before the date of the enactment of this Act.

(b) CONTINGENCY.—If the Secretary is prevented from implementing an adjustment described in subsection (a) as a result of such subsection, the Secretary shall implement section 1848 of the Social Security Act as such section was in effect before the date of the enactment of this Act.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the nays had it.

Mr. CANTOR demanded a recorded vote on agreeing to said motion to recommit with instructions, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 177 Nays 252

¶146.18 [Roll No. 908]

AYES—177

Aderholt	Campbell	Frelinghuysen
Adler (NJ)	Cantor	Gallegly
Akin	Cao	Garrett (NJ)
Alexander	Capito	Gerlach
Altmire	Cassidy	Gingrey (GA)
Austria	Castle	Gohmert
Bachus	Chaffetz	Goodlatte
Barrett (SC)	Childers	Granger
Bartlett	Coble	Graves
Barton (TX)	Coffman (CO)	Guthrie
Biggert	Conaway	Hall (TX)
Bilbray	Crenshaw	Harper
Bilirakis	Culberson	Hastings (WA)
Bishop (UT)	Davis (KY)	Heller
Blackburn	Deal (GA)	Hensarling
Boehner	Dent	Herger
Bonner	Diaz-Balart, L.	Hoekstra
Bono Mack	Diaz-Balart, M.	Hunter
Boozman	Dreier	Inglis
Boustany	Duncan	Jenkins
Bright	Ehlers	Johnson (IL)
Brown-Waite, Ginny	Emerson	Johnson, Sam
Buchanan	Fallin	Jones
Burgess	Flake	Jordan (OH)
Burton (IN)	Fleming	King (IA)
Buyer	Forbes	King (NY)
Calvert	Fortenberry	Kingston
Camp	Foxx	Kirk
	Franks (AZ)	Kosmas

Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
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)
Sanchez, Loretta
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—252

Abercrombie
Ackerman
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
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
Griffith
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
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
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
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—5

Brown (SC)
Carter
McCaul
Melancon
Miller, George

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. WAXMAN demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 243 / Nays 183

¶146.19 [Roll No. 909]

AYES—243

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
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)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
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
Shuler
Sires
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—183

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Edwards (TX)
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
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
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Brady (TX)
Brown (SC)
Carter
Kennedy
McCaul
Melancon
Miller, George
Towns

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶146.20 H.R. 1834—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1834) to amend the Small Business Act to expand and improve the assistance provided to Indian tribe members, Alaska Natives, and Native Hawaiians, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 343 Nays 55

¶146.21 [Roll No. 910]

YEAS—343

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
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
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Michaud
Miller (MI)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Paulsen
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Roskam
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Space
Speier
Spratt
Stark
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
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Wilson (SC)
Wittman
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—55

Akin
Bachmann
Bartlett
Barton (TX)
Boehner
Broun (GA)
Brown-Waite, Ginny
Burton (IN)
Campbell
Coble
Conaway
Culberson
Duncan
Foxx
Garrett (NJ)
Gingrey (GA)
Goodlatte
Granger
Harper
Hensarling
Herger
Inglis
Jordan (OH)
King (IA)
Kingston
Lamborn
Latta
Linder
Lummis
Manzullo
Marchant
McClintock
Mica
Miller (FL)
Moran (KS)
Neugebauer
Paul
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rohrabacher
Royce
Scalise
Shadegg
Shimkus
Souder
Stearns
Thornberry
Tiahrt
Westmoreland
Whitfield
Wolf

NOT VOTING—36

Berry
Blackburn
Boswell
Boyd
Brown (SC)
Carson (IN)
Carter
Delahunt
Doyle
Ellison
Fallin
Flake
Franks (AZ)
Gallegly
Gutierrez
Hastings (WA)
Hinchey
Jackson-Lee (TX)
Johnson, E. B.
McCaul
Meeks (NY)
Melancon
Miller, Gary
Miller, George
Nadler (NY)
Nunes
Pascrell
Payne
Perriello
Rangel
Ros-Lehtinen
Ross
Snyder
Wamp
Welch
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶146.22 NATIONAL DIABETES MONTH

On motion of Mrs. CAPPS, by unanimous consent, the Committee on Energy and Commerce was discharged from further consideration of the following resolution (H. Res. 914):

Whereas there are nearly 24,000,000 people in the United States with diabetes and 57,000,000 with pre-diabetes;

Whereas diabetes contributed to the deaths of over 300,000 people in the United States in 2007, making diabetes the seventh leading cause of death;

Whereas every minute, 3 people are diagnosed with diabetes;

Whereas each day approximately 4,384 people are diagnosed with diabetes and approximately 1,600,000 new cases of diabetes were diagnosed in people 20 years or older in 2007;

Whereas between 1990 and 2001, diabetes prevalence in the United States increased by more than 60 percent;

Whereas over 24 percent of diabetes is undiagnosed, down from 30 percent in 2005 and 50 percent 10 years ago;

Whereas over 10 percent of adults and nearly a quarter (23.1 percent) of people in the United States age 60 and older have diabetes;

Whereas diabetes is a serious chronic condition that affects people of every age, race, income level, and ethnicity;

Whereas Hispanic, African, Asian, Pacific Islanders, and Native Americans are disproportionately affected by diabetes and suffer at rates much higher than the general population;

Whereas 15,000 youth in the United States are diagnosed with type 1 diabetes annually and about 3,700 youth are diagnosed with type 2 diabetes annually;

Whereas 1 in 3 people in the United States born in the year 2000 will develop diabetes in their lifetime, this statistic grows to nearly 1 in 2 for minority populations;

Whereas diabetes costs the United States an estimated $174,000,000,000 in 2007 and $1 in every $10 spent on health care is attributed to diabetes and its complications;

Whereas approximately $1 out of every $4 Medicare dollars is spent on the care of people with diabetes;

Whereas every day 230 people with diabetes undergo an amputation, 120 people enter end-stage kidney disease programs, and 55 people go blind from diabetes;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence of and delay the onset of type 2 diabetes;

Whereas people with diabetes live healthy, productive lives with the proper management and treatment; and

Whereas National Diabetes Month is celebrated in November: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Diabetes Month, including encouraging people in the United States to fight diabetes through raising public awareness about stopping diabetes and increasing education about the disease;

(2) recognizes the importance of early detection, awareness of the symptoms of diabetes, and the risk factors for type II diabetes, which include being over the age of 45, coming from certain ethnic backgrounds, being overweight, having a low physical activity level, high blood pressure, and a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of diabetes, developing better treatments, and

working toward an eventual cure for type I and type II diabetes through increased research, treatment and prevention.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶146.23 BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE

On motion of Mrs. DAVIS of California, by unanimous consent, the Committee on House Administration was discharged from further consideration of the bill of the Senate (S. 1860) to permit each current member of the Board of Directors of the Office of Compliance to serve 3 terms.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶146.24 ADJOURNMENT OVER

On motion of Mrs. DAVIS of California, by unanimous consent,

Ordered, That when the House adjourns today on a motion offered pursuant to this order, it adjourn to meet at 3 p.m. on Monday, November 23, 2009, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 214, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶146.25 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1963. An Act to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

The message also announced that pursuant to Public Law 105–83, the Chair, on behalf of the Majority Leader, announces the appointment of the following individual to serve as a member of the National Council of the Arts: the Senator from Missouri [Mrs. MCCASKILL].

¶146.26 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1963. An Act to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes, the Committee on Veterans' Affairs.

¶146.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CARTER, for today.

And then,

¶146.28 ADJOURNMENT

Mr. AKIN, pursuant to the previous order of the House, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. SCHRADER, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to the previous order of the House, at 7 o'clock and 33 minutes p.m., the House stands adjourned until 3 p.m. on Monday, November 23, 2009, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 214, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶146.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BERMAN: Committee on Foreign Affairs. H.R. 2194. A bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran; with an amendment (Rept. 111–342 Pt. 1). Ordered to be printed.

¶146.30 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2194. Referral to the Committees on Financial Services, Oversight and Government Reform, and Ways and Means for a period ending not later than December 4, 2009.

¶146.31 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself and Mr. COBLE):

H.R. 4113. A bill to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Mr. HELLER, Mr. NADLER of New York, Mr. KENNEDY, Mrs. CAPPS, Mr. WAXMAN, Ms. SPEIER, Mr. MCGOVERN, Mr. ISRAEL, Mr. GRIJALVA, Ms. RICHARDSON, Mr. PERRIELLO, Mr. ENGEL, Mr. DELAHUNT, Mr. COSTA, Ms. WATSON, Mr. HALL of New York, Mr. STARK, Ms. CHU, Ms. NORTON, Mr. MOORE of Kansas, Mr. HOLT, and Mr. SCHIFF):

H.R. 4114. A bill to reduce the rape kit backlog, and for other purposes; to the Committee on the Judiciary.

By Mr. NADLER of New York (for himself, Mr. JOHNSON of Georgia, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. DELAHUNT, Ms. JACKSON-LEE of Texas, Ms. CHU, Mr. MICHAUD, Ms. KILPATRICK of Michigan, and Mr. COHEN):

H.R. 4115. A bill to amend title 28, United States Code, to provide a restoration of notice pleading in Federal courts, and for other purposes; to the Committee on the Judiciary.

By Ms. MOORE of Wisconsin (for herself, Mr. SCHOCK, Mr. SABLAN, and Mrs. BIGGERT):

H.R. 4116. A bill to reauthorize the Family Violence Prevention and Services Act, and for other purposes; to the Committee on Education and Labor.

By Mr. ARCURI (for himself, Mr. LEE of New York, Mr. COURTNEY, and Mr. HOLDEN):

H.R. 4117. A bill to amend the Agricultural Adjustment Act to clarify that the delivery of milk to a handler under a Federal milk marketing order occurs when the raw milk is received at the producer's farm, and the producer may not be charged for transportation-related costs incurred by a handler after the raw milk leaves the farm, and for other purposes; to the Committee on Agriculture.

By Mr. KIRK (for himself and Mr. ROSKAM):

H.R. 4118. A bill to prohibit the Federal Government from holding security interests, and for other purposes; to the Committee on Financial Services.

By Mr. REHBERG:

H.R. 4119. A bill to authorize the construction of the Dry-Redwater Regional Water Authority System in the State of Montana and a portion of McKenzie County, North Dakota, and for other purposes; to the Committee on Natural Resources.

By Mr. LATHAM (for himself, Mr. KING of Iowa, Mr. TERRY, Mr. LUETKEMEYER, Mrs. BACHMANN, Mr. JOHNSON of Illinois, Mr. BLUNT, Ms. JENKINS, Mr. BURTON of Indiana, Mr. TIAHRT, Mr. SHIMKUS, Mr. MORAN of Kansas, Mr. ROSKAM, Mr. FORTENBERRY, Mr. SENSENBRENNER, and Mr. KLINE of Minnesota):

H.R. 4120. A bill to prohibit the transfer of individuals detained at Guantanamo Bay, Cuba, to facilities in Midwestern States, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of New York (for himself, Mr. BILBRAY, Mr. LAMBORN, Mr. RODRIGUEZ, Mrs. KIRKPATRICK of Arizona, Mrs. HALVORSON, Mr. DONNELLY of Indiana, and Mr. MILLER of Florida):

H.R. 4121. A bill to amend title 38, United States Code, to improve the appeals process of the Department of Veterans Affairs, to establish a commission to study judicial review of the determination of veterans' benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. SCOTT of Virginia, Mr. HINOJOSA, Mr. GRIJALVA, Mr. LOEBSACK, Mr. DAVIS of Illinois, and Mr. FATTAH):

H.R. 4122. A bill to support high-need middle and high schools in order to improve students' academic achievement, graduation rates, postsecondary readiness, and preparation for citizenry; to the Committee on Education and Labor.

By Ms. WATERS (for herself, Mr. BOOZMAN, Mr. MARKEY of Massachusetts, Mr. SMITH of New Jersey, Mr. WOLF, Ms. ROS-LEHTINEN, Ms. LINDA T. SÁNCHEZ of California, Mr. TOWNS, Mrs. CHRISTENSEN, Ms. RICHARDSON, Ms. SHEA-PORTER, Mr. GRIJALVA, Ms. NORTON, Mr. SALAZAR, Mr. KILDEE, Mr. WELCH, Mr. DELAHUNT, Mr. TAYLOR, Mr. GENE GREEN of Texas, Mr. MCGOVERN, Mr. MEEKS of New York,

Mr. CARNEY, Mr. MEEK of Florida, Ms. BORDALLO, Mr. BOSWELL, Mr. BLUMENAUER, Mr. HINOJOSA, Mr. BISHOP of Georgia, Mr. MASSA, Ms. KAPTUR, Ms. ROYBAL-ALLARD, Mr. SIRES, Mr. LOBIONDO, Mr. SCHIFF, Mr. KENNEDY, Mr. SCOTT of Virginia, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Ms. SCHAKOWSKY, Mr. COURTNEY, Mr. COHEN, Mr. CLAY, Mr. RYAN of Ohio, Mr. HASTINGS of Florida, Mr. PAYNE, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mr. OLVER, Ms. FUDGE, Mr. HIGGINS, Ms. CORRINE BROWN of Florida, Ms. LEE of California, Mr. MCDERMOTT, Mrs. MALONEY, Mr. PIERLUISI, Mr. BRALEY of Iowa, and Ms. LORETTA SANCHEZ of California):

H.R. 4123. A bill to amend the Public Health Service Act to authorize grants for treatment and support services for Alzheimer's patients and their families; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself, Ms. RICHARDSON, Mr. LOEBSACK, and Ms. BORDALLO):

H.R. 4124. A bill to amend the Public Health Service Act with respect to the prevention of diabetes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NYE (for himself, Mr. ELLSWORTH, Ms. VELÁZQUEZ, Mr. SCHRADER, Mr. ALTMIRE, Ms. CLARKE, Mrs. KIRKPATRICK of Arizona, Ms. BEAN, and Mrs. DAHLKEMPER):

H.R. 4125. A bill to amend the Small Business Act to improve services for small business concerns owned and controlled by service-disabled veterans, and for other purposes; to the Committee on Small Business.

By Mr. DOGGETT (for himself, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. PASCRELL, Ms. LINDA T. SÁNCHEZ of California, Mr. BRALEY of Iowa, Mr. HINCHEY, Mr. MASSA, Ms. SCHAKOWSKY, Mr. WELCH, Mr. GENE GREEN of Texas, Mr. DEFAZIO, Mr. MCGOVERN, Mr. TIERNEY, Mr. YARMUTH, and Mr. BLUMENAUER):

H.R. 4126. A bill to amend the Internal Revenue Code of 1986 to prevent the overstatement of benefits payable to non-highly compensated employees under qualified plans, and for other purposes; to the Committee on Ways and Means.

By Mr. GOHMERT (for himself, Mr. SMITH of Texas, Mr. DANIEL E. LUNGREN of California, Mr. OLSON, Mr. BROUN of Georgia, Ms. FOXX, Mr. ROE of Tennessee, Ms. FALLIN, Mr. GARRETT of New Jersey, Mr. CARTER, Mr. MARCHANT, Mr. LAMBORN, Mr. CONAWAY, Mr. HALL of Texas, Mr. SHADEGG, Mr. PITTS, Mr. POSEY, Mr. BISHOP of Utah, Mr. ROONEY, Ms. GINNY BROWN-WAITE of Florida, Mrs. SCHMIDT, Mr. COLE, Mr. LATTA, Mrs. LUMMIS, Mr. BONNER, Mr. BURTON of Indiana, Mr. GINGREY of Georgia, Mr. NEUGEBAUER, Mr. PENCE, Mr. CULBERSON, Mrs. BACHMANN, Mr. FRANKS of Arizona, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. BACHUS, Ms. GRANGER, Mrs. BLACKBURN, Mr. ALEXANDER, Mr. KING of New York, Mr. MCCARTHY of California, Mr. RYAN of Wisconsin, and Mr. SESSIONS):

H.R. 4127. A bill to amend title 10, United States Code, to provide that alien unprivileged enemy belligerents may only be tried by military commissions if tried for alleged conduct for which a term of incarceration or the death penalty may be sought; to the Committee on Armed Services.

By Mr. MCDERMOTT (for himself, Mr. WOLF, Mr. FRANK of Massachusetts, and Mr. PAYNE):

H.R. 4128. A bill to improve transparency and reduce trade in conflict minerals, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. SMITH of New Jersey, Mr. CONYERS, and Mr. CARDOZA):

H.R. 4129. A bill to amend the Crime Control Act of 1990 to require certification of State and law enforcement agency reports related to missing children and to require that certain information be provided to individuals reporting a missing child, and for other purposes; to the Committee on the Judiciary.

By Mr. OBEY (for himself, Mr. MURTHA, Mr. LARSON of Connecticut, Ms. ESHOO, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 4130. A bill to amend the Internal Revenue Code of 1986 to establish a temporary surtax to offset the costs of the Afghanistan war; to the Committee on Ways and Means.

By Mr. ADLER of New Jersey (for himself and Ms. DEGETTE):

H.R. 4131. A bill to prohibit smoking in and around Federal buildings; to the Committee on Transportation and Infrastructure, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA (for himself, Ms. GINNY BROWN-WAITE of Florida, Ms. ROYBAL-ALLARD, Mr. PUTNAM, and Ms. RICHARDSON):

H.R. 4132. A bill to amend the Internal Revenue Code of 1986 to provide for clean renewable water supply bonds; to the Committee on Ways and Means.

By Mr. CANTOR (for himself and Mr. DAVIS of Alabama):

H.R. 4133. A bill to amend the Internal Revenue Code of 1986 to exempt public school rehabilitation from the tax-exempt use exception to the rehabilitation credit; to the Committee on Ways and Means.

By Mr. CLAY (for himself, Ms. CLARKE, Mr. GRIJALVA, Mrs. CHRISTENSEN, Ms. BORDALLO, Ms. NORTON, Ms. CORRINE BROWN of Florida, and Mr. DAVIS of Illinois):

H.R. 4134. A bill to require companies submitting offers to the Government for Federal contracts to include subcontracting agreements with the offers, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. HARE, Mr. HASTINGS of Florida, Mr. TONKO, Ms. NORTON, Ms. WOOLSEY, Ms. LINDA T. SÁNCHEZ of California, Mr. NADLER of New York, Mr. CAPUANO, and Ms. JACKSON-LEE of Texas):

H.R. 4135. A bill to keep Americans working by strengthening and expanding short-time compensation programs that provide employers with an alternative to layoffs; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 4136. A bill to extend the temporary duty suspensions on certain cotton shirting fabrics, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 4137. A bill to authorize the Secretary of the Interior to provide preservation and interpretation assistance for resources associated with the New Bedford Whaling National Historical Park in the Commonwealth of Massachusetts, and for other purposes; to the Committee on Natural Resources.

By Mr. GINGREY of Georgia (for himself, Mr. CASSIDY, Mr. FLEMING, Mr. BOOZMAN, Mr. HERGER, Mr. SESSIONS, Mr. CULBERSON, Mr. HALL of Texas, Mr. WHITFIELD, Mr. SHIMKUS, Mr. BUYER, Mrs. MYRICK, Mr. PAULSEN, Mr. ROONEY, Ms. GRANGER, Mr. ROSKAM, Mrs. BLACKBURN, Mr. PRICE of Georgia, and Mr. ROE of Tennessee):

H.R. 4138. A bill to amend title XVIII of the Social Security Act to provide for an update under the Medicare physician fee schedule, to be fully paid for through medical liability reform, a pathway for biosimilar biological products, and other means; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARPER (for himself, Mr. CHILDERS, Mr. THOMPSON of Mississippi, and Mr. TAYLOR):

H.R. 4139. A bill to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the ''Sergeant Matthew L. Ingram Post Office''; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida (for himself, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLEAVER, Mr. CONYERS, Mr. AL GREEN of Texas, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, and Mr. WEXLER):

H.R. 4140. A bill to provide for an evidence-based strategy for voluntary screening for HIV/AIDS and other common sexually transmitted infections, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL:

H.R. 4141. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to allow certain individuals and households to be eligible for Federal assistance; to the Committee on Transportation and Infrastructure.

By Mr. HINCHEY:

H.R. 4142. A bill to address the concept of ''Too Big To Fail'' with respect to certain financial entities; to the Committee on Financial Services.

By Mr. INGLIS:

H.R. 4143. A bill to suspend temporarily the duty on silver sodium hydrogen zirconium phosphate; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Ms. BERKLEY, Ms. BALDWIN, Mr. BLUMENAUER, Mr. BARTLETT, Ms. MCCOLLUM, and Ms. SUTTON):

H.R. 4144. A bill to amend the Internal Revenue Code of 1986 to modify the investment tax credit for combined heat and power system property; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas:

H.R. 4145. A bill to amend title II of the Social Security Act to prohibit the issuance of

social security account numbers to nonimmigrant aliens who are admitted to the United States as students in order to pursue a full course of study or their spouses or minor children unless such aliens are applicants for or recipients of benefits under a program financed by the Federal Government; to the Committee on Ways and Means.

By Mr. KLINE of Minnesota:

H.R. 4146. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for disclosure regarding compensation for services to pension plans; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia (for himself and Mr. DAVIS of Kentucky):

H.R. 4147. A bill to provide for rollover treatment to traditional IRAs of amounts received in airline carrier bankruptcy; to the Committee on Ways and Means.

By Mr. LOEBSACK (for himself, Mrs. EMERSON, Mr. GRIJALVA, Mrs. DAVIS of California, Mr. POLIS of Colorado, Mr. MCGOVERN, Ms. CHU, Ms. MCCOLLUM, Ms. WOOLSEY, Mr. ANDREWS, Mr. SCOTT of Virginia, and Mr. AL GREEN of Texas):

H.R. 4148. A bill to amend the Richard B. Russell National School Lunch Act to improve and expand direct certification procedures for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MARKEY of Colorado (for herself and Mr. PAULSEN):

H.R. 4149. A bill to amend the Internal Revenue Code of 1986 to provide a renewable electricity integration credit for a utility that purchases or produces renewable power; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 4150. A bill to designate the Department of Veterans Affairs medical center in Big Spring, Texas, as the George H. O'Brien, Jr., Department of Veterans Affairs Medical Center; to the Committee on Veterans' Affairs.

By Ms. NORTON:

H.R. 4151. A bill to amend title XIX of the Social Security Act to increase the Federal medical assistance percentage for the District of Columbia under the Medicaid Program to 75 percent; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 4152. A bill to authorize the Secretary of Education to make grants to eligible schools to assist such schools to discontinue use of a derogatory or discriminatory name or depiction as a team name, mascot, or nickname, and for other purposes; to the Committee on Education and Labor.

By Mr. PLATTS (for himself and Mrs. MCCARTHY of New York):

H.R. 4153. A bill to amend title 23, United States Code, to establish national standards to prevent distracted driving, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. POMEROY:

H.R. 4154. A bill to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a $3,500,000 exemption, and for other purposes; to the Committee on Ways and Means.

By Mr. SARBANES:

H.R. 4155. A bill to amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds for financing clean energy improvements under State and local property assessed clean energy programs; to the Committee on Ways and Means.

By Mr. SIRES:

H.R. 4156. A bill to provide for certain improvements in the laws relating to housing for veterans, and for other purposes; to the Committee on Financial Services.

By Mr. TIAHRT (for himself, Mr. SAM JOHNSON of Texas, Mr. INGLIS, and Mr. SOUDER):

H.R. 4157. A bill to repeal the authority of the Secretary of the Treasury to extend the Troubled Asset Relief Program and return all unobligated funds to reduce the public debt; to the Committee on Financial Services.

By Mr. YARMUTH:

H.R. 4158. A bill to suspend temporarily the duty on certain hydrogenated polymers of norbornene derivatives; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas (for herself, Mr. CLAY, Mr. CONYERS, Ms. CLARKE, Mr. DELAHUNT, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. RANGEL, and Ms. SPEIER):

H. Con. Res. 215. Concurrent resolution supporting the goals and ideals of World AIDS Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas (for himself, Mr. FRANKS of Arizona, Mr. POE of Texas, Mr. GOHMERT, Mr. COBLE, Mr. GALLEGLY, Mr. CHAFFETZ, Mr. SENSENBRENNER, Mr. HARPER, Mr. JORDAN of Ohio, Mr. ROONEY, Mr. DANIEL E. LUNGREN of California, Mr. ISSA, Mr. KING of Iowa, Mr. GOODLATTE, and Mr. FORBES):

H. Res. 920. A resolution directing the Attorney General to transmit to the House of Representatives all information in the Attorney General's possession regarding certain matters pertaining to detainees held at Naval Station, Guantanamo Bay, Cuba who are transferred into the United States; to the Committee on the Judiciary.

By Mr. LARSON of Connecticut:

H. Res. 921. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. KING of New York (for himself, Mr. SMITH of Texas, Mr. SOUDER, Mr. DANIEL E. LUNGREN of California, Mr. ROGERS of Alabama, Mr. MCCAUL, Mr. DENT, Mr. BILIRAKIS, Mr. BROUN of Georgia, Mrs. MILLER of Michigan, Mr. OLSON, Mr. CAO, and Mr. AUSTRIA):

H. Res. 922. A resolution directing the Secretary of Homeland Security to transmit to the House of Representatives all information in the possession of the Department of Homeland Security relating to the Department's planning, information sharing, and coordination with any state or locality receiving detainees held at Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009; to the Committee on Homeland Security.

By Mr. HOEKSTRA:

H. Res. 923. A resolution requesting the President to transmit to the House of Representatives all documents in the possession of the President relating to the effects on foreign intelligence collection of the transfer of detainees held at Naval Station, Guantanamo Bay, Cuba, into the United States; to the Committee on Intelligence (Permanent Select).

By Mr. MCKEON:

H. Res. 924. A resolution directing the Secretary of Defense to transmit to the House of Representatives copies of any document, record, memo, correspondence, or other communication of the Department of Defense, or any portion of such communication, that refers or relates to the trial or detention of Khalid Sheikh Mohammed, Walid Muhammad Salih Mubarek Bin 'Attash, Ramzi Binalshibh, Ali Abdul Aziz Ali, or Mustafa Ahmed Adam al Hawsawi; to the Committee on Armed Services.

By Mr. DEFAZIO (for himself, Mr. STEARNS, Mrs. DAVIS of California, Mr. LARSEN of Washington, Mr. MARSHALL, Mr. MASSA, Mr. RODRIGUEZ, Ms. BORDALLO, Mr. LAMBORN, Mr. DOGGETT, Mr. BRALEY of Iowa, Mr. PERLMUTTER, Mr. BLUMENAUER, Ms. KAPTUR, Mr. BOCCIERI, Mr. SCHRADER, Mr. MICHAUD, Mr. COOPER, Mr. FILNER, Mr. FARR, and Mr. DICKS):

H. Res. 925. A resolution expressing the sense of the House of Representatives regarding the meritorious service performed by aviators in the United States Armed Forces who were shot down over, or otherwise forced to land in, hostile territory yet evaded enemy capture or were captured but subsequently escaped; to the Committee on Armed Services.

By Mr. TOWNS:

H. Res. 926. A resolution honoring former Representative Shirley Chisholm, on the occasion of the 85th anniversary of her birth, for her dedication and for providing an example of selfless service; to the Committee on House Administration.

By Mr. BARTON of Texas:

H. Res. 927. A resolution declaring that it shall continue to be the policy of the United States, consistent with the Taiwan Relations Act, to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capability; to the Committee on Foreign Affairs.

By Ms. RICHARDSON (for herself, Mr. OBERSTAR, Ms. LEE of California, Mr. MCDERMOTT, Ms. MOORE of Wisconsin, Mr. STARK, Mr. JOHNSON of Georgia, Mr. RUSH, Ms. JACKSON-LEE of Texas, Mr. CARSON of Indiana, and Mr. FATTAH):

H. Res. 928. A resolution supporting of the goals and ideals of Universal Children's Day to encourage citizens in the United States to share in the mission of improving the lives of all children around the world; to the Committee on Foreign Affairs.

By Ms. RICHARDSON (for herself, Mrs. CHRISTENSEN, Ms. NORTON, Mr. HARE, Mr. JOHNSON of Georgia, Mr. FATTAH, Mr. COHEN, Ms. MOORE of Wisconsin, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, and Mr. HONDA):

H. Res. 929. A resolution recognizing December 2 as the International Day for the Abolition of Slavery and the 60th anniversary of the adoption by the United Nations General Assembly of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and commending the efforts of modern day abolitionists following in the tradition of Frederick Douglass; to the Committee on Foreign Affairs.

By Ms. JACKSON-LEE of Texas:

H. Res. 930. A resolution supporting the goals and ideals of the 20th anniversary celebration of the Harris County Hospital District's Thomas Street Health Center, which coincides with World AIDS Day; to the Committee on Energy and Commerce.

By Mr. CARSON of Indiana:

H. Res. 931. A resolution supporting the goals and ideals of the International Day for the Elimination of Violence against Women; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CHU (for herself and Ms. MATSUI):

H. Res. 932. A resolution expressing the sense of the Congress that all State public health departments, local public health departments, hospitals, doctor offices, and other health care providers should adhere to guidelines issued from the Centers for Disease Control and Prevention with regard to the H1N1 influenza virus; to the Committee on Energy and Commerce.

By Mr. DINGELL:

H. Res. 933. A resolution commending the Government of Japan for its current policy against currency manipulation and encouraging the Government of Japan to continue in this policy; to the Committee on Ways and Means.

By Mr. DINGELL:

H. Res. 934. A resolution calling on the Government of the Republic of Korea to end unfair trade practices as such practices relate to the automotive industry, expressing the sense of the House of Representatives that it should take into account such unfair trade practices of the Republic of Korea when the House of Representatives considers the United States-Korea Free Trade Agreement, and for other purposes; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California (for herself, Mr. HALL of New York, Mr. LEE of New York, and Mr. MINNICK):

H. Res. 935. A resolution honoring John E. Warnock, Charles M. Geschke, Forrest M. Bird, Esther Sans Takeuchi, and IBM Corporation for receiving the 2008 National Medal of Technology and Innovation; to the Committee on Science and Technology.

By Mr. QUIGLEY (for himself, Ms. BEAN, Mrs. BIGGERT, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. FOSTER, Mr. HARE, Mrs. HALVORSON, Mr. JACKSON of Illinois, Mr. JOHNSON of Illinois, Mr. KIRK, Mr. LIPINSKI, Mr. MANZULLO, Mr. ROSKAM, Mr. RUSH, Ms. SCHAKOWSKY, and Mr. SHIMKUS):

H. Res. 936. A resolution honoring the citizen-soldiers of the Army National Guard of the State of Illinois, including the 33rd Infantry Brigade Combat Team of the Illinois Army National Guard, which recently returned from deployment to Afghanistan; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. DREIER, Mr. BRADY of Texas, and Mr. HASTINGS of Washington):

H. Res. 937. A resolution recognizing that Colombia is a vital democratic ally of the United States in the fight against extremism and drug trafficking in the Western Hemisphere and further recognizing the extensive and immediate benefits that passage of the United States-Colombia Trade Promotion Agreement would bring to the United States; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Mr. GENE GREEN of Texas, Mrs. BONO MACK, and Mr. BILBRAY):

H. Res. 938. A resolution expressing the sense of the House of Representatives that the leaders of Congress and other legislative branch offices should work together to establish and implement a coordinated program for the reuse, recycling, and appropriate disposal of obsolete computers and other electronic equipment used by offices of the legislative branch; to the Committee on House Administration.

¶146.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. DAVIS of Kentucky.
H.R. 24: Mr. ROYCE, Mr. HOLT, Mr. MEEK of Florida, Mr. AUSTRIA, Mr. RYAN of Wisconsin, and Mr. HODES.
H.R. 39: Mr. BOUCHER.
H.R. 156: Mr. ROGERS of Kentucky.
H.R. 211: Mr. MAFFEI, Mr. HIGGINS, and Mr. BRIGHT.
H.R. 275: Mr. CALVERT and Mr. GARY G. MILLER of California.
H.R. 305: Mr. ACKERMAN.
H.R. 333: Mr. STUPAK.
H.R. 391: Mr. WAMP.
H.R. 422: Mr. BOUSTANY and Ms. JENKINS.
H.R. 571: Ms. SHEA-PORTER and Ms. MARKEY of Colorado.
H.R. 593: Mr. STUPAK.
H.R. 644: Mr. MASSA, Mr. LUJÁN, and Mr. INSLEE.
H.R. 678: Mr. LATOURETTE.
H.R. 690: Mr. TOWNS.
H.R. 705: Mr. SESTAK.
H.R. 803: Mr. CONNOLLY of Virginia.
H.R. 847: Mr. NEAL of Massachusetts, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. UPTON, Mr. FILNER, and Ms. HARMAN.
H.R. 886: Mr. ALEXANDER.
H.R. 916: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DOGGETT, and Mr. AL GREEN of Texas.
H.R. 932: Mr. LANGEVIN.
H.R. 995: Mr. ELLISON, Mr. MOORE of Kansas, and Mr. WILSON of Ohio.
H.R. 1021: Mr. GONZALEZ and Mr. BISHOP of New York.
H.R. 1028: Mr. HALL of New York, Mr. DOGGETT, and Mr. DEAL of Georgia.
H.R. 1074: Mr. HEINRICH.
H.R. 1126: Ms. ESHOO.
H.R. 1132: Mr. SMITH of Washington and Mr. POSEY.
H.R. 1175: Mr. HALL of New York.
H.R. 1177: Ms. BEAN, Mr. GUTIERREZ, Mr. RANGEL, Mr. RAHALL, Mr. RUSH, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. INSLEE, Mr. DICKS, Mr. ALTMIRE, Mr. BACA, Mr. BARROW, Mr. BERRY, Mr. BOYD, Mr. CARDOZA, Mr. CARNEY, Mr. CHANDLER, Mr. CHILDERS, Mr. COOPER, Mr. COSTA, Mr. DAVIS of Tennessee, Mr. DONNELLY of Indiana, Ms. GIFFORDS, Mr. GORDON of Tennessee, Mr. GRIFFITH, Ms. HARMAN, Mr. HILL, Mr. HOLDEN, Mr. MATHESON, Mr. MELANCON, Mr. NYE, Mr. POMEROY, Mr. ROSS, Mr. SALAZAR, Mr. SCOTT of Georgia, Mr. SHULER, Mr. SPACE, Mr. THOMPSON of California, Mr. WILSON of Ohio, Mr. ELLSWORTH, and Mr. DRIEHAUS.
H.R. 1203: Mr. HALL of Texas.
H.R. 1205: Mr. FORTENBERRY.
H.R. 1207: Mr. CLAY and Mr. LUJÁN.
H.R. 1214: Mr. PETERS.
H.R. 1228: Mr. CALVERT.
H.R. 1250: Mr. LINDER and Mr. DENT.
H.R. 1310: Ms. GIFFORDS.
H.R. 1330: Mr. AL GREEN of Texas.
H.R. 1335: Mr. LEWIS of Georgia.
H.R. 1351: Mr. CARSON of Indiana.
H.R. 1407: Mr. ROSS.
H.R. 1521: Mr. LINDER, Mr. SCHOCK, and Mr. HELLER.
H.R. 1523: Mr. FRANK of Massachusetts.
H.R. 1526: Mr. WAMP.
H.R. 1545: Mr. WELCH.
H.R. 1552: Mr. SNYDER.
H.R. 1557: Mr. DUNCAN and Ms. JENKINS.
H.R. 1584: Ms. ROS-LEHTINEN.
H.R. 1585: Mr. DELAHUNT.
H.R. 1616: Ms. SLAUGHTER and Ms. TITUS.
H.R. 1625: Mr. ALTMIRE.
H.R. 1708: Mrs. DAVIS of California and Ms. MOORE of Wisconsin.
H.R. 1778: Mr. RYAN of Ohio.
H.R. 1806: Ms. SCHAKOWSKY, Mr. CARNEY, and Ms. WASSERMAN SCHULTZ.
H.R. 1831: Mr. BUYER.
H.R. 1836: Mr. AUSTRIA.
H.R. 1869: Ms. MOORE of Wisconsin.
H.R. 1894: Ms. PINGREE of Maine.
H.R. 1956: Mr. SCHRADER.
H.R. 1990: Mrs. KIRKPATRICK of Arizona.
H.R. 2140: Mr. WHITFIELD.
H.R. 2143: Mr. SMITH of Nebraska.
H.R. 2149: Mr. PETERSON and Mr. Nye.
H.R. 2159: Mr. ACKERMAN, Ms. CLARKE, and Mrs. MALONEY.
H.R. 2189: Mr. GARRETT of New Jersey.
H.R. 2194: Mr. LEWIS of California.
H.R. 2222: Mr. PLATTS.
H.R. 2296: Mr. HALL of Texas.
H.R. 2324: Mrs. CAPPS and Ms. JACKSON-LEE of Texas.
H.R. 2365: Ms. ZOE LOFGREN of California.
H.R. 2382: Mr. ABERCROMBIE.
H.R. 2390: Mr. PAYNE and Mr. DOGGETT.
H.R. 2425: Ms. EDWARDS of Maryland.
H.R. 2443: Mr. MURPHY of Connecticut.
H.R. 2455: Mr. WAXMAN, Mr. ABERCROMBIE, Mr. COURTNEY, Ms. JACKSON-LEE of Texas, Mr. DEFAZIO, Mr. MCGOVERN, Mrs. CAPPS, and Ms. ESHOO.
H.R. 2460: Mr. LANGEVIN.
H.R. 2478: Mr. CRENSHAW and Mrs. BONO MACK.
H.R. 2480: Mr. OLVER.
H.R. 2502: Ms. EDWARDS of Maryland.
H.R. 2528: Mr. LARSEN of Washington, Mr. DAVIS of Alabama, and Mr. BOUSTANY.
H.R. 2628: Ms. FUDGE.
H.R. 2698: Mr. PASTOR of Arizona.
H.R. 2699: Mr. PASTOR of Arizona and Mr. MINNICK.
H.R. 2710: Mr. CUELLAR and Mr. WILSON of Ohio.
H.R. 2737: Ms. ZOE LOFGREN of California, Mr. OLSON, Mr. KILDEE, Mr. PRICE of Georgia, and Mr. ALTMIRE.
H.R. 2755: Mr. JACKSON of Illinois.
H.R. 2788: Mr. BARTON of Texas.
H.R. 2807: Mr. JOHNSON of Illinois.
H.R. 2817: Mr. DOGGETT and Mr. WELCH.
H.R. 2829: Mr. ROTHMAN of New Jersey.
H.R. 2866: Mr. KLEIN of Florida and Mr. RYAN of Ohio.
H.R. 2906: Mr. LATHAM.
H.R. 2964: Ms. EDWARDS of Maryland.
H.R. 2999: Mr. WELCH.
H.R. 3004: Mr. SCHOCK.
H.R. 3024: Mr. CLAY, Ms. ROYBAL-ALLARD, and Ms. MCCOLLUM.
H.R. 3037: Mr. KRATOVIL.
H.R. 3077: Mr. DOGGETT and Mr. MARKEY of Massachusetts.
H.R. 3105: Mr. CAMPBELL.
H.R. 3131: Mr. JONES.
H.R. 3185: Ms. FUDGE.
H.R. 3212: Mrs. CAPPS.
H.R. 3226: Mr. CALVERT.
H.R. 3239: Ms. RICHARDSON.
H.R. 3240: Mr. MCCOTTER.
H.R. 3286: Mr. CHANDLER.
H.R. 3315: Mr. RUSH, Mr. FILNER, Mr. PAYNE, and Mrs. CHRISTENSEN.
H.R. 3321: Ms. LEE of California, Ms. CLARKE, Mr. SCOTT of Virginia, and Mr. PAYNE.
H.R. 3343: Mr. JACKSON of Illinois.
H.R. 3355: Mr. SPACE, Mr. WALZ and Mr. LATOURETTE.
H.R. 3359: Mr. HONDA, Mr. GENE GREEN of Texas, and Ms. RICHARDSON
H.R. 3380: Mr. BISHOP of New York and Mr. JOHNSON of Georgia.
H.R. 3382: Mr. LOBIONDO.
H.R. 3401: Ms. LEE of California, Mr. ELLISON, Ms. ESHOO, Mr. COHEN, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 3404: Mr. CARDOZA.
H.R. 3450: Ms. KAPTUR, Mr. JONES, Mr. FILNER, Ms. WATSON, Mr. RUSH, Mr. TOWNS, and Mr. MEEKS of New York.
H.R. 3463: Mr. KING of Iowa.
H.R. 3502: Mr. BRALEY of Iowa.
H.R. 3519: Mr. COLE, Mr. ROE of Tennessee, and Mr. ALEXANDER.
H.R. 3524: Mr. COSTELLO, Mr. BLUMENAUER, and Mr. LANGEVIN.
H.R. 3554: Mr. FRANK of Massachusetts.
H.R. 3578: Mr. SCHIFF.

H.R. 3589: Mr. LoBiondo and Mr. Doyle.
H.R. 3613: Mr. Calvert and Mr. Barton of Texas.
H.R. 3634: Mr. Camp.
H.R. 3646: Ms. DeGette.
H.R. 3666: Mr. Platts.
H.R. 3668: Mr. Buchanan.
H.R. 3670: Mrs. Dahlkemper.
H.R. 3693: Mr. Wamp and Mr. Souder.
H.R. 3703: Mr. Sherman.
H.R. 3706: Ms. Foxx, Mr. Lamborn, Mr. Bonner, Mr. Akin, Mr. Carter, Mr. Marchant, Mr. Bishop of Utah, Mr. King of Iowa, Mr. Shadegg, Mr. Franks of Arizona, Mr. Hall of Texas, Mr. Klein of Minnesota, Mr. Cole, Mr. Gohmert, Mr. Broun of Georgia, Mr. Campbell, Mr. Bartlett, Mrs. Blackburn, Ms. Fallin, Mr. Roe of Tennessee, and Mr. Conaway.
H.R. 3720: Mr. Costello.
H.R. 3724: Mr. Thompson of Pennsylvania.
H.R. 3732: Mrs. Bono Mack.
H.R. 3745: Mr. Gutierrez.
H.R. 3771: Mr. Cummings.
H.R. 3790: Mr. Broun of Georgia, Mr. Hodes, Mr. Ackerman, Ms. Ros-Lehtinen, and Mr. Latta.
H.R. 3832: Mr. Cantor, Mrs. Myrick, Mr. Conaway, Ms. Granger, Mr. Hall of Texas, Mr. Gohmert, Mr. Olson, Mr. Campbell, Mr. Roe of Tennessee, and Ms. Fallin.
H.R. 3838: Mr. Polis.
H.R. 3845: Mr. Michaud.
H.R. 3855: Mrs. Christensen and Mr. Weiner.
H.R. 3887: Mr. Poe of Texas, Mr. Crenshaw, and Mrs. Bono Mack.
H.R. 3904: Mr. Foster.
H.R. 3916: Mr. Holden, Mr. Carney, and Mr. Altmire.
H.R. 3926: Ms. Edwards of Maryland and Mr. Scott of Virginia.
H.R. 3929: Mr. Cao.
H.R. 3936: Mr. Kucinich, Ms. Ginny Brown-Waite of Florida, and Mr. Larson of Connecticut.
H.R. 3942: Mr. Peterson and Mr. Latta.
H.R. 3943: Mr. Peterson, Mr. Nye, Mr. Welch, Ms. Sutton, and Ms. DeLauro.
H.R. 3964: Mr. Scalise.
H.R. 3986: Mr. Cohen, Mr. Rangel, Ms. Woolsey, Mr. Towns, Mr. Rush, and Mr. Filner.
H.R. 3995: Mr. DeFazio.
H.R. 4014: Ms. Zoe Lofgren of California and Ms. Chu.
H.R. 4037: Mr. Berman and Ms. Hirono.
H.R. 4042: Mr. Nye.
H.R. 4047: Mr. Fleming.
H.R. 4051: Mr. Thompson of Pennsylvania and Mr. Higgins.
H.R. 4053: Mr. Cleaver.
H.R. 4058: Mr. Dicks and Ms. Bordallo.
H.R. 4070: Mr. Peterson, Mr. Holden, Mr. Moore of Kansas, Mr. Scott of Georgia, Mr. Walz, Mr. Polis, Mr. Latham, and Ms. Hirono.
H.R. 4073: Mr. Peterson and Ms. Bordallo.
H.R. 4085: Mr. Wu.
H.R. 4086: Mr. King of New York.
H.R. 4088: Mr. Platts, Mr. Wolf, Mr. Gerlach, Mr. Boswell, Mr. Sensenbrenner, Mr. Rogers of Kentucky, and Mr. Burgess.
H.R. 4089: Ms. Fudge and Ms. Jenkins.
H.R. 4093: Mr. Shimkus, Mrs. Biggert, Mr. Royce, Mr. Roskam, and Mr. Burton of Indiana.
H.R. 4110: Mr. Mario Diaz-Balart of Florida, Mr. Shuster, Mr. Culberson, Mr. Smith of Texas, and Mr. Sam Johnson of Texas.
H.R. 4111: Mr. Sam Johnson of Texas, Mrs. Bachmann, Ms. Granger, Mr. Conaway, and Mr. Alexander.
H.R. 4112: Ms. Kaptur.
H. J. Res. 42: Ms. Ginny Brown-Waite of Florida.
H. Con. Res. 137: Mr. Honda.
H. Con. Res. 198: Mr. Scott of Virginia and Mr. Calvert.
H. Con. Res. 199: Mr. Cohen and Mr. Taylor.
H. Con. Res. 200: Ms. Foxx.
H. Con. Res. 213: Ms. Bordallo and Ms. Moore of Wisconsin.
H. Res. 35: Ms. Edwards of Maryland, Ms. Bordallo, Ms. Eshoo, Mr. Doyle, Ms. Harman, Mr. Ross, Mr. Matheson, Mr. Poe of Texas, Ms. Baldwin, Mr. Ellison, Mr. Conyers, Mr. Tanner, Mr. Boyd, Mr. Shuler, Mr. Chandler, Mr. Filner, Ms. Hirono, Mr. Hinchey, Mr. Peters, Mr. Murphy of Connecticut, Mr. Rogers of Kentucky, Ms. Wasserman Schultz, Mr. Klein of Florida, Mr. Hastings of Florida, Mr. Higgins, Ms. Linda T. Sánchez of California, Mr. Sarbanes, and Mr. McMahon.
H. Res. 55: Mr. Guthrie, Mr. Shuster, Mr. Young of Florida, Mr. Culberson, Mr. Garrett of New Jersey, Mr. McKeon, Mr. Sullivan, Mr. Shadegg, Mr. LaTourette, Mr. Tiberi, Mr. LoBiondo, Mr. Stearns, Mr. Souder, Mr. Duncan, Mr. Rogers of Kentucky, Mr. King of Iowa, Mr. Manzullo, Mr. Heller, Mr. Franks of Arizona, Mr. Jones, Ms. Ros-Lehtinen, Mr. Aekeeman, Mr. Hall of Texas, Mr. Cassidy, Mr. Broun of Georgia, Mr. Mack, Mr. Davis of Kentucky, Mr. Latta, Mr. Mica, Mr. Coffman of Colorado, Mr. Poe of Texas, Mr. Issa, Ms. Kaptur, Mr. Paulsen, Mr. McCarthy of California, Ms. Jenkins, Mr. Wexler, Mr. Walden, Mr. Upton, Mr. Boustany, Mr. King of New York, Mr. Ehlers, Mr. Rooney, Mr. Lee of New York, Mr. Roskam, Mr. Miller of Florida, Mr. Putnam, Mr. Posey, Mr. Thompson of Pennsylvania, Mr. Boozman, Mr. Reichert, Mr. Deal of Georgia, Mr. Linder, Mr. Westmoreland, Mr. Roe of Tennessee, Mr. Jordan of Ohio, Mr. Akin, Mr. Rohrabacher, Mrs. Capito, Mr. Bilirakis, Mr. Mario Diaz-Balart of Florida, Mr. Lincoln Diaz-Balart of Florida, Mr. Smith of New Jersey, Mr. Sensenbrenner, Mr. Bishop of Utah, Mr. Young of Alaska, Mr. Chaffetz, Mr. Lance, Mr. Conaway, Mr. Tiahrt, Ms. Granger, Mr. Thornberry, Mr. Hensarling, Mrs. Biggert, Mr. Kanjorski, and Mr. Whitfield.
H. Res. 111: Mr. Hinchey and Mr. King of Iowa.
H. Res. 278: Mr. Doggett.
H. Res. 440: Mr. Alexander.
H. Res. 699: Mr. Boren.
H. Res. 713: Mr. Scott of Virginia, Mr. Massa, Mr. Ross, Ms. Corrine Brown of Florida, Ms. Schakowsky, Mr. Melancon, Mr. Pallone, Mr. Spratt, and Ms. Berkley.
H. Res. 759: Mr. Roskam and Mr. Sullivan.
H. Res. 776: Ms. Moore of Wisconsin and Mr. Quigley.
H. Res. 779: Mr. Issa, Mr. Calvert, Mr. LaTourette, Mr. Young of Florida, Mr. Schock, Mr. Reichert, Ms. Ginny Brown-Waite of Florida, Mrs. Myrick, Mr. Davis of Kentucky, Mr. Paulsen, Mrs. McMorris Rodgers, Mr. Latta, Mr. Petri, Mr. Lance, Mr. Lewis of California, Mr. Manzullo, Mr. Guthrie, Mr. Lee of New York, Mr. Castle, Mr. Coble, Ms. Ros-Lehtinen, and Mrs. Emerson.
H. Res. 809: Mr. Luetkemeyer, Mr. Pitts, Mr. Bartlett, Mrs. Schmidt, Mr. Coble, Ms. Fallin, Mr. Jordan of Ohio, Mr. Bonner, Mr. Akin, Mr. Carter, Mr. Posey, Mr. Bishop of Utah, Mr. Culberson, Mr. Campbell, Mr. Daniel E. Lungren of California, Mr. Marchant, Mr. Lamborn, Mr. King of Iowa, Mr. Shadegg, Mr. Franks of Arizona, Mr. Boozman, Mr. Conaway, Mr. Kline of Minnesota, Mr. Cole, Ms. Granger, Mr. Hall of Texas, Mr. Gohmert, Mr. Barton of Texas, and Mr. Roe of Tennessee.
H. Res. 847: Mr. Rogers of Kentucky.
H. Res. 852: Mr. Wilson of South Carolina.
H. Res. 855: Mr. Klein of Florida.
H. Res. 860: Mr. Hare, Mr. Hodes, Mr. Cardoza, Mr. Sires, and Mr. Boswell.
H. Res. 861: Mr. Latta and Mr. Boswell.
H. Res. 873: Mr. Graves and Mr. Wamp.
H. Res. 879: Mr. Ross.
H. Res. 888: Mr. Alexander.
H. Res. 900: Mr. Thompson of Pennsylvania and Mr. McMahon.
H. Res. 901: Mr. Meeks of New York, Mr. Scott of Virginia, Ms. Zoe Lofgren of California, Mr. Cardoza, and Mr. Cleaver.
H. Res. 904: Mr. Taylor, Mr. Marshall, and Mr. Nye.
H. Res. 911: Mr. Upton, Mr. Burgess, Mr. McHenry, Mr. Cantor, Mr. Carter, Mr. Poe of Texas, Mr. McCaul, Ms. Granger, Mr. Neugebauer, Mr. Gohmert, Ms. Foxx, Mr. Forbes, Mr. Boehner, Mr. Shimkus, Mr. Blunt, Mr. King of Iowa, Mr. Fleming, Mr. Price of Georgia, Mr. Roe of Tennessee, Mrs. Capito, Mrs. Schmidt, Mr. Cassidy, Mrs. Bono Mack, Mr. Smith of Texas, Mr. Hoekstra, Mr. Lamborn, Mr. Roskam, and Mrs. Miller of Michigan.
H. Res. 913: Mr. Fattah.
H. Res. 914: Mr. Miller of Florida, Mr. Edwards of Texas, Ms. DeLauro, Mr. Terry, Mr. Towns, Mr. Grijalva, and Ms. Fudge.

¶146.33 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3904: Mr. Loebsack.

TUESDAY, DECEMBER 1, 2009 (147)

¶147.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. JACKSON of Illinois, who laid before the House the following communication:

WASHINGTON, DC,
December 1, 2009.

I hereby appoint the Honorable Jesse L. Jackson, Jr. to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶147.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced he had examined and approved the Journal of the proceedings of Thursday, November 19, 2009.

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

¶147.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4746. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Citrus Canker; Movement of Fruit from Quarantined Areas [Docket No.: APHIS-2009-0023] (RIN: 0579-AC96) received October 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4747. A letter from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Production Incentives for Cellulosic Biofuels; Reverse Auction Procedures and Standards (RIN: 1904-AB73) received October 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4748. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Early Warning Reporting Regulations [Docket No.: NHTSA-

2008-0169; Notice 2] (RIN: 2127-AK28) received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4749. A letter from the Director, Regulatory Management Divison, Environmental Protection Agency, transmitting the Agency's final rule — Technical Amendment of Cross-Media Electronic Reporting Rule [EPA-HQ-OEI-2003-0001; FRL-8980-7] (RIN: 2025-AA26) received November 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4750. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Jackson and Laurel, Mississippi) [MB Docket No.: 09-156] received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4751. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Criminal Penalties; Unauthorized Introduction of Weapons [NRC-2008-0458] (RIN: 3150-AI31) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4752. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on progress toward a negotiated solution of the Cyprus question covering the period August 1 through September 30, 2009, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961 and in accordance with Section 1(a)(6) of Executive Order 13313; to the Committee on Foreign Affairs.

4753. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 113-09, certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4754. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 129-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4755. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 099-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4756. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 110-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4757. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of civil aircraft equipped with the Guardian System Aircraft Provisioning Kit (APK), pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4758. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of civil aircraft equipped with the Biz Jet Matador Installation Kit (A-Kit), pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4759. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-232, ''First Congregational United Church of Christ Property Tax Abatement Temporary Act of 2009''; to the Committee on Oversight and Government Reform.

4760. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-233, ''Neighborhood Supermarket Tax Relief Clarification Temporary Act of 2009''; to the Committee on Oversight and Government Reform.

4761. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-231, ''Police and Firefighter Post-Retirememt Health Benefits Temporary Amendment Act of 2009''; to the Committee on Oversight and Government Reform.

4762. A communication from the President of the United States, transmitting an alternative plan for locality pay increase payable to civilian Federal employees covered by the General Schedule (GS) and certain other pay systems in January 2010, pursuant to 5 U.S.C. 5305(a)(3); (H. Doc. No. 111–78); to the Committee on Oversight and Government Reform and ordered to be printed.

4763. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Approval of Tungsten-Iron-Fluoropolymer Shot Alloys as Nontoxic for Hunting Waterfowl and Coots; Availability of Final Environmental Assessment [Docket No.: FWS-R9-MB-2009-0003] (RIN: 1018-AW46) received October 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4764. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS03) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4765. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XR90) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4766. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XR91) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4767. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish Fishery Commercial Period 1 Quota Harvested [Docket No.: 060418103-6181-02] (RIN: 0648-XR84) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4768. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels [Docket No.: 070817467-8554-02] (RIN: 0648-XR58) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4769. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Compensation to Federal Commercial Bottomfish and Lobster Fishermen Due to Fishery Closures in the Papahanaumokuakea Marine National Monument, Northwestern Hawaiian Islands [Docket No.: 080304370-91192-02] (RIN: 0648-AW52) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4770. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-grouper Fishery of the South Atlantic; Closure of the July-December 2009 Commercial Fishery for Vermilion Snapper in the South Atlantic [Docket No.: 040205043-4043-01] (RIN: 0648-XR06) October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4771. A letter from the Director of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Econonic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0801041351-9087-02] (RIN: 0648-XR71) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4772. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2009 Winter II Quota [Docket No.: 0809251266-81485-02] (RIN: 0648-XQ56) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4773. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Gear Requirements for the U.S./Canada Management Area [Docket No.: 080521698-9067-02] (RIN: 0648-XR42) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4774. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's ''Major'' final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Secretarial Final Interim Action; Rule Extension [Docket No.: 080521698-9067-02] (RIN: 0648-AW87) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4775. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's ''Major'' final rule — Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule — Amendments [EPA-HQ-OPA-2007-0584; FRL-8979-8]

(RIN: 2050-AG16) November 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4776. A letter from the Chief Counsel, Department of Commerce, transmitting the Department's final rule — Revisions to the Trade Adjustment Assistance for Firms Program Regulations and Implementation Regulations for the Community Trade Adjustment Assistance Program [Docket No.: 090429810-91212-02] (RIN: 0610-AA65) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Transportation and Infrastructure, Financial Services, and Ways and Means.

¶147.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 23, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 23, 2009, at 9:26 a.m.:

That the Senate agreed to without amendment H. Con. Res. 214.

Appointments:
Ronald Reagan Centennial Commission

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶147.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 30, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 30, 2009, at 10:53 a.m.:

That the Senate passed S. 1472.

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶147.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 20, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 20, 2009, at 11:48 a.m.:

Appointments: Social Security Advisory Board.

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶147.7 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House the following communication from Mohamed Abbamin, Legislative Assistant, office of the Honorable Robert C. ''Bobby'' Scott of Virginia:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 24, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAME SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the United States District Court for the Eastern District of Virginia in connection with a criminal case now pending in the same court.

After consultation with the Office of the General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

MOHAMED ABBAMIN,
Legislative Assistant.

¶147.8 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House the following communication from Nkechi George Winkler, Legislative Assistant, office of the Honorable Robert C. ''Bobby'' Scott of Virginia:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 24, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAME SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the United States District Court for the Eastern District of Virginia in connection with a criminal case now pending in the same court.

After consultation with the Office of the General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

NKECHI GEORGE-WINKLER,
Legislative Assistant.

¶147.9 2009 LITTLE LEAGUE SOFTBALL WORLD SERIES

Mr. LYNCH moved to suspend the rules and agree to the resolution (H. Res. 742):

Whereas, on August 19, 2009, the Warner Robins Little League softball team from Warner Robins, Georgia, defeated the Crawford Little League softball team from Crawford, Texas, by a score of 14–2 to win the 2009 Little League Softball World Series Championship in Portland, Oregon;

Whereas the 2009 Warner Robins Little League Softball World Championship team consists of players Carson Carriker, Sierra Stella, Chelsea Whaley, Caitlin Parker, Melissa Cox, Kelly Warner, Sabrina Doucette, Hanna Livingston, Kaylee Albritton, Ashley Killebrew, Avery Lamb, and Sydney Barker;

Whereas the 2009 Warner Robins Little League Softball World Championship team is led by Manager Emily Whaley, Coach Roger Stella, Coach Patti Carriker, and President Kenneth Hathaway;

Whereas with this title, the Warner Robins Little League becomes the first little league to have won both a baseball and softball World Series Championship;

Whereas the championship victory of the Warner Robins Little League softball team sets an example of sportsmanship, dedication, and a ''never give up'' spirit for men and women all across the country; and

Whereas the achievement of the Warner Robins Little League softball team is the cause of enormous pride for the Nation, the State of Georgia, and the city of Warner Robins: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Warner Robins Little League softball team from Warner Robins, Georgia, on winning the 2009 Little League Softball World Series Championship; and

(2) respectfully requests that the Clerk of the House transmit an enrolled copy of this resolution to the City of Warner Robins and each player, manager, and coach of the Warner Robins Little League softball team.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶147.10 GEORGE KELL POST OFFICE

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 3634) to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the ''George Kell Post Office''.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, December 2, 2009.

The point of no quorum was considered as withdrawn.

¶147.11 CLYDE L. HILL POST OFFICE BUILDING

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 3667) to

designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the ''Clyde L. Hillhouse Post Office Building''.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶147.12 NATIONAL OVARIAN CANCER AWARENESS MONTH

Mr. LYNCH moved to suspend the rules and agree to the resolution (H. Res. 727); as amended:

Whereas ovarian cancer is the deadliest of all gynecological cancers, and the reported mortality of ovarian cancer is increasing over time;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas the mortality rate for ovarian cancer has not significantly decreased in the almost 40 years since the ''War on Cancer'' was declared;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas the Pap test is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas there is currently no reliable early detection test for ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, and urinary symptoms, among several other symptoms that are easily confused with other diseases;

Whereas the first national consensus statement on ovarian cancer symptoms was developed in June 2007 to provide consistency in describing symptoms to make it easier for women to learn and remember them;

Whereas due to the lack of a reliable screening test, 75 percent of ovarian cancer cases are diagnosed in an advanced stage when the five-year survival rate is below 45 percent;

Whereas if ovarian cancer is diagnosed and treated at an early stage before the cancer spreads outside of the ovary, the survival rate is as high as 90 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and play an important role in the prevention of the disease;

Whereas awareness and early recognition of ovarian cancer symptoms are currently the best way to save women's lives;

Whereas the Ovarian Cancer National Alliance, during the month of September, holds a number of events to increase public awareness of ovarian cancer; and

Whereas the goals and ideals of National Ovarian Cancer Awareness Month should be promoted to increase the awareness of the public regarding the cancer: Now, therefore, be it

Resolved, That the House of Representatives expresses support for greater awareness of ovarian cancer.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶147.13 HONORING FRANK MCCOURT

Mr. LYNCH moved to suspend the rules and agree to the resolution (H. Res. 743):

Whereas Frank McCourt, a great American author, passed away on July 19, 2009;

Whereas Frank McCourt was born on August 19, 1930, in Brooklyn, New York;

Whereas Frank McCourt returned to his parents' homeland of Ireland during the Great Depression where he remained until the age of 19;

Whereas Frank McCourt returned to the United States and served in the United States Army where he was stationed in Germany during the Korean War;

Whereas following his service in the United States Army, Frank McCourt attended New York University on the GI Bill despite never having attended high school;

Whereas following his graduation from New York University, Frank McCourt began teaching English and creative writing in the New York City Public School system where he remained for 27 years;

Whereas Frank McCourt authored an autobiography titled ''Angela's Ashes'' which vividly tells of the poverty, hunger, and alcoholism that challenged his family and others in the town of Limerick, Ireland, where he grew up;

Whereas ''Angela's Ashes'' won the Pulitzer Prize for Biography, the National Book Critics Circle Award, the ABBY Award among others, and has sold over 4,000,000 copies, has been published in 27 countries, and has been translated into 17 languages;

Whereas Frank McCourt also authored other award winning books including, ''Tis'', the follow up to ''Angela's Ashes'', and ''Teacher Man'', about his work in the New York School system;

Whereas his contributions to American literature, education, and culture have impacted millions; and

Whereas Frank McCourt was beloved by his family, friends, and neighbors for his kindness, wit, and generosity: Now, therefore, be it

Resolved, That the House of Representatives honors the life of Frank McCourt for his many contributions to American literature, education, and culture.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶147.14 COMBINED CYCLE POWER GENERATION SYSTEMS

Mr. TONKO moved to suspend the rules and pass the bill (H.R. 3029) to establish a research, development, and technology demonstration program to improve the efficiency of gas turbines used in combined cycle power generation systems; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. TONKO and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TONKO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶147.15 DELIVERY OF ENERGY AND WATER RESOURCES

Mr. TONKO moved to suspend the rules and pass the bill (H.R. 3598) to ensure consideration of water intensity in the Department of Energy's energy research, development, and demonstration programs to help guarantee efficient, reliable, and sustainable delivery of energy and water resources; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. TONKO and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and

said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶147.16 RECESS—3:38 P.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 38 minutes p.m., until approximately 6:30 p.m.

¶147.17 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. TEAGUE, called the House to order.

¶147.18 H.R. 3029—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TEAGUE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3029) to establish a research, development, and technology demonstration program to improve the efficiency of gas turbines used in combined cycle power generation systems; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 266 / Nays 118

¶147.19 [Roll No. 911]

YEAS—266

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bartlett
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Giffords
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Gutierrez
Hall (TX)
Halvorson
Hare
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
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
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—118

Akin
Alexander
Austria
Bachmann
Bachus
Barton (TX)
Bilirakis
Bishop (UT)
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dreier
Duncan
Emerson
Fallin
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Guthrie
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Pitts
Platts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (KY)
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—50

Abercrombie
Aderholt
Barrett (SC)
Barrow
Berry
Blunt
Braley (IA)
Cao
Capuano
Carney
Conyers
Davis (IL)
Davis (KY)
Deal (GA)
Dicks
Dingell
Farr
Flake
Gerlach
Gonzalez
Graves
Griffith
Grijalva
Hall (NY)
Harman
Kingston
Kirk
Larsen (WA)
Lungren, Daniel E.
Marshall
McCollum
Meek (FL)
Minnick
Mollohan
Moran (KS)
Moran (VA)
Murphy (CT)
Murtha
Oberstar
Payne
Radanovich
Rehberg
Rush
Sanchez, Loretta
Shimkus
Stark
Tanner
Wamp
Wexler
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to establish a research, development, and technology demonstration program to improve the efficiency of gas turbines used in combined cycle and simple cycle power generation systems.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶147.20 MOMENT OF SILENCE IN MEMORY OF WASHINGTON STATE SLAIN POLICE OFFICERS

The SPEAKER pro tempore, Mr. TEAGUE, announced that all Members stand and observe a moment of silence in memory of the State of Washington slain police officers.

¶147.21 H. RES. 727—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TEAGUE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 727) supporting the goals and ideals of National Ovarian Cancer Awareness Month; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 385 / Nays 0

¶147.22 [Roll No. 912]

YEAS—385

Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
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
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge

Fallin
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
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)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
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
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
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
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—49

Abercrombie
Aderholt
Barrett (SC)
Barrow
Berman
Blunt
Braley (IA)
Capuano
Carney
Conyers
Davis (IL)
Davis (KY)
Deal (GA)
Dingell
Farr
Flake
Gerlach
Gonzalez
Granger
Graves
Griffith
Grijalva
Hall (NY)
Harman
Kingston
Kirk
Larsen (WA)
Lungren, Daniel E.
Marshall
McCollum
Meek (FL)
Minnick
Mollohan
Moran (KS)
Moran (VA)
Murphy (CT)
Murtha
Payne
Rangel
Rehberg
Rush
Sanchez, Loretta
Shimkus
Stark
Tanner
Wamp
Westmoreland
Wexler
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing support for greater awareness of ovarian cancer.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶147.23 H.R. 3667—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TEAGUE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3667) to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the ''Clyde L. Hillhouse Post Office Building''.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TEAGUE, announced that two-thirds of those present had voted in the affirmative.

Mr. PERLMUTTER demanded a recorded vote on the motion to suspend the rules and pass said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 386 / Nays 0

¶147.24 [Roll No. 913]

AYES—386

Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
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
Boyd
Brady (PA)
Brady (TX)
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
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
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)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
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
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)

Wittman	Woolsey	Yarmuth
Wolf	Wu	Young (FL)

NOT VOTING—48

Abercrombie	Graves	Moran (KS)
Aderholt	Griffith	Moran (VA)
Barrett (SC)	Grijalva	Murphy (CT)
Barrow	Hall (NY)	Murtha
Blunt	Harman	Payne
Braley (IA)	Honda	Quigley
Capuano	Kingston	Rehberg
Carney	Kirk	Rush
Conyers	Larsen (WA)	Sanchez, Loretta
Davis (IL)	Larson (CT)	Shimkus
Davis (KY)	Lungren, Daniel E.	Stark
Deal (GA)	Marshall	Tanner
Dingell	McCollum	Wamp
Farr	Meek (FL)	Wexler
Flake	Minnick	Young (AK)
Gerlach	Mollohan	
Gonzalez		

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶147.25 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on November 20, 2009, she presented to the President of the United States, for his approval, the following bills:

H.R. 995. An Act to designate the facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, as the ''John 'Bud' Hawk Post Office''.

H.R. 1516. An Act to designate the facility of the United States Postal Service located at 37926 Church Street in Dade City, Florida, as the ''Sergeant Marcus Mathes Post Office''.

H.R. 1713. An Act to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley ''Wes'' Watkins.

H.R. 2004. An Act to designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, as the ''Akron Veterans Memorial Post Office''.

H.R. 2215. An Act to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the ''John J. Shivnen Post Office Building''.

H.R. 2760. An Act to designate the facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, as the ''Johnny Grant Hollywood Post Office Building''.

H.R. 2972. An Act to designate the facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, as the ''Conrad DeRouen, Jr. Post Office''.

H.R. 3119. An Act to designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, as the ''Lim Poon Lee Post Office''.

H.R. 3386. An Act to designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the ''Iraq and Afghanistan Veterans Memorial Post Office''.

H.R. 3547. An Act to designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the ''Rex E. Lee Post Office Building''.

¶147.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ABERCROMBIE, for today;

To Mr. BARROW, for today and balance of the week;

To Mr. DAVIS of Illinois, for today;

To Mr. DAVIS of Kentucky, for today;

To Mr. KIRK, for today;

To Ms. McCOLLUM of Minnesota, for today and until 11 a.m. on December 2; and

To Mr. SHIMKUS, for today.

And then,

¶147.27 ADJOURNMENT

On motion of Mr. CARTER, at 8 o'clock and 50 minutes p.m., the House adjourned.

¶147.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3029. A bill to establish a research, development, and technology demonstration program to improve the efficiency of gas turbines used in combined cycle power generation systems; with an amendment (Rept. 111–343). Referred to the Committee of the Whole House on the state of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3598. A bill to ensure consideration of water intensity in the Department of Energy's energy research, development, and demonstration programs to help guarantee efficient, reliable, and sustainable delivery of energy and water resources; with an amendment (Rept. 111–344). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 3963. A bill to provide specialized training to Federal air marshals (Rept. 111–345). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 3980. A bill to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes. (Rept. 111–346). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. House Resolution 28. Resolution expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines; with amendments (Rept. 111–347). Referred to the House Calendar.

¶147.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HOLT (for himself, Mr. ELLISON, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. BACA, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Mr. ISRAEL, Mr. PAYNE, Mr. PRICE of North Carolina, Ms. McCOLLUM, Mr. GRAYSON, Mrs. CHRISTENSEN, Ms. SCHAKOWSKY, and Ms. DeGETTE):

H.R. 4159. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management programs to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes; to the Committee on Agriculture.

By Ms. SLAUGHTER (for herself, Mrs. CAPPS, Mr. ELLISON, Mr. HINCHEY, Ms. McCOLLUM, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. GRIJALVA, Mr. McGOVERN, Mr. GEORGE MILLER of California, Mr. ISRAEL, Mr. DOGGETT, and Mr. STARK):

H.R. 4160. A bill to amend the Public Health Service Act to authorize the National Institute of Environmental Health Sciences to conduct and coordinate a research program on hormone disruption, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mrs. CAPPS, Mr. ELLISON, Mr. HINCHEY, Ms. McCOLLUM, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. GRIJALVA, Mr. McGOVERN, Mr. GEORGE MILLER of California, Mr. ISRAEL, Mr. DOGGETT, and Mr. STARK):

H.R. 4161. A bill to amend the Public Health Service Act to authorize the National Institute of Environmental Health Sciences to develop multidisciplinary research centers regarding women's health and disease prevention, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OLSON:

H.R. 4162. A bill to amend the Water Resources Development Act of 2000 to make permanent the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army; to the Committee on Transportation and Infrastructure.

By Mr. BACA:

H.R. 4163. A bill to amend the Food and Nutrition Act of 2008 to exclude from income unemployment benefits received for a continuous period exceeding 26 weeks; to the Committee on Agriculture.

By Mr. HERGER:

H.R. 4164. A bill to amend the National Flood Insurance Act of 1968 to provide for a phased-in increase of chargeable premium rates for properties affected by updated Flood Insurance Rate Maps; to the Committee on Financial Services.

By Mr. LARSEN of Washington:

H.R. 4165. A bill to extend through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits; to the Committee on Transportation and Infrastructure.

By Mr. RODRIGUEZ:

H.R. 4166. A bill to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to educational assistance for health professionals, and for

other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 4167. A bill to amend the Communications Act of 1934 to authorize 3 or more Commissioners of the Federal Communications Commission to hold nonpublic collaborative discussions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TEAGUE (for himself, Mr. BILBRAY, and Mr. INSLEE):

H.R. 4168. A bill to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property; to the Committee on Ways and Means.

By Ms. LEE of California (for herself, Ms. PELOSI, Mr. WAXMAN, Mr. BERMAN, Mr. PAYNE, Ms. WATERS, Mrs. CHRISTENSEN, Mr. HIMES, Ms. JACKSON-LEE of Texas, Mr. ELLISON, Ms. MCCOLLUM, Ms. BORDALLO, Mr. NADLER of New York, Mr. SERRANO, Mr. HINOJOSA, Mr. RUSH, Mr. GEORGE MILLER of California, Mr. HARE, Mr. GRIJALVA, Mr. MOORE of Kansas, Mrs. NAPOLITANO, Mr. LEWIS of Georgia, Mr. GRAYSON, Ms. SPEIER, Mr. HONDA, Mr. CARSON of Indiana, Ms. BALDWIN, Ms. CASTOR of Florida, Ms. LORETTA SANCHEZ of California, Mr. MARKEY of Massachusetts, Mr. HASTINGS of Florida, and Mr. CLEAVER):

H. Con. Res. 216. Concurrent resolution supporting the goals and ideals of World AIDS Day; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. DICKS, Mr. REICHERT, Mr. INSLEE, Mr. LARSEN of Washington, Mr. BAIRD, Mrs. MCMORRIS RODGERS, Mr. HASTINGS of Washington, and Mr. MCDERMOTT):

H. Res. 939. A resolution extending condolences to the families of Sergeant Mark Renninger, Officer Tina Griswold, Officer Ronald Owens, and Officer Greg Richards; to the Committee on the Judiciary.

By Mr. LATTA (for himself, Mr. SHUSTER, Mr. CALVERT, Mr. KIND, Mr. HALL of Texas, Mr. RYAN of Wisconsin, Mr. BISHOP of Georgia, Mr. BUYER, Mr. TAYLOR, Mr. BRADY of Pennsylvania, Mr. LATOURETTE, Mr. WILSON of South Carolina, Mr. MINNICK, Mr. BERRY, Mr. WAMP, Mr. JONES, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. PIERLUISI, Mr. RODRIGUEZ, Mr. LAMBORN, Mr. HOEKSTRA, Ms. KAPTUR, Mr. THOMPSON of Pennsylvania, Mrs. MCMORRIS RODGERS, Mr. COURTNEY, Mr. BOCCIERI, Mr. FALEOMAVAEGA, Mr. HOLDEN, Ms. ROS-LEHTINEN, Mr. TEAGUE, Mr. CAO, Ms. MCCOLLUM, Mr. BLUNT, Mr. GINGREY of Georgia, Mr. LOEBSACK, Mrs. DAHLKEMPER, Mr. AUSTRIA, Mr. LOBIONDO, Ms. CORRINE BROWN of Florida, Mr. ALEXANDER, Mr. TURNER, Mrs. MILLER of Michigan, Mr. JORDAN of Ohio, Mrs. NAPOLITANO, Ms. BORDALLO, Mr. BOYD, Mr. ETHERIDGE, Mr. ISSA, Mr. BARTLETT, Ms. ESHOO, Mr. SALAZAR, Mr. WU, Mr. PETERSON, Mr. OBERSTAR, Mr. MCKEON, Mr. CONAWAY, Mr. RAHALL, Mr. PAYNE, Mr. SMITH of Washington, Mr. WITTMAN, Mr. DICKS, Mr. JOHNSON of Georgia, Mr. ROGERS of Kentucky, Mr. GERLACH, Mr. MCMAHON, Mr. WOLF, Mr. PAULSEN, Mr. HUNTER, Mr. SPRATT, Mr. REHBERG, Mr. INGLIS, Mr. BARTON of Texas, Mr. MASSA, Mr. KRATOVIL, Mr. ROONEY, Mr. POMEROY, Mr. MICHAUD, Mr. BOSWELL, Ms. DELAURO, Mr. BOREN, Mr. KLINE of Minnesota, Mr. CUMMINGS, and Ms. NORTON):

H. Res. 940. A resolution recognizing and honoring the National Guard on the occasion of its 373rd anniversary; to the Committee on Armed Services.

¶147.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. KILPATRICK of Michigan.
H.R. 39: Ms. SLAUGHTER, Ms. DELAURO, Mr. DOYLE, Ms. BALDWIN, and Ms. HARMAN.
H.R. 197: Mr. HEINRICH.
H.R. 205: Mr. ADERHOLT.
H.R. 211: Mr. BOREN, Mr. PETERSON, and Ms. MARKEY of Colorado.
H.R. 235: Mr. SCOTT of Virginia.
H.R. 270: Mr. LANGEVIN.
H.R. 272: Mr. ROE of Tennessee and Mrs. BLACKBURN.
H.R. 303: Mr. STUPAK and Mr. MCCOTTER.
H.R. 444: Mr. HEINRICH and Ms. RICHARDSON.
H.R. 450: Mr. CANTOR.
H.R. 537: Mr. ADLER of New Jersey and Mr. ELLSWORTH.
H.R. 564: Ms. DEGETTE.
H.R. 571: Mr. ELLSWORTH, Ms. SLAUGHTER, and Mr. SARBANES.
H.R. 619: Mr. HOLT.
H.R. 658: Mr. BISHOP of Georgia.
H.R. 678: Mr. BOUCHER, Mr. LUETKEMEYER, Mr. KUCINICH, Mr. CLEAVER, and Mr. PETERSON.
H.R. 682: Mr. ELLSWORTH.
H.R. 690: Mr. MEEK of Florida and Mr. BOUCHER.
H.R. 734: Mr. ETHERIDGE, Mr. YOUNG of Florida, and Mrs. BLACKBURN.
H.R. 789: Ms. EDWARDS of Maryland.
H.R. 840: Ms. ZOE LOFGREN of California.
H.R. 847: Ms. NORTON, Mr. HOLDEN, Mr. CUMMINGS, Ms. SHEA-PORTER, Mr. ROTHMAN of New Jersey, Mrs. NAPOLITANO, Mr. LYNCH, and Mr. CAO.
H.R. 868: Mr. PAYNE.
H.R. 877: Mr. ELLSWORTH.
H.R. 930: Mr. NADLER of New York and Mr. CLEAVER.
H.R. 953: Ms. BALDWIN.
H.R. 980: Mr. HILL.
H.R. 995: Mr. FILNER.
H.R. 1020: Mr. MCNERNEY.
H.R. 1079: Mr. BACA and Mr. BOUCHER.
H.R. 1086: Mr. WAMP and Mr. MCKEON.
H.R. 1126: Mr. GRIJALVA, Mr. BERMAN, and Mr. HONDA.
H.R. 1137: Mr. PETERSON.
H.R. 1175: Mr. BISHOP of New York.
H.R. 1177: Mr. SNYDER.
H.R. 1189: Mr. MCGOVERN.
H.R. 1207: Mr. REYES, Mr. RODRIGUEZ, Ms. KILPATRICK of Michigan, and Mr. BOREN.
H.R. 1326: Mr. JACKSON of Illinois, Mr. MITCHELL, Ms. SUTTON, Mrs. LOWEY, Ms. ROYBAL-ALLARD, and Ms. FUDGE.
H.R. 1454: Mr. ENGEL, Ms. RICHARDSON, and Mr. MCCAUL.
H.R. 1470: Mr. SCHOCK.
H.R. 1517: Ms. RICHARDSON.
H.R. 1523: Mr. WU.
H.R. 1526: Mr. GORDON of Tennessee, Mr. LUJÁN, Mr. LANGEVIN, Mr. BOSWELL, Mr. DAVIS of Illinois, Mr. HARE, Mr. LEWIS of Georgia, and Mr. KENNEDY.
H.R. 1545: Ms. SUTTON, Mr. RUSH, and Mr. MASSA.
H.R. 1549: Mr. SARBANES, Mr. SMITH of Washington, Mr. OLVER, Mrs. LOWEY, Ms. ROYBAL-ALLARD, Mr. MICHAUD, Ms. EDWARDS of Maryland, Ms. ESHOO, Mr. LANGEVIN, and Mr. ELLISON.
H.R. 1552: Mr. ELLSWORTH.
H.R. 1557: Mr. BOUCHER and Mr. FRELINGHUYSEN.
H.R. 1691: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 1718: Mr. RUPPERSBERGER.
H.R. 1765: Mr. ROTHMAN of New Jersey.
H.R. 1770: Ms. HERSETH SANDLIN and Mr. MURPHY of New York.
H.R. 1799: Mr. THORNBERRY and Mrs. BLACKBURN.
H.R. 1806: Mr. MINNICK, Mr. BRADY of Pennsylvania, Mr. RAHALL, Mr. CARNAHAN, and Mr. CROWLEY.
H.R. 1826: Mr. SARBANES and Mrs. HALVORSON.
H.R. 1831: Mr. BAIRD.
H.R. 1844: Mrs. NAPOLITANO, Ms. NORTON, Mr. COHEN, and Mr. NADLER of New York.
H.R. 1894: Mr. FRANK of Massachusetts.
H.R. 1912: Ms. DEGETTE and Mr. OBERSTAR.
H.R. 1927: Mr. LATOURETTE.
H.R. 1956: Mr. PERLMUTTER.
H.R. 1987: Mr. PAYNE.
H.R. 2002: Mr. ROTHMAN of New Jersey.
H.R. 2035: Mr. ELLSWORTH.
H.R. 2057: Mrs. CHRISTENSEN, Mrs. NAPOLITANO, and Mr. DOGGETT.
H.R. 2070: Ms. NORTON.
H.R. 2112: Mr. MCDERMOTT, Mr. PETERS, Mr. LEWIS of Georgia, Mr. MORAN of Virginia, and Mr. TIM MURPHY of Pennsylvania.
H.R. 2134: Mr. JACKSON of Illinois.
H.R. 2139: Mr. GUTHRIE.
H.R. 2149: Ms. ROS-LEHTINEN, Mr. BOREN, Mr. KIND, Mr. MCCAUL, and Mr. STARK.
H.R. 2159: Mr. HALL of New York.
H.R. 2190: Mr. MASSA and Ms. SLAUGHTER.
H.R. 2194: Ms. HERSETH SANDLIN and Ms. CLARKE.
H.R. 2254: Mr. GEORGE MILLER of California, Mr. GRIJALVA, Mr. PRICE of North Carolina, Ms. SCHWARTZ, Mr. MCCOTTER, Ms. WATERS, Mr. KLEIN of Florida, and Mr. PETERSON.
H.R. 2279: Mr. BACA, Mr. BISHOP of New York, and Mr. CARNAHAN.
H.R. 2324: Mr. PALLONE, Mr. MCMAHON, Ms. WATSON, Mr. FARR, Mr. GUTIERREZ, Ms. PINGREE of Maine, and Ms. MATSUI.
H.R. 2329: Mr. LEWIS of Georgia, Mr. REYES, and Mr. CUELLAR.
H.R. 2365: Mr. RYAN of Ohio.
H.R. 2377: Ms. WATERS.
H.R. 2378: Mr. BACHUS and Mrs. MILLER of Michigan.
H.R. 2381: Ms. EDWARDS of Maryland.
H.R. 2408: Ms. VELÁZQUEZ and Mr. DENT.
H.R. 2414: Ms. DEGETTE.
H.R. 2450: Mr. BERRY.
H.R. 2455: Ms. BERKLEY.
H.R. 2517: Ms. WATERS, Mr. SCHIFF, and Mr. PERLMUTTER.
H.R. 2528: Mr. WU, Ms. BERKLEY, Ms. PINGREE of Maine, and Mrs. BONO MACK.
H.R. 2555: Mr. CLAY.
H.R. 2568: Mr. ELLSWORTH and Mr. GRIJALVA.
H.R. 2624: Mr. DELAHUNT.
H.R. 2628: Mr. MICHAUD.
H.R. 2697: Mr. PETERSON and Ms. MARKEY of Colorado.
H.R. 2698: Ms. SHEA-PORTER.
H.R. 2699: Ms. SHEA-PORTER.
H.R. 2746: Mr. ISRAEL, Ms. SLAUGHTER, Mr. ENGEL, Mr. COSTELLO, Mr. BISHOP of New York, Mr. SHERMAN, and Mr. HINCHEY.
H.R. 2866: Mr. GINGREY of Georgia.
H.R. 2923: Ms. HIRONO and Mr. MCINTYRE.
H.R. 2969: Ms. DEGETTE.
H.R. 3011: Mr. ELLSWORTH.
H.R. 3012: Mr. HODES and Ms. CORRINE BROWN of Florida.
H.R. 3017: Mr. MATHESON.

H.R. 3019: Mr. RADANOVICH and Mr. MCNERNEY.
H.R. 3026: Ms. NORTON and Mr. FILNER.
H.R. 3027: Ms. NORTON, Mr. FILNER, and Mr. BLUMENAUER.
H.R. 3028: Ms. NORTON and Mr. FILNER.
H.R. 3035: Ms. BALDWIN.
H.R. 3053: Mr. COHEN.
H.R. 3185: Mr. BLUMENAUER.
H.R. 3238: Mr. SCOTT of Virginia.
H.R. 3249: Ms. CHU and Ms. HIRONO.
H.R. 3286: Ms. ESHOO and Mr. MOORE of Kansas.
H.R. 3290: Mr. POLIS of Colorado.
H.R. 3307: Mr. BOYD.
H.R. 3328: Mr. CUMMINGS and Mr. POLIS of Colorado.
H.R. 3336: Ms. MARKEY of Colorado.
H.R. 3339: Ms. DEGETTE and Mr. POLIS of Colorado.
H.R. 3380: Mr. ELLSWORTH.
H.R. 3381: Ms. MCCOLLUM.
H.R. 3382: Ms. JACKSON-LEE of Texas.
H.R. 3402: Mr. MINNICK, Mr. HOLDEN, and Ms. SLAUGHTER.
H.R. 3412: Mr. HOLDEN.
H.R. 3463: Mr. GRIFFITH, Mr. DENT, and Mr. KLINE of Minnesota.
H.R. 3486: Ms. SUTTON.
H.R. 3493: Mr. CARNEY.
H.R. 3535: Mr. ADLER of New Jersey.
H.R. 3554: Ms. ZOE LOFGREN of California.
H.R. 3577: Mr. COURTNEY.
H.R. 3589: Mr. ANDREWS, Mr. SIRES, and Mr. ADLER of New Jersey.
H.R. 3592: Mr. WU.
H.R. 3598: Mr. HALL of Texas, Mr. ROTHMAN of New Jersey, Ms. WOOLSEY, Mr. BAIRD, Mr. WU, Mr. LUJÁN, Mr. LIPINSKI, Mr. MCNERNEY, Ms. GIFFORDS, Mr. HEINRICH, Ms. TITUS, Mr. TONKO, Mrs. DAHLKEMPER, Mr. COSTELLO, Mr. MILLER of North Carolina, and Mr. HOLT.
H.R. 3627: Mr. CARNEY.
H.R. 3652: Mr. MARKEY of Massachusetts.
H.R. 3666: Ms. SHEA-PORTER.
H.R. 3688: Mr. MURPHY of New York.
H.R. 3693: Mr. CARTER, Mrs. BONO MACK, Mr. PLATTS, Mr. UPTON, and Mr. WILSON of South Carolina.
H.R. 3710: Mr. CUMMINGS, Mr. NADLER of New York, and Mr. OLVER.
H.R. 3721: Mr. COHEN and Ms. WASSERMAN SCHULTZ.
H.R. 3731: Ms. SLAUGHTER.
H.R. 3734: Mr. GRIJALVA and Mr. BARROW.
H.R. 3745: Mr. DOGGETT, Mr. HINCHEY, and Mr. ABERCROMBIE.
H.R. 3757: Mr. MORAN of Virginia.
H.R. 3765: Mr. SOUDER and Mr. HOEKSTRA.
H.R. 3778: Mr. CAMP and Mr. BISHOP of New York.
H.R. 3799: Mr. FRANK of Massachusetts.
H.R. 3827: Ms. PINGREE of Maine.
H.R. 3836: Mr. PASCRELL.
H.R. 3837: Mr. HIMES.
H.R. 3852: Mr. GRIJALVA.
H.R. 3856: Mr. FRANK of Massachusetts.
H.R. 3904: Mr. SCHAUER.
H.R. 3905: Mr. WAMP, Mr. BISHOP of Georgia, Mr. ELLSWORTH, Mr. BOUCHER, Mr. MCMAHON, Mr. CARTER, Mr. OWENS, and Mr. LOEBSACK.
H.R. 3907: Mr. REICHERT, Mr. LYNCH, Ms. HERSETH SANDLIN, Mr. SERRANO, Mrs. MCCARTHY of New York, Mr. SCHIFF, Mr. SMITH of Washington, Mrs. DAVIS of California, Mr. SCHOCK, Mr. LANCE, Mr. FARR, Mr. HASTINGS of Florida, Mr. PAYNE, Mr. BOUCHER, and Mr. PLATTS.
H.R. 3918: Mr. KIND.
H.R. 3929: Mr. DAVIS of Alabama.
H.R. 3943: Mr. HIMES, Mr. SABLAN, Mrs. CAPITO, Mr. SCOTT of Virginia, Mr. STARK, and Mr. SMITH of New Jersey.
H.R. 3960: Mr. WEINER and Mr. MASSA.
H.R. 3966: Mr. DELAHUNT and Mr. DOGGETT.
H.R. 3986: Ms. WATERS.
H.R. 3995: Mr. JONES.
H.R. 4021: Mr. SESTAK, Mr. CONYERS, and Mr. PRICE of North Carolina.
H.R. 4034: Mr. BUTTERFIELD.
H.R. 4036: Mr. MASSA and Mr. FILNER.
H.R. 4037: Mr. GRIJALVA and Mr. FATTAH.
H.R. 4046: Mr. ENGEL, Mr. MCMAHON, and Mr. SHULER.
H.R. 4067: Mr. ABERCROMBIE, Mr. CLAY, Ms. GIFFORDS, Mr. POLIS of Colorado, Mr. KIND, Mr. HINCHEY, Mr. POMEROY, and Mr. KAGEN.
H.R. 4072: Mr. BARROW, and Mr. SIMPSON.
H.R. 4075: Mr. BARROW, Mr. GERLACH, and Mr. MILLER of Florida.
H.R. 4090: Mr. JACKSON of Illinois.
H.R. 4100: Mrs. BLACKBURN and Mr. RADANOVICH.
H.R. 4103: Mr. CARTER.
H.R. 4104: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. SHULER.
H.R. 4109: Ms. BERKLEY.
H.R. 4110: Ms. FOXX, Mr. HERGER, and Mr. HOEKSTRA.
H.R. 4114: Mr. COHEN, Mr. JACKSON of Illinois, Mr. BACA, Ms. LEE of California, Ms. HIRONO, and Ms. TITUS.
H.R. 4122: Ms. HIRONO and Mr. BERMAN.
H.R. 4124: Mr. CAO.
H.R. 4126: Mr. MICHAUD and Ms. HIRONO.
H.R. 4127: Mr. CALVERT, Mr. SHUSTER, Mr. MCCLINTOCK, and Mr. SAM JOHNSON of Texas.
H.R. 4130: Mr. RANGEL, Mr. BLUMENAUER, Ms. LEE of California, Mr. MORAN of Virginia, and Mr. HONDA.
H.R. 4138: Mr. CAMP and Mr. RADANOVICH.
H.R. 4140: Mr. JOHNSON of Georgia, Ms. EDWARDS of Maryland, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, Mr. MCGOVERN, and Ms. LEE of California.
H. Con. Res. 137: Mr. WU and Ms. DELAURO.
H. Con. Res. 197: Mr. POSEY and Mr. MEEK of Florida.
H. Con. Res. 200: Mrs. NAPOLITANO.
H. Con. Res. 204: Mr. ROSKAM, Mr. POSEY, and Mr. POMEROY.
H. Con. Res. 213: Mr. SERRANO and Mr. HONDA.
H. Res. 55: Mr. WEINER, Mrs. CAPPS, Ms. MATSUI, Mr. GENE GREEN of Texas, Ms. BALDWIN, and Ms. SCHAKOWSKY.
H. Res. 111: Mr. HARE.
H. Res. 416: Mr. SERRANO.
H. Res. 494: Mr. SNYDER.
H. Res. 847: Mr. CASTLE.
H. Res. 862: Mr. DAVIS of Illinois, Mrs. BIGGERT, Mr. HARE, and Mr. PATRICK J. MURPHY of Pennsylvania.
H. Res. 879: Mr. BARROW, Mr. PRICE of North Carolina, and Mr. HONDA.
H. Res. 898: Mr. LANGEVIN.
H. Res. 900: Mr. FRANKS of Arizona, Mr. ADERHOLT, Mr. REHBERG, Mr. BARTLETT, Mrs. EMERSON, Mr. ROGERS of Michigan, Mr. WAMP, and Mr. KIRK.
H. Res. 905: Mr. PASCRELL, Mr. SCHAUER, Mr. HALL of New York, Ms. JACKSON-LEE of Texas, Mr. FILNER, Mr. NADLER of New York, Mr. HOLT, and Mr. ENGEL.
H. Res. 907: Mr. ARCURI, Mr. ENGEL, Mr. HINCHEY, Mr. KING of New York, Mr. MCMAHON, Mrs. MALONEY, Mr. NADLER of New York, Mr. PASCRELL, and Mr. TOWNS.
H. Res. 911: Mr. DENT and Mr. BURTON of Indiana.
H. Res. 920: Mr. THORNBERRY.
H. Res. 922: Mr. THORNBERRY and Mr. KLINE of Minnesota.
H. Res. 926: Ms. HIRONO, Mrs. CHRISTENSEN, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, and Mr. MARKEY of Massachusetts.
H. Res. 933: Mr. SCHAUER, Mr. KILDEE, and Mrs. MILLER of Michigan.
H. Res. 934: Mr. SCHAUER, Mr. KILDEE, and Mrs. MILLER of Michigan.

¶147.31 PETITIONS

Under clause 1 of rule XXII,

84. The SPEAKER presented a petition of City of Miami, Florida, relative to Resolution R–09–0466 urging the U.S. House of Representatives and U.S. Senate to support the ''Humanity and Pets Partnered Through the Years (HAPPY) Act''; which was referred to the Committee on Ways and Means.

WEDNESDAY, DECEMBER 2, 2009 (148)

The House was called to order by the SPEAKER.

¶148.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, December 1, 2009.

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

¶148.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4777. A letter from the Regulatory Analyst, Department of Agriculture, transmitting the Department's final rule — Scales; Accurate Weights, Repairs, Adjustments or Replacements After Inspection (RIN: 0580-AB09) received October 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4778. A letter from the Acting Farm Bill Coordinator, Department of Agriculture, transmitting the Department's final rule — Grassland Reserve Program (RIN: 0578-AA53) received November 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4779. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyriproxyfen; Pesticide Tolerances [EPA-HQ-OPP-2009-0018; FRL-8795-3] received October 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4780. A letter from the Under Secretary, Department of Defense, transmitting a letter to report the Antideficiency Act violation, Air Force case number 07-07, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

4781. A letter from the Chief Judge, Chair, Joint Committee on Judicial Administration, District of Columbia Courts, transmitting a report of a violation of the Antideficiency Act by the District of Columbia Courts, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4782. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, ''Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account'', for the period ending September 30, 2009, pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

4783. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's annual report for fiscal year 2008 on the quality of health care furnished under the health care programs of the Department of Defense; to the Committee on Armed Services.

4784. A letter from the Assistant Secretary, Department of the Navy, Department of Defense, transmitting notice of the completion of a public-private competition for identification card and administrative functions; to the Committee on Armed Services.

4785. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; World Trade Organization Government Procurement Agreement Designated Country

[DFARS Case 2009-D010] received November 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4786. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Reserve's ''Major'' final rule — Electronic Fund Transfers [Regulation E; Docket No.: R-1343] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4787. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transaction involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4788. A letter from the Secretary, Department of Health and Human Services, transmitting the twenty-ninth annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and Labor.

4789. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's ''Major'' final rule — Race to the Top Fund [Docket ID: ED-2009-OESE-0006] (RIN: 1810-AB07) received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4790. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Institutions and Lender Requirements Relating to Education Loans, Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Progam, and William D. Ford Federal Direct Loan Program [Docket ID.: ED-2009-OPE-0003] (RIN: 1840-AC95) received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4791. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Report to Congress on the Social and Economic Conditions of Native Americans: Fiscal Years 2003 and 2004'', pursuant to Section 811A of the Native American Programs Act of 1974; to the Committee on Education and Labor.

4792. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's ''Major'' final rule — Interim final Rules Prohibiting Discrimination Based on Genetic Information In Health Insurance Coverage and Group Health Plans (RIN: 1210-AB27) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4793. A letter from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Repeal of Test Procedures for Televisions [Docket No.: EERE-2009-BT-TP-0020] (RIN: 1904-AC09) received October 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4794. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled ''Performance Evaluation of Accreditation Bodies under the Mammography Quality Standards Act of 1992 as amended by the Mammography Quality Standards Reauthorization Acts of 1998 and 2004'' covering the year 2008; to the Committee on Energy and Commerce.

4795. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Requirements and Procedures for Consumer Assistance To Recycle and Save Program [Docket No.: NHTSA-2009-0120] (RIN: 2127-AK61) received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4796. A letter from the Acting Deputy Administrator, National Highway Traffic Safety Administration, Department of Transportation, transmitting a report entitled ''A National Plan for Migrating to IP-Enabled 9-1-1 Systems''; to the Committee on Energy and Commerce.

4797. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's Uniform Resource Locators (URLs) for documents recently issued related to regulatory programs; to the Committee on Energy and Commerce.

4798. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

4799. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, pursuant to 50 U.S.C. 1703(c); to the Committee on Foreign Affairs.

4800. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 ''Joint Communique'' and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement'', together known as the Migration Accords, pursuant to Public Law 105-277, section 2245; to the Committee on Foreign Affairs.

4801. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the October 2009 Quarterly Report on reconstruction efforts in Afghanistan, pursuant to Public Law 110-181; to the Committee on Foreign Affairs.

4802. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4803. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Uniformed Services Accounts; Death Benefits; Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts; Thrift Savings Plan received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4804. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled ''Addressing Poor Performers and the Law''; to the Committee on Oversight and Government Reform.

4805. A letter from the Director, Office of Management and Budget, transmitting a report entitled, ''Statistical Programs of the United States Government: Fiscal Year 2010'', pursuant to 44 U.S.C. 3504(e)(2); to the Committee on Oversight and Government Reform.

4806. A letter from the Acting President, Overseas Private Investment Corporation, transmitting the Annual Report on Audit and Investigative Activities for Fiscal Year 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4807. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the 2007 annual report on reasonably identifiable expenditures for the conservation of endangered or threatened species by Federal and State agencies, pursuant to 16 U.S.C. 1544; to the Committee on Natural Resources.

4808. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the ''21st Century Department of Justice Appropriations Authorization Act'', related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107-273, section 202; to the Committee on the Judiciary.

4809. A letter from the Program Analyst, Department of Transporation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30695; Amdt. No. 3347] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4810. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30690 Amdt. No. 3312] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4811. A letter from the Assistant Chief Counsel, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Chemical Oxygen Generators [Docket No.: PHMSA-2009-0238 (HM-224G)] (RIN: 2137-AE49) received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4812. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212-CB,C-212-CC, C-212-CD, and C-212-CE Airplanes [Docket No.: FAA-2009-0611; Directorate Identifier 2008-NM-165-AD; Amendment 39-16033; AD 2009-20-10] (RIN: 2120-AA64) received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4813. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Chuathbaluk, AK [Docket No.: FAA-2009-0231; Airspace Docket No. 09-AAL-6] received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4814. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) RB211-535E4 Series Turbofan Engines [Docket No.: FAA-2009-0057; Directorate Identifier 85-ANE-25-AD; Amendment 39-16037; AD 2009-20-14] (RIN: 2120-AA54) received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4815. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300 and 737-400 Series Airplanes[Docket No.: FAA-2009-0429; Directorate Identifier 2007-NM-059-AD; Amendment 39-16038; AD 2009-21-01] (RIN: 2120-AA64) received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4816. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Eastsound, WA

[Docket No.: FAA-2009-0554; Airspace Docket No. 09-ANM-8] received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4817. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30693; Amdt. No. 3345] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4818. A letter from the Assistant CC for General Law, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Incorporation by Reference Update: American Petroleum Institute (API) Standards 5L and 1104 [Docket No.: PHMSA-2008-0334.] (RIN: 2137-AE42) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4819. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Air Brake Systems [Docket No.: NHTSA-2009-0151] (RIN: 2127-AK44) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4820. A letter from the Administrator, General Services Administration, transmitting informational copies of lease prospectuses that support the General Services Administration's Fiscal Year 2010 Capital Investment and Leasing Program; to the Committee on Transportation and Infrastructure.

4821. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, ''2008 Findings on the Worst Forms of Child Labor'', pursuant to 19 U.S.C. 2464; to the Committee on Ways and Means.

4822. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Cost-of-Living Adjustments for 2010 to certain items as required (Rev. Proc. 2009-50) received October 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4823. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance for Expatriates Under Section 877A [Notice 2009-85] received October 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4824. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance under Section 2053 Regarding Post-Death Events [TD 9468] (RIN: 1545-BC56) received October 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4825. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tax-free sales of articles for use by the purchaser as supplies for vessels or aircraft (Rev. Rul. 2009-34) received October 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4826. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2009-35) received October 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4827. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Withholding on Wages of Nonresident Alien Employees Performing Services Within the United States [Notice 2009-91] received November 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4828. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Effective Date of Regulations Under Sec. 411(b)(5)(B)(i); Relief Under Sec. 411(d)(6); and Notice to Pension Plan Participants received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4829. A letter from the Director, Office of National Drug Control Policy, Excutive Office of the President, transmitting the office's acceptance of recommendations of the report entitled ''Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges''; jointly to the Committees on Foreign Affairs and the Judiciary.

4830. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled ''Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities''; jointly to the Committees on the Judiciary and Education and Labor.

4831. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule — Interim Final Rules Prohibiting Discrimination Based on Genetic Information in Health Insurance Coverage and Group Health Plans (RIN: 0938-AP37) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

4832. A letter from the Administrator, FEMA, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1857-DR for the State of New York; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

4833. A letter from the Administrator, FEMA, transmitting the Department's report on the denial of appeal for disaster assistance for the State of Oklahoma; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

4834. A letter from the Administrator, FEMA, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1856-DR for the State of Tennessee; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

4835. A letter from the Administrator, FEMA, transmitting the Department's report on the denial of appeal for assistance for the State of Pennsylvania; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

4836. A letter from the Chairman, U.S.-China Economic and Security Review Commission, transmitting a report entitled ''Capability of the People's Republic of China to Conduct Cyber Warfare and Computer Network Exploitation''; jointly to the Committees on Ways and Means, Armed Services, and Foreign Affairs.

¶148.3 RECOGNIZING THE 30TH INFANTRY DIVISION OF WORLD WAR II

Mr. KISSELL moved to suspend the rules and agree to the resolution (H. Res. 494); as amended:

Whereas the 30th Infantry Division of the United States Army was first activated in October 1917 and originally consisted of National Guard units from North Carolina, South Carolina, Georgia, and Tennessee;

Whereas the 30th Infantry Division was nicknamed Old Hickory in honor of General and President Andrew Jackson;

Whereas, when the 30th Infantry Division was reorganized at Fort Jackson in 1941 for service in World War II, the division included two North Carolina National Guard infantry regiments, one Tennessee National Guard infantry regiment, and other elements;

Whereas, during World War II, the 30th Infantry Division landed at Normandy on June 14, 1944, participated in the advance across Northern France, joined the invasion of the German Rhineland, defended the Ardennes-Alsace, and fought to the final defeat of Germany in May 1945;

Whereas the 823rd and the 743rd Tank Destroyer Battalions were periodically attached to the 30th Division throughout its campaign in Europe;

Whereas the 30th Infantry Division played a key role in the breakout of the Allied forces from Normandy at St. Lo and the subsequent advance across Northern France;

Whereas the 30th Infantry Division is remembered for its role in the defense of Mortain and St. Barthelmy, France, and Hill 317 against a German counterattack in August 1944, actions in which three infantry regiments of the division (the 117th, 119th, and 120th) and a part of a fourth regiment and other elements of the division participated;

Whereas the 30th Infantry Division also played a key role stopping the German advance in the Battle of the Bulge and recaptured Malmedy and Stavelot and its vital bridge over the Ambleve River;

Whereas, in the report prepared for General Dwight D. Eisenhower rating the American combat units that fought in the European Theater, the Army's official historian, S.L.A. Marshall, rated the 30th Division as first among the infantry divisions that had performed the most efficient and consistent battle service, writing that ''It was the combined judgments of the approximately 35 historical officers who had worked on the records and in the field that the 30th had merited this distinction. It was our finding that the 30th has been outstanding in three operations and we could consistently recommend it for citation on any of these occasions. It was further found that it had in no single instance performed discreditably or weakly when considering against the average of the Theater and that in no single operation had it carried less than its share of the burden or looked bad when compared to the forces on its flanks. We were especially impressed with the fact that it consistently achieved results without undue wastage of its men.'';

Whereas, in recognition of its exemplary service during World War II, the Headquarters Company of the 30th Infantry Division was awarded the Meritorious Unit Commendation and the French Croix de Guerre; and

Whereas the proud fighting tradition of the 30th Infantry Division is perpetuated by the 30th Armored Brigade Combat Team, North Carolina Army National Guard: Now, therefore, be it

Resolved, That the House of Representatives recognizes the exemplary service of the soldiers of the 30th Infantry Division of the United States Army during World War II.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. KISSELL and Mr. WITTMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KISSELL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶148.4 UNITED STATES SUBMARINE FORCE

Mr. KISSELL moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 129):

Whereas the Sailors of the United States Submarine Force recently completed the 1,000th deterrent patrol of the Ohio-class ballistic missile submarine (SSBN);

Whereas this milestone is significant for the Submarine Force, its crews and their families, the United States Navy, and the entire country;

Whereas this milestone was reached through the combined efforts and impressive achievements of all of the submariners who have participated in such patrols since the first patrol of USS Ohio (SSBN 726) in 1982;

Whereas, as a result of the dedication and commitment to excellence of the Sailors of the United States Submarine Force, ballistic missile submarines have always been ready and vigilant, reassuring United States allies and deterring anyone who might seek to do harm to the United States or United States allies;

Whereas the national maritime strategy of the United States recognizes the critical need for strategic deterrence in today's uncertain world;

Whereas the true strength of the ballistic missile submarine lies in the extremely talented and motivated Sailors who have voluntarily chosen to serve in the submarine community; and

Whereas the inherent stealth, unparalleled firepower, and nearly limitless endurance of the ballistic missile submarine provide a credible deterrence for any enemies that would seek to use force against the United States or United States allies: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates the Sailors of the United States Submarine Force upon the completion of 1,000 Ohio-class ballistic missile submarine (SSBN) deterrent patrols; and

(2) honors and thanks the crews of ballistic missile submarines and their devoted families for their continued dedication and sacrifice.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. KISSELL and Mr. WITTMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KISSELL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶148.5 NATIONAL MILITARY FAMILY MONTH

Mr. KISSELL moved to suspend the rules and agree to the resolution (H. Res. 861); as amended:

Whereas military families, through their sacrifices and their dedication to the United States and its values, represent the bedrock upon which the United States was founded and upon which the country continues to rely in these perilous and challenging times; and

Whereas the month of November, which includes the Veterans Day holiday, was declared by the President on October 30, 2009, to be Military Family Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Military Family Month;

(2) recognizes the sacrifices and dedication of military families and their contributions to the United States; and

(3) expresses the appreciation to the people of the United States who observed Military Family Month with appropriate ceremonies and activities.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. KISSELL and Mr. WITTMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KISSELL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶148.6 ELEMENTARY AND SECONDARY SCHOOL STUDENTS

Mr. BISHOP of New York, moved to suspend the rules and agree to the resolution (H. Res. 897):

Whereas veterans have made innumerable sacrifices for the freedom and welfare of the United States and people worldwide;

Whereas in 2008 there were over 23,000,000 veterans in the United States, but many elementary and secondary school students are not aware of the efforts veterans have made to protect our freedoms;

Whereas many elementary and secondary schools and teachers have held drives in recent years to collect items to send to veterans, members of the Armed Forces, and families of such members;

Whereas fewer than half of the Nation's high school seniors have a basic knowledge of American history and the contributions veterans have made to the Nation's safety and security;

Whereas it is important for elementary and secondary school students to learn about the history of the Nation and the wars and missions veterans have participated in and sacrificed for; and

Whereas elementary and secondary schools across the Nation host Veterans Day programs to honor and educate students about the sacrifices veterans have made: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of teaching elementary and secondary school students, on Veterans Day and throughout the school year, about the sacrifices that veterans have made throughout the history of the Nation; and

(2) encourages elementary and secondary schools to engage students in learning about, and honoring, veterans and the sacrifices they have made.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. BISHOP of New York, and Mr. GUTHRIE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BISHOP of New York, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶148.7 AIRLINE FLIGHT CREWS

Mr. BISHOP of New York, moved to suspend the rules and pass the bill of the Senate (S. 1422) to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. BISHOP of New York, and Mr. GUTHRIE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶148.8 WEATHER RADIOS

Ms. WATERS moved to suspend the rules and pass the bill (H.R. 320) to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that

weather radios be installed in all manufactured homes manufactured or sold in the United States.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Ms. WATERS and Mr. WITTMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶148.9 HOMES WITH CONTAMINATED DRYWALL

Ms. WATERS moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 197); as amended:

Whereas since January 2009 over 1,300 cases of contaminated drywall have been reported from 26 States and the District of Columbia;

Whereas noxious gases released from contaminated drywall can cause serious health effects involving the upper respiratory tract, such as bloody noses, rashes, sore throats, and burning eyes;

Whereas toxins released from contaminated drywall can corrode metals inside the home, such as air conditioning coils and electrical wiring;

Whereas the dangers and health risks posed by contaminated drywall have forced thousands of families out of their homes and into temporary living situations, and many such families are unable to afford an additional financial burden;

Whereas because of cases of contaminated drywall, some Americans who pay their mortgages on time are now suffering from both financial problems and health complications at no fault of their own; and

Whereas banks and mortgage servicers can help families affected by contaminated drywall by taking into account, with respect to their mortgage payments, the financial burdens imposed by the need to respond to this problem: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress encourages banks and mortgage servicers to work with families affected by contaminated drywall by considering adjustments to mortgage payment schedules that take these financial burdens into account.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Ms. WATERS and Mr. WITTMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WATERS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶148.10 SECURITIES AND EXCHANGE COMMISSION

Mr. KANJORSKI moved to suspend the rules and pass the bill (H.R. 2873) to provide enhanced enforcement authority to the Securities and Exchange Commission; as amended.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. KANJORSKI and Mr. CAMPBELL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶148.11 TROUBLED ASSETS RELIEF PROGRAM

Mrs. MALONEY moved to suspend the rules and pass the bill (H.R. 1242) to amend the Emergency Economic Stabilization Act of 2008 to provide for additional monitoring and accountability of the Troubled Assets Relief Program; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mrs. MALONEY and Mr. CAMPBELL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MALONEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶148.12 H. RES. 494—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 494) recognizing the exemplary service of the soldiers of the 30th Infantry Division (Old Hickory) of the United States Army during World War II; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 0

¶148.13 [Roll No. 914]

YEAS—415

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
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
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)

Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
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
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
Souder
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 (FL)

NOT VOTING—19

Aderholt
Barrett (SC)
Barrow
Bishop (UT)
Cao
Capuano
Davis (AL)
Deal (GA)
Gonzalez
Hinchey
Melancon
Moran (VA)
Murphy (NY)
Murphy, Tim
Radanovich
Schock
Schrader
Wexler
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶148.14 H. CON. RES. 129—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 129) congratulating the Sailors of the United States Submarine Force upon the completion of 1,000 Ohio-class ballistic missile submarine (SSBN) deterrent patrols.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 / Nays 0

¶148.15 [Roll No. 915]

YEAS—412

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
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 (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)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
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 (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
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
Souder
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 (FL)

NOT VOTING—22

Aderholt
Barrett (SC)
Barrow
Bilbray
Bishop (UT)
Blackburn
Cao
Capuano
Davis (AL)
Deal (GA)
Gonzalez
King (IA)
Melancon
Moran (VA)
Murphy, Tim
Putnam
Radanovich
Ryan (OH)
Schakowsky
Schrader
Wexler
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶148.16 MOMENT OF SILENCE IN MEMORY OF MEMBERS OF THE UNITED STATES ARMED FORCES IN IRAQ AND AFGHANISTAN

The SPEAKER announced that all Members stand and observe a moment of silence in memory of members of the armed forces who gave their lives in Iraq and Afghanistan, their families, and all members of the armed forces.

¶148.17 H. RES. 861—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 861) supporting the goals and ideals of National Military Family Month; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 Nays 0

¶148.18 [Roll No. 916]

YEAS—417

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
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
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
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
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
Souder
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 (FL)

NOT VOTING—17

Aderholt
Barrett (SC)
Barrow
Bishop (UT)
Cantor
Capuano
Davis (AL)
Deal (GA)
Gonzalez
Melancon
Moran (VA)
Murphy, Tim
Myrick
Radanovich
Schrader
Wexler
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution supporting the goals and ideals of Military Family Month.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶148.19 H. RES. 897—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 897) recognizing the importance of teaching elementary and secondary school students about the sacrifices that veterans have made throughout the history of the Nation.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 Nays 0

¶148.20 [Roll No. 917]

YEAS—419

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
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
Lowey
Lucas
Luetkemeyer
Luján
Lummis

Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
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
Souder
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 (FL)

NOT VOTING—15

Aderholt
Barrett (SC)
Barrow
Bishop (UT)
Cantor
Capuano
Davis (AL)
Deal (GA)
Gonzalez
Melancon
Moran (VA)
Murphy, Tim
Radanovich
Wexler
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶148.21 H.R. 3634—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3634) to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the ''George Kell Post Office''.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of those present had voted in the affirmative.

Mr. HARE demanded a recorded vote on the motion to suspend the rules and pass said bill which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 Nays 0

¶148.22 [Roll No. 918]

AYES—415

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
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
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
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
Souder
Space
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 (FL)

NOT VOTING—19

Aderholt
Barrett (SC)
Barrow
Bishop (UT)
Cantor
Capuano
Davis (AL)
Deal (GA)
Eshoo
Garamendi
Gonzalez
McMorris Rodgers
Melancon
Moran (VA)
Murphy, Tim
Radanovich
Speier
Wexler
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶148.23 HOMELAND SECURITY PREPAREDNESS GRANTS

Mr. CUELLAR moved to suspend the rules and pass the bill (H.R. 3980) to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr.

CUELLAR and Mr. ROGERS of Alabama, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER announced that two-thirds of the Members present had voted in the affirmative.

Mr. CUELLAR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶148.24 ENHANCED SECURITY OF RAIL AND MASS TRANSIT LINES

Ms. JACKSON-LEE of Texas, moved to suspend the rules and agree to the resolution (H. Res. 28); as amended:

Whereas the Transportation Security Administration is uniquely positioned to lead the efforts to secure our Nation's rail and mass transit systems and other modes of surface transportation against terrorist attack as a result of expertise developed over six years of securing our Nation's commercial air transportation system;

Whereas the successes of the Transportation Security Administration's National Explosives Detection Canine Team Program has furthered the Transportation Security Administration's ability to secure our Nation's transportation systems against terrorist attack by preventing and protecting against explosives threats;

Whereas each weekday 11,300,000 passengers depend on our Nation's mass transit systems as a means of transportation;

Whereas rail and mass transit systems serve as an enticing target for terrorists and terrorist organizations, such as Al Qaeda, as evidenced by the March 11, 2004, attack on the Madrid, Spain, rail system, the July 7, 2005, attack on the London, England, mass transit system, and the July 11, 2006, and November 26, 2008, attacks on the Mumbai, India, rail system;

Whereas the Transportation Security Administration Authorization Act of 2009, which was passed by the House of Representatives on June 4, 2009, in an overwhelming and bipartisan manner, expresses Congress' commitment to bolstering the security of rail and mass transit systems; and

Whereas securing our Nation's rail and mass transit systems against terrorist attack and other security threats is essential due to their impact on our Nation's economic stability and the continued functioning of our national economy: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Transportation Security Administration should—

(1) continue to enhance security against terrorist attack and other security threats to our Nation's rail and mass transit systems and other modes of surface transportation, including as provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53) and the Transportation Security Administration Authorization Act of 2009 (H.R. 2200 in the 111th Congress);

(2) continue development of the National Explosives Detection Canine Team Program, which has proven to be an effective tool in securing against explosives threats to our Nation's rail and mass transit systems, with particular attention to the application of its training standards and the establishment of a reliable source of domestically bred canines;

(3) improve upon the success of the Online Learning Center by providing increased person-to-person professional development programs to ensure those responsible for securing our surface transportation systems against terrorist attack are highly trained in both securing those systems against terrorist attack and professional relations with the traveling public; and

(4) continue to secure our Nation's mass transit and rail systems against terrorist attack and other security threats, so as to ensure the security of commuters on our Nation's rail and mass transit systems and prevent the disruption of rail lines critical to our Nation's economy.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Ms. JACKSON-LEE of Texas, and Mr. ROGERS of Alabama, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Ms. JACKSON-LEE of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, December 3, 2009.

¶148.25 SPECIALIZED TRAINING FOR FEDERAL AIR MARSHALLS

Ms. JACKSON-LEE of Texas, moved to suspend the rules and pass the bill (H.R. 3963) to provide specialized training to Federal air marshalls.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Ms. JACKSON-LEE of Texas, and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶148.26 FAMILIES OF SERGEANT MARK RENNINGER, OFFICERS TINA GRISWOLD, RONALD OWENS, AND GREG RICHARDS

Mr. COHEN moved to suspend the rules and agree to the resolution (H. Res. 939):

Whereas, on the morning of November 29, 2009, 4 members of the Lakewood Police Department were slain by gunfire in a senseless act of violence while preparing for their shift in Lakewood, Washington;

Whereas the 4 officers have been members of the Lakewood Police Department since its founding 5 years ago, were valuable members of the community, and were deeply respected for their service;

Whereas Sergeant Mark Renninger who served 13 years in law enforcement, first with the Tukwila Police Department and most recently, served with the Lakewood Police Department, is survived by his wife and 3 children;

Whereas Officer Tina Griswold who served 14 years in law enforcement, first with the Lacey Police Department and most recently, served with the Lakewood Police Department, is survived by her husband and 2 children;

Whereas Officer Ronald Owens who served 12 years in law enforcement, first with the Washington State Patrol and most recently, served with the Lakewood Police Department, is survived by his daughter;

Whereas Officer Greg Richards who served 8 years in law enforcement, first with the Kent Police Department and most recently, served with the Lakewood Police Department, is survived by his wife and 3 children;

Whereas the senseless violence against and murder of law enforcement officers, who are sworn to serve, protect, and preserve the peace of the communities, is a particularly heinous crime; and

Whereas in the face of this senseless tragedy, the people of the City of Lakewood, the surrounding communities, and the State of Washington have come together in support of the law enforcement community and the victims' families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends its condolences to the families of Sergeant Mark Renninger, Officer Tina Griswold, Officer Ronald Owens, and Officer Greg Richards; and

(2) stands with the people of Lakewood, Washington, the men and women of the Lakewood Police Department, and members of the law enforcement community as they celebrate the lives and mourn the loss of these four dedicated public servants and law enforcement heroes.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. COHEN and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶148.27 IMPORTATION OF LOW-LEVEL RADIOACTIVE WASTE

Mr. GORDON of Tennessee, moved to suspend the rules and pass the bill (H.R. 515) to prohibit the importation of certain low-level radioactive waste into the United States; as amended.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. GORDON of

Tennessee, and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. STEARNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶148.28 RECESS—2:45 P.M.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 45 minutes p.m., subject to the call of the Chair.

¶148.29 AFTER RECESS—4:15 P.M.

The SPEAKER pro tempore, Mr. CUELLAR, called the House to order.

¶148.30 H.R. 515—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 515) to prohibit the importation of certain low-level radioactive waste into the United States; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 309 / Nays 112

¶148.31 [Roll No. 919]

YEAS—309

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
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)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rooney
Ros-Lehtinen
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
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—112

Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Campbell
Carter
Cassidy
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dreier
Ehlers
Emerson
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Frelinghuysen
Gingrey (GA)
Gohmert
Granger
Graves
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCaul
McClintock
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Nunes
Olson
Paul
Pence
Pitts
Poe (TX)
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Thornberry
Tiahrt
Upton
Westmoreland
Whitfield
Wilson (SC)

NOT VOTING—13

Aderholt
Barrett (SC)
Barrow
Bishop (UT)
Capuano
Gonzalez
Higgins
Hodes
Larsen (WA)
Melancon
Moran (VA)
Shea-Porter
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶148.32 H. CON. RES. 197—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 197) encouraging banks and mortgage servicers to work with families affected by contaminated drywall to allow temporary forbearance without penalty on payments on their home mortgages; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays 1

¶148.33 [Roll No. 920]

YEAS—419

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt

DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
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
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
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
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
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
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
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—1

McClintock

NOT VOTING—14

Aderholt
Barrett (SC)
Barrow
Bishop (UT)
Capuano
Gonzalez
Higgins
Hodes
Larsen (WA)
Melancon
Moran (VA)
Shea-Porter
Tierney
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A concurrent resolution encouraging banks and mortgage servicers to work with families affected by contaminated drywall and to consider adjustments to payment schedules on their home mortgages that take into account the financial burdens of responding to the presence of such drywall.''.

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶148.34 H.R. 1242—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1242) to amend the Emergency Economic Stabilization Act of 2008 to provide for additional monitoring and accountability of the Troubled Assets Relief Program; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶148.35 [Roll No. 921]

YEAS—421

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
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
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
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
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
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
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
Sherman
Shimkus
Shuler

Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—13

Aderholt
Barrett (SC)
Barrow
Bishop (UT)
Capuano
Gonzalez
Higgins
Hodes
Larsen (WA)
Melancon
Moran (VA)
Shea-Porter
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Emergency Economic Stabilization Act of 2008 to provide for additional monitoring and accountability of the Troubled Asset Relief Program.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶148.36 H.R. 3980—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3980) to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 Nays 0

¶148.37 [Roll No. 922]

YEAS—414

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
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
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
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
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
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
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
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—20

Aderholt
Barrett (SC)
Barrow
Bishop (UT)
Brady (TX)
Bright
Brown, Corrine
Capuano
Gonzalez
Grijalva
Higgins
Hirono
Hodes
Larsen (WA)
Melancon
Moran (VA)
Pence
Shea-Porter
Waters
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶148.38 PROVIDING FOR CONSIDERATION OF H.R. 4154

Mr. POLIS, by direction of the Committee on Rules, reported (Rept. No. 111–350) the resolution (H. Res. 941) providing for consideration of the bill (H.R. 4154) to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a $3,500,000 exemption, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶148.39 SATELLITE AND CABLE STATUTORY LICENSES

Mr. CONYERS moved to suspend the rules and pass the bill (H.R. 3570) to amend title 17, United States Code, to reauthorize the satellite statutory license, to conform the satellite and cable statutory licenses to all-digital transmissions, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. KOSMAS, recognized Mr. CONYERS and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. KOSMAS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CONYERS demanded that the vote be taken by the yeas and nays,

which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. KOSMAS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, December 3, 2009.

¶148.40 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Ms. KOSMAS, laid before the House the following communication from Chief Administrative Officer:

OFFICE OF THE
CHIEF ADMINISTRATIVE OFFICER,
Washington, DC, December 1, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAME SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for production of documents issued by the U.S. District Court for the District of Connecticut, in connection with a criminal matter now pending in the same court.

After consultation with the Office of the General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

DANIEL P. BEARD.

¶148.41 SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 1599. An Act to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws.

S. 1860. An Act to permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms.

¶148.42 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. LARSEN of Washington, for after 1:30 p.m. today.

And then,

¶148.43 ADJOURNMENT

On motion of Mr. KING of Iowa, at 9 o'clock p.m., the House adjourned.

¶148.44 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 515. A bill to prohibit the importation of certain low-level radioactive waste into the United States; with an amendment (Rept. 111–348 Pt. 1). Referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2994. A bill to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004, and for other purposes; with an amendment (Rept. 111–349). Referred to the Committee of the Whole House on the state of the Union.

Mr. POLIS: Committee on Rules. House Resolution 941. Resolution providing for consideration of the bill (H.R. 4154) to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a $3,500,000 exemption, and for other purposes (Rept. 111–350). Referred to the House Calendar.

¶148.45 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII the Committee on Ways and Means discharged from further consideration. H.R. 515 referred to the Committee of the Whole House on the state of the Union.

¶148.46 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL (for himself and Mr. CAMP):

H.R. 4169. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Ways and Means.

By Mr. HODES:

H.R. 4170. A bill to amend the Emergency Economic Stabilization Act of 2008 to strike the authority of the Secretary of the Treasury to extend the Troubled Asset Relief Program after 2009, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on the Budget, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TEAGUE (for himself, Ms. MARKEY of Colorado, Ms. KOSMAS, Mr. KISSELL, and Mrs. HALVORSON):

H.R. 4171. A bill to repeal the authority of the Secretary of the Treasury to extend the Troubled Asset Relief Program, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER (for himself, Mr. WESTMORELAND, and Mr. BURGESS):

H.R. 4172. A bill to provide the same penalty rate for taxpayers who voluntarily disclose unreported income from offshore accounts as was afforded Timothy Geithner with respect to his failure to pay self-employment taxes with respect to his compensation from the International Monetary Fund; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 4173. A bill to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Agriculture, Energy and Commerce, the Judiciary, Rules, the Budget, Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NYE:

H.R. 4174. A bill to amend the Internal Revenue Code of 1986 to provide relief with respect to estate and gift taxes, small businesses, and government contractors; to the Committee on Ways and Means.

By Mr. BOUCHER (for himself, Mr. AKIN, Mr. CARNAHAN, Mr. GRAVES, Mr. BOREN, Mr. SULLIVAN, Mr. ISRAEL, Mr. WILSON of South Carolina, and Mr. CARTER):

H.R. 4175. A bill to protect consumers from discriminatory State taxes on motor vehicle rentals; to the Committee on the Judiciary.

By Mr. ABERCROMBIE:

H.R. 4176. A bill to amend the Military Construction Authorization Act for Fiscal Year 2010 to authorize construction of an Aegis Ashore Test Facility at Pacific Missile Range Facility, Hawaii; to the Committee on Armed Services.

By Mr. BERRY (for himself and Mr. CHILDERS):

H.R. 4177. A bill to provide emergency disaster assistance to certain agricultural producers that suffered losses during 2009, to provide emergency disaster assistance to certain livestock producers that suffered losses during 2008 or 2009, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLEAVER (for himself, Mr. FRANK of Massachusetts, Mr. MOORE of Kansas, Mr. PAUL, Mr. WATT, Mr. MARCHANT, Mr. MCCOTTER, Mrs. CAPITO, and Mr. BACHUS):

H.R. 4178. A bill to amend the Federal Deposit Insurance Act to provide for deposit restricted qualified tuition programs, and for other purposes; to the Committee on Financial Services.

By Mr. CONYERS (for himself, Mr. JOHNSON of Georgia, Ms. LEE of California, and Mr. MASSA):

H.R. 4179. A bill to amend the Internal Revenue Code of 1986 to keep Americans working by creating a refundable work-sharing tax credit that stimulates demand in the private sector labor market and provides employers with an alternative to layoffs; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself, Mr. MORAN of Virginia, Mrs. CAPPS, Ms. BERKLEY, Ms. NORTON, Mr. STARK, Ms. WATSON, Ms. EDWARDS of Maryland, Mr. GRIJALVA, Mr. GRAYSON, Ms. CHU, Mr. MEEKS of New York, Mr. CUMMINGS, Mr. HALL of New York, Mr. ACKERMAN, Ms. SPEIER, Ms. LORETTA SANCHEZ of California, Mr. ELLISON, Mr. DINGELL, Mr. BLUMENAUER, Ms. WOOLSEY, Ms. KILPATRICK of Michigan, Ms. CLARKE, Ms. PINGREE of Maine, Ms. HIRONO, Mr. FILNER, Mr. ABERCROMBIE, and Mr. WALZ):

H.R. 4180. A bill to amend title 10, United States Code, to include the disclosure of sexual orientation by a member of the Armed Forces to a Member of Congress as a lawful and protected communication and to prohibit retaliatory personnel actions against members of the Armed Forces who make such a disclosure in a Congressional hearing or who testify, for or against, the policy concerning homosexuality in the Armed Forces; to the Committee on Armed Services.

By Mr. HINOJOSA:

H.R. 4181. A bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Education and Labor.

By Mrs. LOWEY:

H.R. 4182. A bill to amend the Homeland Security Act of 2002 to limit the number of

Urban Area Security Initiative grants awarded and to clarify the risk assessment formula to be used when making such grants, and for other purposes; to the Committee on Homeland Security.

By Mr. MCDERMOTT (for himself, Mr. NADLER of New York, Mr. CONYERS, Mr. SIRES, Mr. ACKERMAN, Ms. SCHAKOWSKY, Ms. HIRONO, Mr. LEWIS of Georgia, Mr. CAPUANO, Ms. DELAURO, Mr. MICHAUD, Ms. WOOLSEY, Mr. GRIJALVA, Mr. KILDEE, Mr. LEVIN, Mr. CARDOZA, Ms. BERKLEY, Mr. ELLISON, Mr. DEFAZIO, Ms. PINGREE of Maine, Mr. LANGEVIN, and Ms. MCCOLLUM):

H.R. 4183. A bill to amend the Assistance for Unemployed Workers and Struggling Families Act and the Supplemental Appropriations Act, 2008 to provide for the temporary extension of programs providing unemployment benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 4184. A bill to amend the Internal Revenue Code of 1986 to make permanent the qualified tuition deduction; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 4185. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to exempt certain employment as a member of a local governing board, commission, or committee from Social Security tax coverage; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mr. HERGER, Ms. HERSETH SANDLIN, and Mr. BRALEY of Iowa):

H.R. 4186. A bill to amend the Internal Revenue Code of 1986 to extend for 2 years the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. SARBANES (for himself, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. RUPPERSBERGER, Mr. BARTLETT, Mr. HOYER, Mr. KRATOVIL, Mr. CASTLE, Ms. EDWARDS of Maryland, Mr. CONNOLLY of Virginia, Ms. NORTON, Mr. SCOTT of Virginia, Mr. MORAN of Virginia, and Mr. HOLDEN):

H.R. 4187. A bill to amend the Water Resources Development Act of 1996 to make modifications to the Chesapeake Bay environmental restoration and protection program; to the Committee on Transportation and Infrastructure.

By Mr. SESTAK (for himself, Mr. PALLONE, and Mr. GRIJALVA):

H.R. 4188. A bill to authorize appropriations for brownfields site assessment and cleanup, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON (for himself, Mr. ALTMIRE, Mr. ARCURI, Mr. BACA, Mr. BAIRD, Mr. BARROW, Ms. BEAN, Mr. BISHOP of Utah, Mr. BOREN, Mr. BOSWELL, Mr. BOUCHER, Mr. BOYD, Mr. CHAFFETZ, Mr. CHANDLER, Mr. CHILDERS, Mr. CONAWAY, Mr. COOPER, Mr. COSTA, Mr. CUELLAR, Mr. DAVIS of Tennessee, Mr. DAVIS of Alabama, Mr. DINGELL, Mr. DONNELLY of Indiana, Mr. DOYLE, Mr. ELLSWORTH, Mr. ETHERIDGE, Mr. GONZALEZ, Mr. GORDON of Tennessee, Mr. GRIFFITH, Ms. HERSETH SANDLIN, Mr. HILL, Mr. HODES, Mr. HOLDEN, Mr. INSLEE, Mr. ISRAEL, Mr. KIND, Mr. KRATOVIL, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. MELANCON, Mr. MICHAUD, Mr. MINNICK, Mr. MITCHELL, Mr. MOORE of Kansas, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MURPHY of New York, Mr. NYE, Mr. ROSS, Mr. SALAZAR, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. SHULER, Mr. SMITH of Washington, Mr. SPACE, Mr. TANNER, and Mr. UPTON):

H. Res. 942. A resolution commending the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup; to the Committee on Oversight and Government Reform.

¶148.47 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. TIM MURPHY of Pennsylvania, Mr. THORNBERRY, Mr. REHBERG, and Mr. ACKERMAN.

H.R. 223: Ms. CHU.

H.R. 233: Ms. BEAN.

H.R. 305: Mr. POLIS of Colorado.

H.R. 432: Mr. COSTA.

H.R. 470: Mr. SOUDER.

H.R. 482: Mr. HINCHEY.

H.R. 537: Mr. GERLACH.

H.R. 571: Ms. WOOLSEY.

H.R. 606: Ms. WATSON.

H.R. 646: Mr. JOHNSON of Georgia.

H.R. 690: Mr. ADLER of New Jersey.

H.R. 699: Mr. MORAN of Virginia.

H.R. 725: Mr. BACA.

H.R. 734: Ms. RICHARDSON.

H.R. 739: Ms. SLAUGHTER.

H.R. 768: Mr. LUJÁN.

H.R. 847: Mr. MARKEY of Massachusetts.

H.R. 916: Ms. BALDWIN and Mrs. CAPPS.

H.R. 930: Mr. MORAN of Virginia.

H.R. 960: Mr. PIERLUISI and Mr. CONNOLLY of Virginia.

H.R. 1045: Mr. PIERLUISI and Mr. CONNOLLY of Virginia.

H.R. 1204: Mr. SPRATT.

H.R. 1215: Ms. WATSON.

H.R. 1230: Mr. CLEAVER.

H.R. 1236: Ms. SLAUGHTER.

H.R. 1318: Mr. MCMAHON.

H.R. 1362: Mr. FRANK of Massachusetts.

H.R. 1403: Mr. PERRIELLO and Mr. PITTS.

H.R. 1585: Mr. MORAN of Virginia and Ms. FUDGE.

H.R. 1623: Mr. MCCOTTER and Mr. MARCHANT.

H.R. 1628: Mr. BILBRAY.

H.R. 1792: Mr. TERRY.

H.R. 1869: Ms. BERKLEY, Mr. WALZ, Ms. TSONGAS, Ms. GIFFORDS, and Mr. LEWIS of Georgia.

H.R. 1880: Mr. CARNAHAN.

H.R. 1974: Mr. SCOTT of Virginia and Mr. WOLF.

H.R. 2006: Mr. BISHOP of Georgia, Mr. DEFAZIO, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2068: Mr. WOLF.

H.R. 2074: Mr. NADLER of New York, Mr. JOHNSON of Georgia, Mr. HONDA, Mr. SIRES, Mr. SCHIFF, Ms. MCCOLLUM, Mr. TONKO, Mr. BRALEY of Iowa, Mr. GRIJALVA, Mr. MASSA, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Ms. PINGREE of Maine, and Mr. PASTOR of Arizona.

H.R. 2103: Ms. SLAUGHTER.

H.R. 2112: Mr. CAPUANO.

H.R. 2138: Mr. COHEN.

H.R. 2156: Mr. YOUNG of Alaska.

H.R. 2239: Mr. BERMAN.

H.R. 2243: Mrs. LOWEY.

H.R. 2246: Mr. HINOJOSA.

H.R. 2254: Mr. ADLER of New Jersey, Mr. HOLDEN, Mr. INSLEE, Mr. BUCHANAN, Mrs. NAPOLITANO, and Ms. CHU.

H.R. 2276: Mr. KENNEDY.

H.R. 2339: Mr. FRANK of Massachusetts.

H.R. 2377: Mr. PRICE of North Carolina and Mr. CASTLE.

H.R. 2405: Mr. SCHOCK.

H.R. 2425: Mr. PETERSON.

H.R. 2460: Ms. CHU.

H.R. 2476: Mr. MCKEON.

H.R. 2478: Mr. BACA and Mrs. BLACKBURN.

H.R. 2480: Ms. DELAURO, Mr. LANGEVIN, Ms. ESHOO, Ms. ROYBAL-ALLARD, Mr. HIGGINS, and Mr. HARE.

H.R. 2492: Mr. SCHIFF.

H.R. 2531: Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, and Mr. ROTHMAN of New Jersey.

H.R. 2565: Mr. CASSIDY.

H.R. 2573: Mr. TEAGUE, Mr. BISHOP of New York, and Mr. HOLT.

H.R. 2575: Ms. KILROY.

H.R. 2766: Mr. PALLONE, Mr. TOWNS, Mr. ACKERMAN, Mr. SERRANO, Mr. WEINER, and Mr. HONDA.

H.R. 2807: Mr. POLIS of Colorado.

H.R. 2817: Mr. OBERSTAR.

H.R. 2850: Mr. MCDERMOTT.

H.R. 2852: Ms. DEGETTE.

H.R. 2866: Mr. POLIS of Colorado.

H.R. 2906: Mr. CARNAHAN, Ms. TITUS, and Ms. DELAURO.

H.R. 2941: Mr. GONZALEZ.

H.R. 3020: Mr. TEAGUE.

H.R. 3025: Mr. BLUMENAUER.

H.R. 3077: Mr. GUTIERREZ, Mr. STARK, and Ms. HIRONO.

H.R. 3093: Mr. PETERSON.

H.R. 3099: Ms. SHEA-PORTER.

H.R. 3101: Mr. ROTHMAN of New Jersey, Mr. PETERSON, Ms. MCCOLLUM, and Mr. CLEAVER.

H.R. 3105: Mr. ROHRABACHER.

H.R. 3153: Mr. KAGEN.

H.R. 3185: Mr. FRANK of Massachusetts.

H.R. 3227: Mr. MCDERMOTT.

H.R. 3259: Mr. DICKS, Mr. GALLEGLY, and Mr. PASTOR of Arizona.

H.R. 3287: Ms. BALDWIN.

H.R. 3308: Mr. TURNER.

H.R. 3359: Mr. MCNERNEY and Ms. ZOE LOFGREN of California.

H.R. 3381: Mr. POLIS of Colorado.

H.R. 3407: Mr. TIM MURPHY of Pennsylvania.

H.R. 3421: Mr. LEWIS of Georgia, Ms. HIRONO, and Ms. KILPATRICK of Michigan.

H.R. 3455: Mr. THOMPSON of Mississippi.

H.R. 3457: Mr. HILL.

H.R. 3458: Mr. FRANK of Massachusetts and Ms. EDWARDS of Maryland.

H.R. 3464: Mr. SNYDER and Mr. SCHOCK.

H.R. 3474: Mr. KILDEE, Ms. LEE of California, Mr. KENNEDY, Mr. PAYNE, Mr. MOORE of Kansas, Ms. SCHAKOWSKY, and Mr. HASTINGS of Florida.

H.R. 3477: Mr. MANZULLO.

H.R. 3524: Mr. REHBERG, Mr. ELLSWORTH, and Mr. GRIFFITH.

H.R. 3554: Mr. MCNERNEY.

H.R. 3564: Mr. SERRANO.

H.R. 3578: Mr. DELAHUNT, Mr. GORDON of Tennessee, and Ms. SHEA-PORTER.

H.R. 3646: Mr. MCNERNEY.

H.R. 3654: Mr. GENE GREEN of Texas and Mr. FALEOMAVAEGA.

H.R. 3656: Mr. WOLF.

H.R. 3668: Mr. PETERSON, Mr. ROE of Tennessee, and Mr. TEAGUE.

H.R. 3671: Mr. JACKSON of Illinois.

H.R. 3691: Mr. MANZULLO.

H.R. 3692: Ms. TITUS.

H.R. 3695: Mrs. MALONEY, Mr. MCCOTTER, Mr. HINCHEY, and Ms. NORTON.

H.R. 3705: Mr. GRAYSON, Ms. CASTOR of Florida, Ms. WATSON, Mr. WELCH, Mr. CARNAHAN, and Mr. STARK.

H.R. 3712: Mr. PRICE of North Carolina and Mr. LANCE.

H.R. 3745: Ms. WOOLSEY.

H.R. 3758: Mr. MANZULLO, Mr. MOORE of Kansas, Mr. SOUDER, Mr. WILSON of South Carolina, Mr. LOEBSACK, Mr. ALEXANDER, Mr. ROGERS of Michigan, and Mr. MORAN of Kansas.

H.R. 3905: Mr. SPACE, Ms. TITUS, Mrs. HALVORSON, Mr. PUTNAM, Mr. MINNICK, Mr. RUPPERSBERGER, and Mr. TERRY.

H.R. 3926: Mr. SNYDER.
H.R. 3930: Mr. DELAHUNT.
H.R. 3942: Mr. BOOZMAN.
H.R. 3957: Mr. JOHNSON of Georgia, Mr. GRIJALVA, Mr. CUMMINGS, and Ms. SHEA-PORTER.
H.R. 3986: Mr. STARK and Mr. GRIJALVA.
H.R. 4000: Mr. DAVIS of Illinois.
H.R. 4053: Ms. FUDGE.
H.R. 4058: Mr. MCNERNEY.
H.R. 4067: Mr. THORNBERRY, Ms. MARKEY of Colorado, and Ms. KOSMAS.
H.R. 4085: Mr. KILDEE, Mr. EHLERS, and Mrs. MILLER of Michigan.
H.R. 4092: Ms. JACKSON-LEE of Texas, Ms. NORTON, Ms. CLARKE, and Mr. JACKSON of Illinois.
H.R. 4099: Mr. CARNAHAN.
H.R. 4100: Mr. AUSTRIA, Mr. HARPER, Mr. PITTS, Mr. LATTA, Mrs. SCHMIDT, Ms. FALLIN, Mr. AKIN, Mr. BILBRAY, Mr. CULBERSON, and Mr. WITTMAN.
H.R. 4103: Mr. BOOZMAN.
H.R. 4114: Ms. WOOLSEY.
H.R. 4116: Ms. BORDALLO, Ms. SCHAKOWSKY, Mr. PAYNE, Ms. DELAURO, Mr. GRIJALVA, Mr. INSLEE, Ms. HIRONO, Mr. CAO, Mr. MCGOVERN, Mr. MOORE of Kansas, and Ms. BERKLEY.
H.R. 4117: Mr. CARNEY.
H.R. 4120: Mr. SOUDER.
H.R. 4127: Mr. KLINE of Minnesota.
H.R. 4131: Mr. MASSA, Ms. JACKSON-LEE of Texas, and Mrs. CAPPS.
H.R. 4135: Mr. BISHOP of New York and Mr. CARSON of Indiana.
H.R. 4140: Mr. SERRANO.
H.R. 4148: Mr. FATTAH and Ms. DELAURO.
H.R. 4154: Mr. ETHERIDGE, Mr. MICHAUD, Mr. COOPER, Mr. BERRY, Mr. MELANCON, Mr. MOORE of Kansas, Mr. HILL, Ms. HERSETH SANDLIN, Mr. BOSWELL, Mrs. DAHLKEMPER, and Mr. TANNER.
H.R. 4160: Mr. MORAN of Virginia and Mr. POLIS of Colorado.
H.R. 4161: Mr. MORAN of Virginia and Mr. POLIS of Colorado.
H.R. 4163: Mr. MCGOVERN.
H.R. 4168: Mr. DREIER, Mr. GRIJALVA, and Mr. LUJÁN.
H.J. Res. 50: Mr. MORAN of Kansas.
H.J. Res. 61: Ms. SLAUGHTER.
H. Con. Res. 16: Mr. SHULER.
H. Con. Res. 169: Mr. AUSTRIA.
H. Con. Res. 193: Mr. CONAWAY, Mr. SMITH of Texas, Ms. GRANGER, Ms. MARKEY of Colorado, Mr. OLSON, and Mr. CULBERSON.
H. Con. Res. 197: Mr. SCALISE.
H. Res. 35: Mr. BOSWELL, Mr. BERRY, Mr. MOORE of Kansas, Mr. TAYLOR, Mr. LOEBSACK, Mr. EDWARDS of Texas, Mr. ROYCE, Mr. MELANCON, Mr. BOREN, and Mr. LIPINSKI.
H. Res. 55: Mr. BLUNT.
H. Res. 588: Mr. WEINER.
H. Res. 615: Mr. WOLF and Mr. PUTNAM.
H. Res. 704: Mr. PITTS, Ms. ROYBAL-ALLARD, Ms. WATERS, Mr. GORDON of Tennessee, Mr. PAYNE, Mr. DREIER, Mr. GOHMERT, Mr. PENCE, Mr. LEWIS of California, Mr. OLVER, Mr. PLATTS, Mr. ALEXANDER, Mr. COOPER, Mr. CONAWAY, Mr. CARTER, Mr. YOUNG of Florida, and Mr. WAXMAN.
H. Res. 771: Mr. NADLER of New York.
H. Res. 776: Mr. FOSTER, Mr. MOORE of Kansas, Mr. SCOTT of Georgia, Mr. CARNAHAN, Ms. HERSETH SANDLIN, and Mr. MATHESON.
H. Res. 779: Ms. JENKINS, Mr. KIRK, and Mr. ROSKAM.
H. Res. 812: Mr. CONAWAY, Mr. COURTNEY, Mr. FLEMING, Mr. FRANKS of Arizona, Mr. ELLSWORTH, Mr. KIRK, Mr. WITTMAN, Mr. ANDREWS, Mr. PLATTS, Mr. THORNBERRY, Mr. GARRETT of New Jersey, Mr. BRIGHT, Mr. LINDER, Mrs. MILLER of Michigan, Mr. HALL of Texas, Mr. CAO, Mr. MCKEON, Mr. BUCHANAN, Mrs. BACHMANN, Mr. POSEY, Mr. CALVERT, Mr. THOMPSON of Pennsylvania, and Mr. KING of New York.
H. Res. 852: Mr. LUCAS, Mr. BOOZMAN, Mr. MILLER of Florida, Mr. SOUDER, Mr. FLEMING, Mr. GOHMERT, Mr. KINGSTON, Mr. CARTER, Mr. NEUGEBAUER, Mr. SHIMKUS, Mr. MANZULLO, Mrs. LUMMIS, Mr. TURNER, Mr. CASSIDY, Mr. COBLE, and Mrs. MCMORRIS RODGERS.
H. Res. 862: Ms. BEAN, Mr. KIRK, Mr. SCHOCK, Mr. EHLERS, and Mr. BLUMENAUER.
H. Res. 888: Mr. KIRK, Mr. SMITH of New Jersey, and Mr. LOBIONDO.
H. Res. 901: Ms. SCHAKOWSKY, Mr. CARSON of Indiana, Mr. CONYERS, and Mr. QUIGLEY.
H. Res. 902: Mr. PRICE of North Carolina.
H. Res. 911: Ms. GINNY BROWN-WAITE of Florida, Mr. OLSON, Mr. SMITH of Nebraska, Mr. BARTON of Texas, Mr. BARTLETT, Mr. PETRI, Mr. WALDEN, Mr. GERLACH, Mr. LATOURETTE, Mr. SOUDER, and Mrs. EMERSON.
H. Res. 915: Mr. VISCLOSKY.
H. Res. 934: Mr. KAGEN.

¶148.48 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 648: Mr. WILSON of South Carolina and Mr. POE of Texas.

THURSDAY, DECEMBER 3, 2009 (149)

¶149.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PASTOR of Arizona, who laid before the House the following communication:

WASHINGTON, DC,
December 3, 2009.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶149.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced he had examined and approved the Journal of the proceedings of Wednesday, December 2, 2009.

Mr. ARCURI, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. ARCURI objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶149.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4837. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Defense Information Systems Agency, Case Number 06-01, pursuant to 31 U.S.C. 1341(a)(1)(A); to the Committee on Appropriations.

4838. A letter from the Administrator, Environmental Protection Agency, transmitting a report of a violation of the Antideficiency Act for the Asbestos Loan Program, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4839. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) October 2009 Quarterly Report; jointly to the Committees on Appropriations and Foreign Affairs.

4840. A letter from the Under Secretary, Department of Defense, transmitting a report entitled ''Department of Defense Earned Value Management: Performance, Oversight, and Governance''; to the Committee on Armed Services.

4841. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Spain pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4842. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Chile pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4843. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4844. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Papua New Guinea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4845. A letter from the Special Inspector General For The Troubled Asset Relief Program, transmitting the Office's quarterly report on the actions undertaken by the Department of the Treasury under the Troubled Asset Relief Program, the activities of SIGTARP, and SIGTARP'S recommendations with respect to operations of TARP, for the period ending September 30, 2009; to the Committee on Financial Services.

4846. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Air Force's proposed extension of a lease of defense articles to the Government of Canada (Transmittal No. 05-09); to the Committee on Foreign Affairs.

4847. A letter from the Maj. Gen, USMC (ret.), Special Inspector General for Afghanistan Reconstruction, transmitting the fifth quarterly report on the Afghanistan reconstruction, pursuant to Public Law 110-181, section 1229.; to the Committee on Foreign Affairs.

4848. A letter from the Associate General Counsel, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4849. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4850. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4851. A letter from the Secretary, Department of Transportation, transmitting the Department's FY 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

4852. A letter from the Director, Office of Management and Budget, Excutive Office of the President, transmitting a letter regarding earmark reviews by the Executive Branch; to the Committee on Oversight and Government Reform.

4853. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100,747-100B, 747-100B SUD,747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2009-1000; Directorate Identifier 2009-NM-164-AD; Amendment 39-16070; AD 2008-10-07 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4854. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200C and 747-200F Series Airplanes [Docket No.: FAA-2008-1362; Directorate Identifier 2008-NM-150-AD; Amendment 39-16067; AD 2009-22-14] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4855. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Model 1900, 1900C, and 1900D Airplanes [Docket No.: FAA-2008-1312; Directorate Identifier 2008-CE-065-AD; Amendment 39-16072; AD 2009-23-01] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4856. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, -300F, and -400ER Series Airplanes [Docket No.: FAA-2009-0314; Directorate Identifier 2008-NM-196-AD; Amendment 39-16066; AD 2009-22-13] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4857. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company 150 and 152 Series Airplanes [Docket No.: FAA-2007-27747; Directorate Identifier 2007-CE-030-AD; Amendment 39-16074; AD 2009-10-09 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4858. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No.: FAA-2009-0910; Directorate Identifier 2009-NM-175-AD; Amendment 39-16046; AD 2008-09-06 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4859. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42 and ATR72 Airplanes [Docket No.: FAA-2009-0999; Directorate Identifier 2009-NM-155-AD; Amendment 39-16069; AD 2008-04-19 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4860. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701 & 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-0998; Directorate Identifier 2009-NM-198-AD; Amendment 39-16065; AD 2009-22-12] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4861. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EMBRAER Model EMB-120, -120ER, -120FC, -120QC,and -120RT Airplanes [Docket No.: FAA-2009-1001; Directorate Identifier 2009-NM-166-AD; Amendment 39-16071; AD 2008-04-18 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4862. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701 & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-0399; Directorate Identifier 2008-NM-226-AD; Amendment 39-16060; AD 2009-22-09] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4863. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; American Champion Aircraft Corp. Models 7ECA, 7FCAA, 7GCBC, 7KCAB, 8KCAB, and 8GCBC Airplanes [Docket No.: FAA-2009-0745; Directorate Identifier 2009-CE-036-AD; Amendment 39-16053; AD 2009-22-02] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4864. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes; and Boeing Model 757-200, -200PF, and -300 Series Airplanes [Docket No.: FAA-2008-1326; Directorate Identifier 2008-NM-141-AD; Amendment 39-16059; AD 2009-22-08] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4865. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (ECF) Model EC 155B and EC155B1 Helicopters [Docket No.: FAA-2009-0952; Directorate Identifier 2009-SW-04-AD; Amendment 39-16055; AD 2009-22-04] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4866. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co. KG Model BR700-715A1-30, BR700-715B1-30, and BR700-715C1-30 Turbofan Engines [Docket No.: FAA-2009-0045; Directorate Identifier 2007-NE-53-AD; Amendment 39-16041; AD 2009-21-04] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4867. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. ()HC-()2Y(K,R)—() Series Propellers [Docket No.: FAA-2006-25244; Directorate Identifier 20068-NE-25-AD; Amendment 39-16054; AD 2009-22-03] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4868. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co. KG.(RRD) Tay 650-15 Turbofan Engines [Docket No.: FAA-2007-0037; Directorate Identifier 2007-NE-41-AD; Amendment 39-16052; AD 2009-22-01] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4869. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-600 Airplanes [Docket No.: FAA-2008-0979; Directorate Identifier 2008-NM-079-AD; Amendment 39-16051; AD 2009-21-12] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4870. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80C2 Series Turbofan Engines [Docket No.: FAA-2009-0018; Directorate Identifier 2009-NE-01-AD; Amendment 39-16044; AD 2009-21-07] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4871. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes [Docket No.: FAA-2009-0997; Directorate Identifier 2009-NM-158-AD; Amendment 39-16062; AD 2007-22-03 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4872. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines AG(IAE) V2500-A1, V2527E-A5, V2530-A5, and V2528-D5 Turbofan Engines [Docket No.: FAA-2009-0294; Directorate Identifier 2009-NE-08-AD; Amendment 39-16057; AD 2009-22-06] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4873. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Airplanes [Docket No.: FAA-2009-0996; Directorate Identifier 2009-NM-156-AD; Amendment 39-16061; AD 2009-21-14 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4874. A letter from the Program Analyst, Department of Transportaton, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-601, B4-603, B4-605R, B4-620, B4-622, B4-622R, F4-605R, F4-622R, and C4-605R Varian F Series Airplanes Equipped with Simmonds Precision Products, Inc., Fuel Quantity Indicating System Sensors and In-Tank Harnesses Installed in Accordance with Supplemental Type Certificate (STC) ST00092BO [Docket No.: FAA-2009-0324; Directorate Identifier 2008-NM-186-AD; Amendment 39-16039; AD 2009-21-02] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4875. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's fourth fiscal year 2009 quarterly report on unobligated and unexpended appropriated funds; jointly to the Committees on Foreign Affairs and Appropriations.

4876. A letter from the Secretary, Department of Health and Human Services, transmitting a waiver of certain Medicare, Medicaid, and State Children's Health Insurance Program Requirements, pursuant to 42 U.S.C. 1320b-5 Public Law 107-188, section 143(a)(1135)(f); jointly to the Committees on Ways and Means and Energy and Commerce.

¶149.4 PROVIDING FOR CONSIDERATION OF H.R. 4154

Mr. POLIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 941):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4154) to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a $3,500,000 exemption, 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 bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. In the engrossment of H.R. 4154, the Clerk shall—

(a) add the text of H.R. 2920, as passed by the House, as new matter at the end of H.R. 4154;

(b) conform the title of H.R. 4154 to reflect the addition to the engrossment of the text of H.R. 2920;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

When said resolution was considered.

After debate,

Mr. POLIS moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 / Nays 187

¶149.5 [Roll No. 923]

YEAS—228

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

NAYS—187

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

NOT VOTING—19

Arcuri	Gingrey (GA)	Moran (VA)
Barrow	Gonzalez	Perlmutter
Bishop (UT)	Gordon (TN)	Ryan (OH)
Burgess	Hirono	Sutton
Capuano	Lucas	Young (AK)
Gerlach	McGovern	
Giffords	Melancon	

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Ms. MATSUI demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223 / Nays 192

¶149.6 [Roll No. 924]

AYES—223

Abercrombie	Cohen	Grayson
Ackerman	Connolly (VA)	Green, Al
Adler (NJ)	Conyers	Green, Gene
Altmire	Cooper	Grijalva
Andrews	Costa	Gutierrez
Arcuri	Costello	Hall (NY)
Baca	Courtney	Halvorson
Baldwin	Crowley	Hare
Bean	Cuellar	Harman
Becerra	Cummings	Hastings (FL)
Berkley	Dahlkemper	Heinrich
Berman	Davis (AL)	Herseth Sandlin
Berry	Davis (CA)	Higgins
Bishop (GA)	Davis (IL)	Hinchey
Blumenauer	Davis (TN)	Hinojosa
Boccieri	DeGette	Hodes
Boren	Delahunt	Holden
Boswell	DeLauro	Holt
Boucher	Dicks	Honda
Boyd	Dingell	Hoyer
Brady (PA)	Doggett	Inslee
Bright	Doyle	Israel
Brown, Corrine	Driehaus	Jackson (IL)
Butterfield	Edwards (MD)	Jackson-Lee (TX)
Capps	Edwards (TX)	Johnson (GA)
Cardoza	Ellison	Johnson, E. B.
Carnahan	Engel	Kanjorski
Carney	Eshoo	Kennedy
Carson (IN)	Etheridge	Kildee
Castor (FL)	Farr	Kilpatrick (MI)
Chandler	Fattah	Kilroy
Chu	Filner	Kind
Clarke	Foster	Kissell
Clay	Frank (MA)	Klein (FL)
Cleaver	Fudge	Kucinich
Clyburn	Garamendi	

Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
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
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
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—192

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
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
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—19

Barrow
Bishop (UT)
Boehner
Braley (IA)
Burgess
Capuano
DeFazio
Gerlach
Gonzalez
Gordon (TN)
Hirono
Kagen
Lucas
McGovern
Melancon
Moran (VA)
Sutton
Welch
Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶149.7 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of December 2, 2009.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. HASTINGS of Florida, demanded a recorded vote on agreeing to the Journal, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

When there appeared ....
Yeas 250
Nays 169
Answered present 1

¶149.8 [Roll No. 925]

AYES—250

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Goodlatte
Grayson
Green, Al
Griffith
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Heller
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.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
Kirk
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
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
Space
Speier
Spratt
Stark
Sutton
Tanner
Taylor
Thompson (MS)
Tiberi
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth

NOES—169

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilirakis
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Carter
Cassidy
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Granger
Graves
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
Kilroy
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Lamborn
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Pence
Perriello
Platts
Poe (TX)
Price (GA)
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)
Souder
Stearns
Stupak
Sullivan
Teague
Terry

Thompson (CA)	Turner	Wilson (SC)
Thompson (PA)	Upton	Wolf
Thornberry	Walden	Young (FL)
Tiahrt	Wamp	
Titus	Westmoreland	

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—14

Barrow	Gonzalez	Melancon
Bishop (UT)	Gordon (TN)	Moran (VA)
Burgess	Green, Gene	Watt
Cantor	Lucas	Young (AK)
Capuano	McGovern	

So the Journal was approved.

¶149.9 H. RES. 28—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 28) expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 Nays 3

¶149.10 [Roll No. 926]

YEAS—417

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

NAYS—3

Flake	Lummis	Paul

NOT VOTING—14

Barrow	Gonzalez	Moran (VA)
Bishop (UT)	Gordon (TN)	Price (GA)
Burgess	Lucas	Rooney
Capuano	McGovern	Young (AK)
Carnahan	Melancon	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007 as well as other statutes, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit systems and other modes of surface transportation.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶149.11 PERMANENT ESTATE TAX RELIEF FOR FAMILIES, FARMERS, AND SMALL BUSINESS

Mr. RANGEL, pursuant to House Resolution 941, called up for consideration the bill (H.R. 4154) to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a $3,500,000 exemption, and for other purposes.

When said bill was considered.

After debate,

Pursuant to House Resolution 491, the previous question was ordered on the bill.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. HELLER moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Death Tax Repeal Permanency Act of 2009''.

SEC. 2. ESTATE TAX REPEAL MADE PERMANENT.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

Pending consideration of said motion to recommit with instructions,

¶149.12 POINT OF ORDER

Mr. POMEROY made a point of order against consideration of the motion, and said:

''Mr. Speaker, I make a point of order under clause 10 of rule XXI. The motion increases the deficit for purposes of that rule.''.

Mr. HELLER was recognized to speak to the point of order and said:

''Mr. Speaker, this point of order shows the blatant inconsistencies the majority has set up with its own rules. On one hand, clause 10 of rule XXI—known as the PAYGO rule—requires amendments, including those contained in motions to recommit like this one, to be budget neutral. On the other hand, clause 7 of rule XVI—known as the germaneness rule—constrains our ability to offer pay-fors by requiring that they be related to the underlying bill.

''These two rules are problematic in today's case because H.R. 4154 is drafted so narrowly that it is impossible to identify germane offsets. Thus, not surprisingly, the majority has stacked the rules of the House to try to make it impossible for the minority to offer its preferred approach. We saw that 2 weeks ago on the SGR fix and are witnessing it again today as the rules are being used to keep us from offering a full and permanent repeal of the death tax.

''Ironically, the bill before us today, H.R. 4154, doesn't even meet the House's own PAYGO rules. That's right. That is because the budget resolution allows the chairman of the Budget Committee to simply reset the baseline to accommodate a certain amount of death tax relief.

''Mr. Speaker, you are being asked to rule on whether this motion to recommit complies with PAYGO, but the base bill itself is not PAYGO compliant. It would increase the deficit by more than $230 billion. This begs the question, if it's appropriate for the majority to consider estate tax relief under H.R. 4154 without offsets, in violation of the spirit of PAYGO, then why is it now inappropriate, or out of order, for the minority to provide even more tax relief under their amendment?

''I request that you overrule the point of order and allow the House to debate our alternative, which is complete repeal of the death tax.

''Thank you, Mr. Speaker, for the opportunity be heard on the point of order.''.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, sustained the point of order, and said:

''The gentleman from North Dakota makes a point of order that the amendment proposed in the instructions included in the motion to recommit offered by the gentleman from Nevada violates clause 10 of rule XXI by proposing a change in revenues that would increase the deficit.

''Pursuant to clause 10 of rule XXI, the Chair is authoritatively guided by estimates from the Committee on the Budget that the net effect of the provisions in the amendment affecting revenues would increase the deficit for a relevant period.

''Accordingly, the point of order is sustained and the motion is not in order.''.

Mr. HELLER appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. POMEROY moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. HELLER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 234 / Nays 186

¶149.13 [Roll No. 927]

YEAS—234

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

NAYS—186

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

NOT VOTING—14

Baird	Edwards (TX)	Melancon
Barrow	Gonzalez	Moran (VA)
Bishop (UT)	Linder	Schock
Bono Mack	Lucas	Young (AK)
Capuano	McGovern	

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Mr. HELLER moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Death Tax Repeal Extension Act of 2009''.

SEC. 2. EGTRRA SUNSET ON ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAX PROVISIONS DELAYED 1 YEAR.

In the case of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001, section 901 of such Act shall be applied by substituting ''December 31, 2011'' for ''December 31, 2010'' both places it appears in paragraphs (1) and (2) of subsection (a) of such section.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. PASTOR, announced that the nays had it.

Mr. HELLER demanded a recorded vote on motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 187 Nays 233

¶149.14 [Roll No. 928]

AYES—187

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

NOES—233

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
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.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
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)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
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
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—14

Barrow
Bishop (UT)
Boehner
Capuano
Gonzalez
Linder
Lucas
McGovern
Melancon
Moran (VA)
Paul
Roskam
Royce
Young (AK)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. PASTOR, announced that the yeas had it.

Mr. DAVIS of Kentucky, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 225 Nays 200

¶149.15 [Roll No. 929]

YEAS—225

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilroy
Kind
Kissell
Klein (FL)
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
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—200

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bean
Becerra
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
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
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McDermott
McHenry
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy (CT)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Paulsen
Pence
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
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Scalise
Schauer
Schmidt
Schock
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stark
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Walz
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—9

Barrow
Bishop (UT)
Capuano
Gonzalez
Lucas
McGovern
Melancon
Moran (VA)
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶149.16 H.R. 3570—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3570) to amend title 17, United States Code, to reauthorize the satellite statutory license, to conform the satellite and cable statutory licenses to all-digital transmissions, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 394 / Nays 11

¶149.17 [Roll No. 930]

YEAS—394

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Castle
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
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, 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
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
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
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—11

Cassidy
Culberson
Duncan
Flake
Foxx
Garrett (NJ)
Latta
Lummis
McClintock
Paul
Smith (NE)

NOT VOTING—29

Ackerman
Andrews
Barrow
Bean
Bishop (GA)
Bishop (UT)
Braley (IA)
Brown-Waite, Ginny
Campbell
Capuano
Carney
Castor (FL)
Fallin
Giffords
Gonzalez
Johnson, E. B.
Linder
Lucas
Marchant
McGovern
Melancon
Moran (VA)
Perlmutter
Putnam
Rogers (KY)
Salazar
Sherman
Slaughter
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to extend the statutory license for secondary transmissions under title 17, United States Code, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶149.18 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, December 7, 2009, at 10:30 a.m. for morning-hour debate.

¶149.19 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. LUCAS, for today.

And then,

¶149.20 ADJOURNMENT

On motion of Mr. GOHMERT, pursuant to the previous order of the House, at 6 o'clock and 15 minutes p.m., the House adjourned until 10:30 a.m. on Monday, December 7, 2009.

¶149.21 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 3224. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland, and for other purposes (Rept. 111–276 Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2652. A bill to amend title 46, United States Code, to improve vessel safety, and for other purposes; with an amendment (Rept. 111–351). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2650. A bill to amend title 14, United States Code, to modernize the leadership of the Coast Guard, to modernize the administration of marine safety by the Coast Guard, and for other purposes (Rept. 111–352). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 3542. A bill to direct the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of the date of the State's admission to the Union; with an amendment (Rept. 111–353). Referred to the Committee of the Whole House on the state of the Union.

¶149.22 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MANZULLO:

H.R. 4189. A bill to amend the Internal Revenue Code of 1986 to accelerate the phasein of the deduction for domestic production activities; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mrs. LOWEY, Mr. GEORGE MILLER of California, Ms. MCCOLLUM, Mr. GRIJALVA, Mr. MCGOVERN, Mr. HINCHEY, and Mr. KENNEDY):

H.R. 4190. A bill to amend the Public Health Service Act to authorize the National Institute of Environmental Health Sciences to conduct a research program on endocrine disruption, to prevent and reduce the production of, and exposure to, chemicals that can undermine the development of children before they are born and cause lifelong impairment to their health and function, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEFAZIO (for himself, Mr. ARCURI, Mr. PERLMUTTER, Mr. BRALEY of Iowa, Ms. SUTTON, Mr. FILNER, Mr. PERRIELLO, Mr. WELCH, Mr. HARE, Mr. KAGEN, Mr. RYAN of Ohio, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. DAVIS of Tennessee, Ms. HIRONO, Mr. RAHALL, Mr. STARK, Mr. CUMMINGS, Mr. JOHNSON of Georgia, Mr. GRIJALVA, Ms. EDWARDS of Maryland, Ms. SHEA-PORTER, Ms. KAPTUR, Mr. HINCHEY, Ms. SLAUGHTER, and Mr. SARBANES):

H.R. 4191. A bill to amend the Internal Revenue Code of 1986 to impose a tax on certain securities transactions to fund job creation and deficit reduction; to the Committee on Ways and Means, and in addition to the Committees on Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California:

H.R. 4192. A bill to designate the Stornetta Public Lands as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes; to the Committee on Natural Resources.

By Mr. ENGEL:

H.R. 4193. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act and to provide, in the case of elderly beneficiaries under such title, for an annual cost-of-living increase which is not less than 3 percent; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California:

H.R. 4194. A bill to amend title 18, United States Code, to exempt qualifying law school students participating in legal clinics or externships from the application of the conflict of interest rules under section 205 of such title; to the Committee on the Judiciary.

By Mr. FARR (for himself, Mr. HONDA, Mr. PETRI, Mr. GARAMENDI, Ms. WATSON, and Mr. DRIEHAUS):

H.R. 4195. A bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Natural Resources.

By Mr. LARSON of Connecticut (for himself and Mr. HINOJOSA):

H.R. 4196. A bill to create jobs through the hiring of new faculty and counselors at community colleges; to the Committee on Education and Labor.

By Mr. ADLER of New Jersey (for himself, Mr. HALL of New York, Ms. KILPATRICK of Michigan, Mr. MCGOVERN, Mr. MCNERNEY, Mrs. MCMORRIS RODGERS, Mr. BURTON of Indiana, and Ms. KOSMAS):

H.R. 4197. A bill to authorize the Gold Star Mothers National Monument Foundation to establish a national monument in the District of Columbia; to the Committee on Natural Resources.

By Ms. BERKLEY (for herself, Mr. BRADY of Texas, Ms. JENKINS, Mr. WALDEN, and Ms. TITUS):

H.R. 4198. A bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds; to the Committee on Ways and Means.

By Mr. BUTTERFIELD (for himself, Mr. JONES, Mr. KISSELL, Mr. MCINTYRE, Mr. COBLE, Mr. MILLER of North Carolina, Mr. ALEXANDER, and Mrs. MCMORRIS RODGERS):

H.R. 4199. A bill to ensure patient choice in pharmacies by regulating pharmacy benefit managers and to establish a program to improve access to prescription drugs for certain individuals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CHU (for herself, Mr. SCHIFF, Ms. LINDA T. SÁNCHEZ of California, Ms. ROYBAL-ALLARD, and Mrs. NAPOLITANO):

H.R. 4200. A bill to prepare a feasibility study and implement demonstration projects to restore the San Gabriel River Watershed in California; to the Committee on Natural Resources.

By Mr. CUELLAR:

H.R. 4201. A bill to amend the Internal Revenue Code of 1986 to extend the special rule for contributions of book inventory to public schools; to the Committee on Ways and Means.

By Ms. EDWARDS of Maryland (for herself, Mr. CARNAHAN, and Mr. DRIEHAUS):

H.R. 4202. A bill to establish centers of excellence for green infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of New York:

H.R. 4203. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide veterans certain educational assistance payments through direct deposit; to the Committee on Veterans' Affairs.

By Mr. KENNEDY (for himself, Mr. TIM MURPHY of Pennsylvania, Mr. YARMUTH, and Mr. MAFFEI):

H.R. 4204. A bill to establish national centers of excellence for the treatment of depressive and bipolar disorders; to the Committee on Energy and Commerce.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, Mr. LATHAM, Mr. BRALEY of Iowa, and Mr. KING of Iowa):

H.R. 4205. A bill to extend certain housing-related deadlines in the Heartland Disaster Tax Relief Act of 2008; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself and Ms. SCHAKOWSKY):

H.R. 4206. A bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes; to the Committee on Foreign Affairs.

By Ms. NORTON:

H.R. 4207. A bill to authorize improvements in the operation of the government of the District of Columbia, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERRIELLO:

H.R. 4208. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on the reduction in fair market value of real property used for farming, or in another trade or business, for purposes of estate taxes; to the Committee on Ways and Means.

By Mr. TEAGUE (for himself and Mrs. LUMMIS):

H.R. 4209. A bill to amend the Internal Revenue Code of 1986 to suspend for an additional year the taxable income limit on percentage depletion for oil and natural gas from marginal wells; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself and Mr. WU):

H.R. 4210. A bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself and Ms. WOOLSEY):

H.R. 4211. A bill to amend the Internal Revenue Code of 1986 to treat nonrecourse small business investment company loans from the Small Business Administration as amounts at risk for purposes of determining the deduction for losses; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. MCKEON, Mr. BOEHNER, Mr. PENCE, Mrs. MCMORRIS RODGERS, Mr. PRICE of Georgia, Mr. MCCOTTER, Mr. HOEKSTRA, Mr. WILSON of South Carolina, Mr. TURNER, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. BISHOP of Utah, Mr. BURTON of Indiana, Mr. BOOZMAN, Mr. BILIRAKIS, Mr. INGLIS, Mr. LAMBORN, Mr. MILLER of Florida, Mr. FLEMING, Ms. GRANGER, Mr. THORNBERRY, Mr. KLINE of Minnesota, Mr. ADERHOLT, Mrs. MYRICK, Mrs. BACHMANN, Mr. WITTMAN, Mr. BROUN of Georgia, Mr. PUTNAM, Mr. MACK, Mr. BONNER, Mr. BARRETT of South Carolina, Mr. SESSIONS, Mr. LINDER, Mr. SMITH of New Jersey, Mr. COBLE, Mr. NEUGEBAUER, Mr. TIAHRT, Mr. COFFMAN of Colorado, Mr. SOUDER, Mr. GARRETT of New Jersey, Mr. CAO, Mr. MCCAUL, Mr. FORTENBERRY, Mrs. CAPITO, Mr. ISSA, Mr. GINGREY of Georgia, Mr. SAM JOHNSON of Texas, Mr. GRAVES, Ms. FOXX, Mr. TIBERI, Mr. AKIN, Mr. CAMPBELL, Mr. ROGERS of Michigan, Mr. CONAWAY, Mr. ROE of Tennessee, Mr. ALEXANDER, and Mr. POSEY):

H. Con. Res. 217. Concurrent resolution expressing the sense of Congress that the President, in negotiating any new bilateral strategic arms agreement with the Russian Federation, shall ensure the continued deterrence capability of the United States strategic arsenal and flexibility in the allocation of its components in the event that third countries may pursue the deployment of significant and technologically advanced nuclear strategic forces not covered by such a United States-Russian arms agreement; to the Committee on Foreign Affairs.

By Mr. COFFMAN of Colorado (for himself, Mr. PERLMUTTER, and Mr. LUETKEMEYER):

H. Res. 943. A resolution expressing the sense of the House of Representatives that the Federal banking regulators should, with respect to well-managed community-based depository institutions, permit appropriate capital forbearance, troubled debt restructuring accounting practices, and other time-tested measures that would allow such institutions to continue to provide for the financial vitality for our Nation's small businesses and family farms; to the Committee on Financial Services.

By Mr. PETERS (for himself, Mr. WOLF, Ms. ESHOO, Mr. DINGELL, Mr. MCGOVERN, Mr. CARDOZA, Mr. KIRK, Mr. FILNER, Mr. SMITH of New Jersey, Mr. LEVIN, Mr. MCCOTTER, Mr. SCHOCK, Mr. OLVER, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. WEXLER, Mr. INGLIS, Ms. WATSON, Ms. SPEIER, Mr. SHULER, Mr. MURPHY of New York, Mr. ELLISON, Mr. WATT, Mr. MAFFEI, Mr. MILLER of North Carolina, Ms. RICHARDSON, Ms. KILROY, Mr. CONNOLLY of Virginia, Ms. DEGETTE, Mr. ANDREWS, Mr. ADLER of New Jersey, Mr. CROWLEY, Mr. KLEIN of Florida, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Mr. CARNAHAN, Mr. SIRES, Mr. MCMAHON, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, and Ms. BERKLEY):

H. Res. 944. A resolution expressing the sense of the House of Representatives on religious minorities in Iraq; to the Committee on Foreign Affairs.

By Mr. LAMBORN (for himself, Mr. YOUNG of Alaska, Mr. MCCOTTER, Ms. FOXX, Mr. LATTA, Mr. FRANKS of Arizona, Mr. CHAFFETZ, Mrs. BLACKBURN, Mr. HARPER, Mr. PITTS, Mrs. LUMMIS, Ms. FALLIN, Mr. BRADY of Texas, Mr. KING of Iowa, Mr. POSEY, Mr. LUETKEMEYER, Mr. CULBERSON, Mr. BARTON of Texas, Mr. GINGREY of Georgia, Mr. BISHOP of Utah, Mr. BARTLETT, Mr. TIBERI, Mr. BACHUS, Mr. BROUN of Georgia, Mr. COLE, Mr. GARRETT of New Jersey, Mr. COFFMAN of Colorado, and Mr. SENSENBRENNER):

H. Res. 945. A resolution expressing the sense of the House of Representatives regarding the conditions for the United States becoming a signatory to or negotiating any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change; to the Committee on Foreign Affairs.

By Mr. RUSH (for himself, Mr. CONYERS, Mr. WATT, Ms. JACKSON-LEE of Texas, Mr. STUPAK, Mr. TOWNS, Mr. GENE GREEN of Texas, Mr. COHEN, Ms. HARMAN, Ms. WATERS, Mr. LIPINSKI, Ms. KAPTUR, Mrs. MILLER of Michigan, Mr. COSTELLO, Mr. DAVIS of Illinois, Ms. KILPATRICK of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. CARSON of Indiana, Ms. CLARKE, Mr. RUPPERSBERGER, Mr. MCHENRY, Mr. CLAY, Mr. BUTTERFIELD, Mr. DEFAZIO, and Ms. FUDGE):

H. Res. 946. A resolution recognizing that the rate of unemployment in the United States has reached the level of a national crisis, and for other purposes; to the Committee on Education and Labor.

By Ms. LEE of California (for herself, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Ms. SLAUGHTER, Mr. RUSH, Mr. JOHNSON of Georgia, and Ms. DEGETTE):

H. Res. 947. A resolution expressing commitment to the objectives of the Program of Action of the International Conference on Population and Development; to the Committee on Foreign Affairs.

By Mr. LEWIS of Georgia (for himself, Ms. LEE of California, Mr. RUSH, Mr. PAYNE, and Mr. RANGEL):

H. Res. 948. A resolution commending the participants and organizers of the World March for Peace and Nonviolence; to the Committee on Foreign Affairs.

By Mr. NEUGEBAUER (for himself, Mr. SMITH of Texas, Mr. CHAFFETZ, Mr. OLSON, Ms. JENKINS, Mrs. BACHMANN, Mr. PAUL, Mr. REHBERG, Mr. GINGREY of Georgia, Mr. LAMBORN, Ms. GRANGER, Mrs. SCHMIDT, Mr. HENSARLING, Mrs. LUMMIS, Mr. PITTS, Mr. HARPER, Mrs. BLACKBURN, Mr. KLINE of Minnesota, Mr. CONAWAY, Mr. BROUN of Georgia, Mr. GOHMERT, Mr. BARTON of Texas, Mr. CULBERSON, Mr. AUSTRIA, Mr. BILBRAY, Mr. LUETKEMEYER, Mr. POSEY, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. MCCARTHY of California, Mr. GARRETT of New Jersey, Mr. WALDEN, Mr. WITTMAN, Mr. RYAN of Wisconsin, Mr. HALL of Texas, Mr. AKIN, Ms. FALLIN, Mr. SMITH of Nebraska, Mr. ROE of Tennessee, Mr. COFFMAN of Colorado, Mr. MARCHANT, Mr. SAM JOHNSON of Texas, Mr. SESSIONS, Mr. JONES, and Mr. GOODLATTE):

H. Res. 949. A resolution amending the Rules of the House of Representatives to require a two-thirds vote on a stand-alone bill to increase the statutory limit on the public debt; to the Committee on Rules.

¶149.23 MEMORIALS

Under clause 4 of Rule XXII,

221. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 89 memorializing Congress to require that 2010 census forms include a question on citizenship; to the Committee on Oversight and Government Reform.

¶149.24 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. SCHAKOWSKY introduced a bill (H.R. 4212) for the relief of Rigoberto Padilla; which was referred to the Committee on the Judiciary.

¶149.25 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. PUTNAM.
H.R. 176: Mr. CONYERS.
H.R. 205: Mr. BARTON of Texas, Mr. WAMP, and Mr. CHAFFETZ.
H.R. 413: Mr. CUELLAR, Mr. LANCE, Ms. NORTON, Mr. LANGEVIN, Mr. CARNAHAN, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 417: Mr. JACKSON of Illinois, Mr. GRIJALVA, and Mr. SABLAN.
H.R. 537: Ms. BERKLEY.
H.R. 571: Mr. BLUNT.
H.R. 644: Mr. KUCINICH and Mr. HODES.
H.R. 775: Mr. BURGESS and Ms. FUDGE.
H.R. 836: Mr. ANDREWS and Mr. CARSON of Indiana.
H.R. 1020: Mr. CAPUANO.
H.R. 1051: Mr. WITTMAN.
H.R. 1067: Mr. SESSIONS.
H.R. 1079: Mr. GINGREY of Georgia.
H.R. 1132: Ms. WASSERMAN SCHULTZ, Mr. DONNELLY of Indiana, and Mr. POLIS of Colorado.
H.R. 1189: Mr. ROTHMAN of New Jersey.
H.R. 1204: Mr. WALZ.
H.R. 1215: Mr. MCDERMOTT.
H.R. 1250: Mr. PAYNE and Mr. LATTA.
H.R. 1326: Mr. HARE and Mr. MICHAUD.
H.R. 1402: Mr. BRIGHT.
H.R. 1454: Mr. CROWLEY.
H.R. 1557: Mr. THORNBERRY.
H.R. 1584: Mr. BILIRAKIS.
H.R. 1613: Mr. KAGEN.
H.R. 1719: Ms. CHU, Mr. ABERCROMBIE, Mr. ELLISON, and Ms. PINGREE of Maine.
H.R. 1829: Mr. HARE.
H.R. 1835: Mr. LATOURETTE, Mr. MARSHALL, Mr. OLSON, Ms. WATSON, and Mr. COSTA.
H.R. 1908: Mr. LINDER and Mr. PERLMUTTER.
H.R. 1925: Ms. EDWARDS of Maryland and Mr. HIMES.
H.R. 1932: Mr. GORDON of Tennessee.
H.R. 1939: Mr. GERLACH.
H.R. 1960: Mr. WAMP and Mr. CHAFFETZ.
H.R. 1964: Ms. CLARKE.
H.R. 2000: Mr. SHULER and Mr. LEVIN.
H.R. 2006: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CARNEY, and Mr. RYAN of Ohio.
H.R. 2054: Mr. ETHERIDGE.
H.R. 2132: Mr. MCMAHON.
H.R. 2159: Mr. WEINER and Mr. ENGEL.
H.R. 2243: Mr. QUIGLEY.
H.R. 2256: Ms. SCHAKOWSKY and Mr. HILL.
H.R. 2280: Mr. REHBERG.
H.R. 2382: Mr. DELAHUNT.
H.R. 2404: Mrs. MALONEY.
H.R. 2443: Mr. RAHALL.
H.R. 2478: Mr. GARRETT of New Jersey and Mr. STARK.

H.R. 2480: Mr. FRELINGHUYSEN, Mr. ARCURI, and Mr. MICHAUD.
H.R. 2511: Mr. CARNAHAN.
H.R. 2521: Ms. SLAUGHTER.
H.R. 2578: Mr. MICHAUD.
H.R. 2628: Ms. FALLIN.
H.R. 2676: Mr. ELLSWORTH.
H.R. 2788: Mr. GORDON of Tennessee.
H.R. 2807: Mr. QUIGLEY and Mr. OLVER.
H.R. 2829: Mr. GRIJALVA.
H.R. 2855: Ms. BALDWIN and Ms. SCHAKOWSKY.
H.R. 2932: Ms. BALDWIN.
H.R. 3024: Mr. MORAN of Virginia, Ms. JACKSON-LEE of Texas, Mr. LANGEVIN, and Ms. SCHWARTZ.
H.R. 3035: Mr. FRANK of Massachusetts.
H.R. 3129: Mr. BURTON of Indiana and Mr. SOUDER.
H.R. 3227: Mr. ROGERS of Kentucky and Mr. MASSA.
H.R. 3268: Mrs. MCMORRIS RODGERS.
H.R. 3401: Mr. JACKSON of Illinois, Mrs. DAVIS of California, Mr. FILNER, Ms. SCHAKOWSKY, Ms. CLARKE, Ms. LORETTA SANCHEZ of California, Ms. PINGREE of Maine, and Ms. ROS-LEHTINEN.
H.R. 3463: Mr. SHIMKUS, Mr. CHAFFETZ, and Mr. WAMP.
H.R. 3491: Mr. HINCHEY.
H.R. 3524: Mr. CARNEY.
H.R. 3545: Mr. NADLER of New York.
H.R. 3564: Mr. BACA.
H.R. 3567: Mr. CLEAVER.
H.R. 3589: Mr. SMITH of New Jersey.
H.R. 3650: Mr. ADLER of New Jersey.
H.R. 3669: Mr. COURTNEY.
H.R. 3672: Mr. RYAN of Ohio.
H.R. 3697: Mr. KILDEE, Mr. ISSA, and Mr. KLINE of Minnesota.
H.R. 3699: Mr. CAPUANO.
H.R. 3715: Mrs. NAPOLITANO.
H.R. 3734: Mr. BECERRA and Mr. HINOJOSA.
H.R. 3749: Mr. BOSWELL.
H.R. 3758: Mr. WALDEN, Ms. WASSERMAN SCHULTZ, Ms. JENKINS, Mr. PLATTS, Mr. ROGERS of Kentucky, Mr. CARNEY, Mr. LAMBORN, Mr. DUNCAN, Mr. SIMPSON, and Mr. LEE of New York.
H.R. 3764: Mr. NYE, Mr. GRIJALVA, and Mr. QUIGLEY.
H.R. 3905: Mr. HIMES, Ms. GINNY BROWN-WAITE of Florida, Mr. TIBERI, and Mr. WALDEN.
H.R. 3918: Mr. COSTA.
H.R. 3928: Mr. KENNEDY.
H.R. 3936: Mr. MOORE of Kansas.
H.R. 3982: Mr. JACKSON of Illinois, Mr. POLIS of Colorado, Mr. CARSON of Indiana, Mr. BERMAN, and Ms. EDWARDS of Maryland.
H.R. 4004: Ms. SCHAKOWSKY.
H.R. 4044: Mr. PETERSON.
H.R. 4054: Mr. BOOZMAN.
H.R. 4067: Mr. SCHRADER, Mr. HALL of New York, Mrs. KIRKPATRICK of Arizona, Ms. KILROY, Mr. FOSTER, and Mr. PERRIELLO.
H.R. 4070: Mr. HARE, Ms. HERSETH SANDLIN, Ms. SHEA-PORTER, Mr. JOHNSON of Illinois, Mr. BRALEY of Iowa, and Mr. LOEBSACK.
H.R. 4077: Mr. KISSELL.
H.R. 4088: Mr. MARIO DIAZ-BALART of Florida, Mr. CALVERT, Mr. MCCOTTER, Mr. GALLEGLY, Mr. BACHUS, Mr. POE of Texas, Mr. KISSELL, Ms. TSONGAS, and Mr. DAVIS of Illinois.
H.R. 4089: Mr. FORTENBERRY.
H.R. 4092: Mr. GRIJALVA.
H.R. 4100: Mr. DEAL of Georgia.
H.R. 4114: Mr. QUIGLEY.
H.R. 4115: Mr. MCMAHON, Mr. BRALEY of Iowa, and Mr. HONDA.
H.R. 4123: Mr. RANGEL, Mr. DAVIS of Illinois, and Mr. FILNER.
H.R. 4127: Mr. FLEMING, Mr. THORNBERRY, and Mrs. MYRICK.
H.R. 4131: Mr. MCGOVERN, Mr. KAGEN, Mr. FALEOMAVAEGA, and Mr. GRIJALVA.
H.R. 4134: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. REYES.
H.R. 4148: Mr. COURTNEY.
H.R. 4149: Mr. SALAZAR.
H.R. 4155: Mr. KING of New York, Mr. MAFFEI, Mr. SNYDER, and Mr. PERRIELLO.
H.R. 4157: Mr. TERRY and Mr. YOUNG of Florida.
H.R. 4159: Mr. CONYERS.
H.R. 4162: Ms. JACKSON-LEE of Texas, Mr. HERGER, Mr. REICHERT, Mr. HASTINGS of Washington, and Mrs. MCMORRIS RODGERS.
H.R. 4163: Mr. CONYERS and Mr. STARK.
H.R. 4165: Mr. HERGER, Mr. WU, Mr. DEFAZIO, Mr. MCDERMOTT, Mr. SIMPSON, Mrs. MCMORRIS RODGERS, Mr. HASTINGS of Washington, and Mr. BAIRD.
H.R. 4171: Mr. RODRIGUEZ, Mr. SCHAUER, and Mr. ADLER of New Jersey.
H.R. 4175: Mr. CLAY.
H.R. 4179: Ms. NORTON.
H.R. 4187: Mr. WITTMAN.
H.R. 4188: Mr. AL GREEN of Texas.
H. Con. Res. 73: Mr. TOWNS and Mr. RUSH.
H. Con. Res. 98: Ms. SLAUGHTER.
H. Con. Res. 128: Ms. WATERS.
H. Con. Res. 198: Ms. DEGETTE, Mr. GENE GREEN of Texas, Mr. BARROW, Mr. TOWNS, Mr. FRANK of Massachusetts, Mr. SESSIONS, Mr. RUSH, Mr. BONNER, Mr. KAGEN, and Mrs. MYRICK.
H. Con. Res. 216: Ms. RICHARDSON, Mr. JACKSON of Illinois, Mr. CONYERS, Mr. MEEKS of New York, and Ms. WOOLSEY.
H. Res. 35: Mr. SHERMAN, Mr. HONDA, Mr. MICHAUD, Mrs. HALVORSON, Mr. WAXMAN, Mr. KANJORSKI, Mrs. DAHLKEMPER, Mr. ROTHMAN of New Jersey, Mr. STUPAK, Mr. NEAL of Massachusetts, Mr. HOLDEN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. CROWLEY, Mr. HINOJOSA, and Mr. WHITFIELD.
H. Res. 55: Mr. COSTA, Mr. CASTLE, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. DAVIS of Tennessee, Mr. WAMP, Mr. TERRY, Mr. BUYER, and Mrs. MYRICK.
H. Res. 278: Ms. WOOLSEY.
H. Res. 458: Mr. PASTOR of Arizona.
H. Res. 759: Mr. DEAL of Georgia and Mr. BOOZMAN.
H. Res. 779: Mr. EHLERS, Mr. PLATTS, Mrs. MILLER of Michigan, Mr. SOUDER, Mr. PUTNAM, Mr. FRELINGHUYSEN, Mr. WHITFIELD, Mr. JONES, Mrs. SCHMIDT, Mr. MCCARTHY of California, Mr. SHIMKUS, Mrs. CAPITO, Mr. HOEKSTRA, Mr. KING of Iowa, Mr. WILSON of South Carolina, Mrs. BONO MACK, Mr. MACK, Mrs. BLACKBURN, Mr. ROE of Tennessee, Mrs. LUMMIS, Mr. SMITH of Nebraska, Ms. EDWARDS of Maryland, Ms. KAPTUR, Mr. PRICE of Georgia, and Mr. AKIN.
H. Res. 812: Mr. FRELINGHUYSEN, Mr. LUETKEMEYER, Mr. SIRES, Mr. SESSIONS, and Mr. PAYNE.
H. Res. 852: Mr. PITTS, Mr. JONES, and Mr. ROONEY.
H. Res. 860: Ms. MOORE of Wisconsin, Ms. PINGREE of Maine, Mrs. HALVORSON, Mr. FOSTER, Mr. CONNOLLY of Virginia, Mr. MCINTYRE, and Mr. MURPHY of New York.
H. Res. 864: Mr. BOSWELL, Mr. GORDON of Tennessee, Mr. HALL of New York, Mr. ISRAEL, Mr. LARSON of Connecticut, Mr. MORAN of Virginia, Mr. NYE, Mr. OBERSTAR, Mr. TONKO, Mr. VAN HOLLEN, and Ms. WASSERMAN SCHULTZ.
H. Res. 869: Mr. SCHOCK.
H. Res. 873: Mr. BLUNT and Mr. FILNER.
H. Res. 900: Mr. BOOZMAN, Mr. WITTMAN, Mr. JOHNSON of Illinois, Mr. LOBIONDO, and Mr. WOLF.
H. Res. 910: Mr. DAVIS of Illinois.
H. Res. 911: Mrs. BACHMANN, Mr. COLE, Mr. AKIN, Mr. ROYCE, Mr. JORDAN of Ohio, Mr. PUTNAM, Mr. COFFMAN of Colorado, Mr. PLATTS, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. THORNBERRY, Mr. SESSIONS, Mr. MCCLINTOCK, Mr. CALVERT, Mr. MCKEON, Mr. MCCARTHY of California, Mr. KINGSTON, Mr. CAMP, Mr. GINGREY of Georgia, Mr. BARRETT of South Carolina, Mr. TIAHRT, Mr. SHUSTER, Mr. HUNTER, Mr. COBLE, Mrs. BIGGERT, and Mr. CULBERSON.
H. Res. 913: Mr. VAN HOLLEN and Mr. WILSON of South Carolina.
H. Res. 924: Mr. THORNBERRY, Mr. AKIN, Mr. BISHOP of Utah, Mr. MILLER of Florida, Mr. PLATTS, Mr. COFFMAN of Colorado, Mr. ROGERS of Alabama, Mr. FRANKS of Arizona, Mr. ROONEY, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, and Mr. WITTMAN.
H. Res. 925: Mr. WILSON of South Carolina and Mr. BISHOP of New York.
H. Res. 929: Mr. FILNER, Mr. CUMMINGS, Mr. BACA, Ms. BERKLEY, Mr. SCOTT of Virginia, Mr. MEEKS of New York, Mrs. MALONEY, Ms. CLARKE, Mr. CONYERS, Mr. ABERCROMBIE, Ms. SPEIER, and Ms. ZOE LOFGREN of California.
H. Res. 932: Mr. GRIJALVA and Ms. CORRINE BROWN of Florida.
H. Res. 933: Mr. STUPAK.
H. Res. 934: Mr. STUPAK.
H. Res. 936: Mr. BRIGHT, Mr. PLATTS, and Mr. HALL of New York.

¶149.26 PETITIONS

Under clause 1 of Rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

85. The SPEAKER presented a petition of Seventh Legislature of the State of Yap, Micronesia, relative to Resolution No. 7-156 expressing a deep sense of sadness and remorse to the U.S. Congress and family of the late Senator Edward M. Kennedy over his untimely passing; to the Committee on Oversight and Government Reform.

86. Also, a petition of New Orleans City Council, Louisiana, relative to Resolution R-09-574 urging the U.S. Congress and the President of the United States to authorize and fully fund Option 2 for the three lake front pumping stations; to the Committee on Transportation and Infrastructure.

¶149.27 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1880: Mr. CLAY.

MONDAY, DECEMBER 7, 2009 (150)

¶150.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Mr. GARAMENDI, who laid before the House the following communication:

WASHINGTON, DC,
December 7, 2009.

I hereby appoint the Honorable JOHN GARAMENDI to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶150.2 RECESS—10:41 A.M.

The SPEAKER pro tempore, Mr. GARAMENDI, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 41 minutes a.m., until noon.

¶150.3 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. LARSEN of Washington, called the House to order.

¶150.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced he had examined and approved the Journal of the proceedings of Thursday, December 3, 2009.

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

¶150.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4877. A letter from the Secretary, Department of Defense, transmitting authorization of three officers to wear the authorized insignia of the grade of Rear Admiral; to the Committee on Armed Services.

4878. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding the Single Channel Ground and Airborne Radio Systems and the Joint Tactical Radio System procurements; to the Committee on Armed Services.

4879. A letter from the Chair, Congressonal Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

4880. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8101] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4881. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes In Flood Elevation Determinations [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1067] received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4882. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1070] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4883. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Kingdom pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4884. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Institutional Eligibility under the Higher Education Act of 1965, as amended, and the Secretary's Recognition of Accrediting Agencies [Docket ID: ED-2009-OPE-0009] (RIN: 1840-AD00) received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4885. A letter from the Secretary, Department of Education, transmitting the Department's final rule — General Non-Loan Programmatic Issues [Docket ID: ED-2009-OPE-0005] (RIN:1840-AC99) received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4886. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program [Docket ID: ED-2009-OPE-0004] (RIN: 1840-AC98) received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4887. A letter from the Director, Office of Policy, Reports and Disclosure, Department of Labor, transmitting the Department's final rule — Labor Organizations Annual Financial Reports (RIN: 1215-AB62) received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4888. A letter from the Deputy Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

4889. A letter from the Under Secretary, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 18-09 informing of an intent to sign a Project Agreement with Czech Republic; to the Committee on Foreign Affairs.

4890. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

4891. A letter from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting the Department's Fiscal Year 2008 Annual Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 Report; to the Committee on Oversight and Government Reform.

4892. A letter from the Associate Legal Counsel, Equal Employment Opportunity Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4893. A letter from the Commissioner, Social Security Administration, transmitting the Administration's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

4894. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Colored Federal Airway; Washington [Docket No.: FAA-2009-0970; Airspace Docket No. 09-ANM-15] (RIN: 2120-AA66) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4895. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of VOR Federal Airway B-626; UT [Docket No.: FAA-2009-0311; Airspace Docket No. 09-ANM-3] (RIN: 2120-AA66) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4896. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No.: FAA-2009-0687; Directorate Identifier 2009-NM-033; Amendment 39-16080; AD 2009-23-08] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4897. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 407 and 427 Helicopters [Docket No.: FAA-2009-1003; Directorate Identifier 2009-SW-25-AD; Amendment 39-16064; AD 2009-22-11] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4898. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Reims Aviation S.A. Model F406 Airplanes [Docket No.: FAA-2007-0115; Directorate Identifier 2007-CE-080-AD; Amendment 39-16067; AD 2009-22-15] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4899. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.27 Mark 050, 200, 300, 400, 500, 600, and 700 Airplanes [Docket No.: FAA-2009-1024; Directorate Identifier 2009-NM-182-AD; Amendment 39-16083; AD 2008-05-18 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4900. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH Dornier Model 328-300 Airplanes [Docket No.: FAA-2009-1023; Directorate Identifier 2009-NM-176-AD; Amendment 39-16082; AD 2009-01-06 R1] (RIN: 2120-AA64) received November 13,2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4901. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30694; Amdt. No 3346] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4902. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes [Docket No.: FAA-2009-1039; Directorate Identifier 2009-CE-059-AD; Amendment 39-16085; AD 2009-23-11] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4903. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Restricted Areas and Other Special Use Airspace; Fallon, NV [Docket No.: FAA-2009-0700; Airspace Docket No. 09-AWP-4] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4904. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Noorwik, AK [Docket No.: FAA-2009-0318; Airspace Docket No. 09-AAL-8] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4905. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Federal Airways V-163 and V-358 in the Lampasas, TX, Area [Docket No.: FAA-2009-0128; Airspace Docket No. 08-ASW-15] (RIN: 2120-AA66) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4906. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; Topeka, KS [Docket No.: FAA-2009-0404; Airspace Docket No. 09-ACE-5] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4907. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; New Orleans NAS, LA [Docket No.: FAA-2009-0405; Airspace Docket No. 09-ASW-12] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4908. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Midlothian-Waxahachie, TX [Docket No.: FAA-2009-0513; Airspace Docket No. 09-ASW-13] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4909. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Many, LA [Docket No.: FAA-2009-0536; Airspace Docket No. 09-ASW-14] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4910. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; St. Louis, MO [Docket No.: FAA-2009-0541; Airspace Docket No. 09-ACE-7] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4911. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace, Peoria, IL [Docket No.: FAA-2009-0511; Airspace Docket No. 09-AGL-8] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4912. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Minden, NE [Docket No.: FAA-2009-0542; Airspace Docket No. 09-ACE-8] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4913. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Spencer, WV [Docket No.: FAA-2009-0602; Airspace Docket No. 09-AEA-13] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4914. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Winona, MN [Docket No.: FAA-2009-0539; Airspace Docket No. 09-AGL-14] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4915. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Beckley, WV [Docket No.: FAA-2009-0651; Airspace Docket No. 09-AEA-00] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶150.6 10TH ANNIVERSARY OF ECHO COMPANY OF 100TH BATTALION OF THE 442D INFANTRY

Ms. BORDALLO moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 199); as amended:

Whereas Company E, 100th Battalion, 442d Infantry Regiment of the United States Army was redesignated on February 16, 1999, on the islands of Saipan, Tinian, Rota, Guam and protects the citizens of the Northern Mariana Islands and Guam;

Whereas the soldiers of Company E and their families are active community volunteers supporting the local community and participating in community events;

Whereas Company E has served with great honor and distinction for two tours in Iraq in 2004–2006 and 2008–2009;

Whereas Army Staff Sergeant Wilgene T. Lieto, Army SPC Derence W. Jack, and Army Sergeant Julian F. Manglona of Company E made the ultimate sacrifice for the United States while they served in Iraq; and

Whereas Company E commemorates one of the original companies of the 100th Battalion, 442d Infantry Regiment, which served with distinction during World War II, and continues to live by its motto ''Go For Broke'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the valuable, historic, and continued contribution of Company E, 100th Battalion, 442d Infantry Regiment of the United States Army to the citizens of the Northern Mariana Islands, Guam, and the United States;

(2) commends the efforts and contributions of the soldiers and sacrifices of the families of Company E, 100th Battalion, 442d Infantry Regiment to the United States;

(3) recognizes and reaffirms the commitment of Congress to support the mission of Company E, 100th Battalion, 442d Infantry Regiment; and

(4) honors the lives of the soldiers of Company E, 100th Battalion, 442d Infantry Regiment who made the ultimate sacrifice on behalf of the United States.

Amend the title so as to read: ''Concurrent resolution Recognizing the 10th Anniversary of the redesignation of Company E, 100th Battalion, 442d Infantry Regiment of the United States Army and the sacrifice of the soldiers of Company E and their families in support of the United States.''.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. ROONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, December 8, 2009.

¶150.7 FORT GORDON TO OPERATION IRAQI FREEDOM

Ms. BORDALLO moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 206); as amended:

Whereas in 1940, in preparation for possible involvement in World War II, the United States Army identified a site near Augusta, Georgia, that was suitable for division-level training, and the War Department entered into a $22 million contract to construct the new installation;

Whereas, at the groundbreaking ceremony on October 18, 1941, the new installation was named Camp Gordon in memory of John B. Gordon, a general in the Civil War and former Georgia Governor;

Whereas during World War II, Camp Gordon was home to three Army divisions, namely the 4th Infantry Division, the 26th Infantry Division, and the 10th Armored Division until they were deployed to Europe, where all three served with distinction;

Whereas after the war, on November 1, 1948, Camp Gordon began its signal corps tradition by becoming the home of the Signal Corps Training Center;

Whereas by 1950, the need for signalmen for the Army during the Korean War led to a major expansion of the Signal Corps Training Center, making it the largest single source of Army communications specialists;

Whereas, on March 21, 1956, Camp Gordon was made a permanent installation and renamed Fort Gordon;

Whereas the military conflicts in Southeast Asia in the 1960s and 1970s, together with advances in communications-electronics (C–E) technology, placed heavy training demands on Fort Gordon;

Whereas at the height of the Vietnam War, the Signal Corps Training Center was renamed the Southeastern Signal School and became the primary source of personnel for tactical C–E units in Vietnam;

Whereas in September 1965, the Southeastern Signal School activated the Signal Officer Candidate School, from which more than 2,000 officers graduated by February 1968;

Whereas in the post-Vietnam era, as the Army reorganized and modernized, signal training at Fort Gordon progressed to keep pace with rapid technological advances on the modern battlefield, and the Southeastern Signal School was renamed first as the United States Army Signal School and subsequently the United States Army Signal Center at Fort Gordon;

Whereas in June 1986, the United States Army Signal Corp Regiment was established, and Fort Gordon was designated as the regimental home base;

Whereas the Signal Center's efforts included the development of Mobile Subscriber Equipment, the Army's communications architecture and assuming the lead for the Army's Information Mission Area, which included the integration of automation, communications, visual information, records management, and publications and printing;

Whereas in 1990 and 1991, the Signal Center played a vital role in preparing soldiers for deployment during Operation Desert Shield and Operation Desert Storm;

Whereas in the 1990s, Fort Gordon became the home for training most of the personnel within the Department of Defense who operate and maintain satellites and continued to train signal troops of allied and foreign countries;

Whereas Fort Gordon continues to serve as a power projection base for several Signal units responsible for conducting operations overseas;

Whereas approximately 19,000 soldiers are stationed at Fort Gordon, and many of these soldiers have been deployed in Operation Iraqi Freedom or Operation Enduring Freedom multiple times; and

Whereas the strength and unwavering support of the soldiers and their families of Fort Gordon and the entire Augusta community have contributed to making the United States a safe and secure country: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes Fort Gordon as the home of the United States Army Signal Corps on the occasion of the 60th anniversary of Fort Gordon serving as the home of the Signal Corps Training Center;

(2) commends the soldiers, their families, and the civilian personnel at Fort Gordon for their service and dedication to the United States; and

(3) recognizes the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. ROONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, December 8, 2009.

¶150.8 373RD ANNIVERSARY OF THE NATIONAL GUARD

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 940):

Whereas the National Guard celebrates its 373rd birthday on December 13, 2009;

Whereas the National Guard and its citizen-soldiers have participated in all major American conflicts, most recently Operation Enduring Freedom and Operation Iraqi Freedom;

Whereas the National Guard is the oldest component of the United States Armed Forces;

Whereas the National Guard has served with distinction as America's first line of defense against natural and man-made disasters within the United States;

Whereas Colonial and State militias were the precursors to the National Guard;

Whereas the militia stood their ground during the opening shots of the Revolutionary War at Lexington Green and Concord Bridge in 1775;

Whereas more than 164,000 members of the militia from the 13 colonies served under the command of George Washington during the Revolutionary War;

Whereas in 1824, the 2nd Battalion, 11th Regiment, New York Artillery became the first military organization in the United States to adopt the title ''National Guard'';

Whereas during the Mexican War of 1846–1848, more than 70 percent of the total manpower effort was from citizen-soldiers through volunteer militiamen;

Whereas the Union and Confederate Armies relied heavily on militias and volunteer regiments during the Civil War of 1861–1865;

Whereas, on April 15, 1861, President Abraham Lincoln invoked the Calling Forth Act of 1792 and ordered 75,000 militiamen into Federal service for 90 days;

Whereas during the Spanish-American War in 1898, over 160,000 National Guardsmen volunteered for active duty;

Whereas a group of National Guardsmen from Arizona, New Mexico, Oklahoma and Texas were called the ''Rough Riders'' and were led by Lieutenant Colonel and future United States President Theodore ''Teddy'' Roosevelt;

Whereas in 1902, Major General Charles W. Dick, commander of the Ohio Division of the National Guard and a member of the United States House of Representatives, became president of the National Guard Association;

Whereas the Militia Act of 1903 created the modern National Guard and affirmed the National Guard as the primary organized combat Reserve force of the Armed Forces;

Whereas in World War I, the National Guard made up 40 percent of the United States combat divisions;

Whereas the National Defense Act of 1920 established the Army of the United States, to consist of the Regular Army, the Organized Reserve Corps, and the National Guard, when called into Federal service;

Whereas an amendment to the National Defense Act enacted on June 15, 1933, established the National Guard of the United States as a Reserve component of the Army;

Whereas the National Security Act of 1947 established the Air National Guard as a Reserve component of the Air Force;

Whereas more than 300,000 members of the National Guard, including 18 infantry divisions, participated in World War II;

Whereas more than 138,000 members of the Army National Guard and more than 45,000 members of the Air National Guard were called to active duty during the Korean War;

Whereas almost 23,000 members of the Army and Air National Guard were mobilized for two years of active duty during the Vietnam War;

Whereas more than 70,000 members of the Army and Air National Guard were called upon to participate in Operation Desert Shield and Operation Desert Storm in 1990 and 1991;

Whereas since the attacks on September 11, 2001, hundreds of thousands of members of the Army and Air National Guard have been called upon by their States and the Federal Government to provide security at home and combat terrorism abroad; and

Whereas more than 50,000 members of the Army and Air National Guard were deployed in the Gulf States following Hurricane Katrina in 2005: Now, therefore, be it

Resolved, That the House of Representatives—

(1) thanks the members of the National Guard for their service in response to the attacks on September 11, 2001, and their continuing role in homeland security and military operations;

(2) supports providing the National Guard with the necessary resources to ensure its readiness;

(3) expresses its condolences and gratitude to the families of those members of the National Guard who have lost their lives through their dedication and commitment to the freedom and security of the United States while serving in the National Guard; and

(4) honors and supports the compassionate, courageous, and dedicated members of the National Guard who serve a critical role in protecting the United States and its citizens' freedoms and treasured liberties.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. ROONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, December 8, 2009.

¶150.9 ENERGY AWARENESS MONTH—UNITED STATES AIR FORCE AND DYESS AIR FORCE BASE ENERGY SAVINGS

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 845); as amended:

Whereas the United States Air Force operates 84 major installations and 82 minor installations worldwide and is supported by an employee base of approximately 700,000 persons, which includes regular and Reserve component members and civilian employees;

Whereas the Air Force mission requires a global presence that provides a rapid response capability and strategic positioning of its assets;

Whereas the Air Force is the largest user of energy in the Federal Government since Air Force aircraft consume significant quantities of energy in executing their mission and keeping the United States and its allies safe;

Whereas the Air Force has a comprehensive energy policy and strategy that identifies the imperative to eliminate waste, conserve resources, and seek new, alternative sources of energy;

Whereas October of each year is Energy Awareness Month throughout the Federal Government, and the Air Force's theme for fiscal year 2010 is ''Energy Solutions...Fueling the Mission'';

Whereas the theme ''Energy Solutions...Fueling the Mission'' highlights the importance of energy to the Air Force's overall mission to ''Fly, Fight, Win'' and supports the Air Force energy plan to reduce demand, increase supply, and change the culture to make energy a consideration in everything they do;

Whereas Dyess Air Force Base in Abilene, Texas, is one of just three Air Force installations recognized by the Department of Energy as a 2009 Federal Energy and Water Management Award Winner;

Whereas Dyess Air Force Base has developed several energy-saving initiatives, including a system that employs a pond and an ice plant through which water is circulated and then used to cool the installation during the hot summer months, reducing the energy used by the B–1 simulator campus by over 30 percent, and saving Dyess Air Force Base more than $239,000;

Whereas through a partnership with two companies, Dyess Air Force Base was able to take previously unusable water to the base through an abandoned pipeline for use on the installation's golf course, thereby saving more than 160 million gallons of water a year;

Whereas the hangar lights at Dyess Air Force Base were replaced with new electronic dimming lights, which have saved 9,734 million BTUs and $209,000; and

Whereas in 2008, Dyess Air Force Base energy managers, engineers, and contracting officials reduced energy consumption by 16.5 percent and saved more than $1 million: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the energy savings and innovations achieved by the United State Air Force;

(2) honors the leadership of the 7th Bomb Wing at Dyess Air Force Base for their energy savings; and

(3) congratulates Tom Denslow, Danny Dobbs, Ron Miller, and TSgt (Sel) Daniel Thatcher of the Department of the Air Force, Dyess Air Force Base, and Steve Dumont of the Department of the Air Force, Air Combat Command, for their efforts to reduce energy use in support of the missions of the 7th Bomb Wing and the 317th Airlift Group and to make Dyess Air Force Base a model of efficient energy use.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. ROONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, December 8, 2009.

¶150.10 NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1672) to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. GARAMENDI, recognized Ms. BORDALLO and Mr. BROWN of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. GARAMENDI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶150.11 MIGRATORY BIRD TREATY

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 2062) to amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. BROWN of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶150.12 GUAM EDUCATION PROGRAM

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 3940) to authorize the Secretary of the Interior to extend grants and other assistance to facilitate a political status public education program for the people of Guam; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. BROWN of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶150.13 OCMULGEE NATIONAL MONUMENT

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 3603) to rename the Ocmulgee National Monument; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. BROWN of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROWN of South Carolina, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, December 8, 2009.

¶150.14 ORANGE COUNTY'S ROCKS AND SMALL ISLANDS

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 86) to eliminate an unused lighthouse reservation, provide management consistency by bringing the rocks and small islands along the coats of Orange County, California, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. BROWN of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, December 8, 2009.

¶150.15 MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1454) to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. BROWN of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶150.16 MORRISTOWN NATIONAL HISTORICAL PARK

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 118) to authorize the addition of 100 acres to Morristown National Historical Park; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. BROWN of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶150.17 NATIONAL PARK SERVICE AUTHORITIES AND CORRECTIONS

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 3804) to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. BROWN of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶150.18 PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 3388) to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. BROWN of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶150.19 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. TITUS, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 7, 2009, at 9:31 a.m.:

That the Senate agreed to S. Res. 370.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

And then,

¶150.20 ADJOURNMENT

On motion of Mr. KING of Iowa, at 2 o'clock and 35 minutes p.m., the House adjourned.

¶150.21 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 1672. A bill to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes; with an amendment (Rept. 111–354). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2062. A bill to amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, and for other purposes; with an amendment (Rept. 111–355). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3603. A bill to rename the Ocmulgee National Monument; with an amendment (Rept. 111–356). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3940. A bill to authorize the Secretary of the Interior to extend grants and other assistance to facilitate a political status public education program for the people of Guam; with amendments (Rept. 111–357). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1454. A bill to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp; with an amendment (Rept. 111–358, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3388. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; with an amendment (Rept. 111–359, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3804. A bill to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes (Rept. 111–360, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

¶150.22 TIME LIMITATION OF REFERRED BILL

[The following action occurred on December 4, 2009]

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2194. Referral to the Committee on Ways and Means extended for a period ending not later than December 11, 2009.

¶150.23 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII the Committees on Financial Services and Oversight and Government Reform discharged from further consideration of H.R. 2194.

Pursuant to clause 2 of rule XIII the Committee on Oversight and Government Reform discharged from further consideration. H.R. 1454 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII the Committee on Armed Services discharged from further consideration. H.R. 3388 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII the Committees on Transportation and Infrastructure and Oversight and Government Reform discharged from further consideration. H.R. 3804 referred to the Committee of the Whole House on the state of the Union.

¶150.24 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL:

H.R. 4213. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; to the Committee on Ways and Means.

By Mrs. BONO MACK:

H.R. 4214. A bill to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office''; to the Committee on Oversight and Government Reform.

By Mr. REHBERG:

H.R. 4215. A bill to prohibit the inclusion of brucella abortus in certain lists of dangerous biological agents and toxins; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for

a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY (for himself and Mr. REICHERT):

H.R. 4216. A bill to amend the Public Health Service Act and titles XVIII and XIX of the Social Security Act to establish guidelines to enhance the meaningful use and interoperability of electronic medical records with personal health records, including for purposes of Medicare and Medicaid payment incentives; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶150.25 MEMORIALS

Under clause 4 of Rule XXII,

222. The SPEAKER presented a memorial of the House of Representatives of the State of Tennessee, relative to House Joint Resolution No. 108 affirming Tennessee's sovereignty under the Tenth Amendment; to the Committee on the Judiciary.

¶150.26 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. DOGGETT.
H.R. 211: Ms. DEGETTE and Mr. SULLIVAN.
H.R. 571: Mr. HIGGINS and Ms. LINDA T. SÁNCHEZ of California.
H.R. 930: Mr. CARSON of Indiana.
H.R. 953: Mr. OWENS.
H.R. 1177: Mr. TEAGUE.
H.R. 1193: Mr. NADLER of New York.
H.R. 1378: Mr. WOLF, Mr. HODES, Mr. CASTLE, Mr. LATOURETTE, Ms. DEGETTE, and Mr. BUTTERFIELD.
H.R. 1495: Mr. POSEY.
H.R. 1549: Mr. KLEIN of Florida, Mrs. DAVIS of California, and Mr. WELCH.
H.R. 1770: Mr. ABERCROMBIE and Mr. LATOURETTE.
H.R. 1778: Mr. HODES.
H.R. 1844: Ms. HIRONO.
H.R. 1895: Mr. STARK.
H.R. 2043: Ms. SCHAKOWSKY.
H.R. 2057: Ms. RICHARDSON and Mr. BILBRAY.
H.R. 2149: Mr. KAGEN.
H.R. 2194: Ms. SPEIER and Ms. RICHARDSON.
H.R. 2278: Ms. ROS-LEHTINEN.
H.R. 2408: Mr. ROGERS of Michigan.
H.R. 2568: Mr. KAGEN.
H.R. 2629: Mr. POSEY.
H.R. 2811: Mr. MASSA.
H.R. 2866: Ms. MATSUI.
H.R. 3012: Mr. CLAY.
H.R. 3017: Mrs. HALVORSON.
H.R. 3020: Mr. SCHOCK.
H.R. 3129: Mr. SENSENBRENNER.
H.R. 3355: Mr. STARK.
H.R. 3381: Mr. RUSH.
H.R. 3589: Mr. LANCE.
H.R. 3592: Mr. SCHRADER.
H.R. 3710: Mr. POLIS, Mr. KIRK, Mrs. NAPOLITANO, Mr. KUCINICH, and Mr. GUTIERREZ.
H.R. 3715: Mr. BONNER.
H.R. 3745: Mr. DRIEHAUS.
H.R. 3758: Mr. BOSWELL, Mr. KILDEE, Mr. JOHNSON of Illinois, Mr. BRALEY of Iowa, Mr. SMITH of New Jersey, Mr. MILLER of North Carolina, and Ms. WATSON.
H.R. 3783: Mr. COLE, Mr. GINGREY of Georgia, and Mr. BARTLETT.
H.R. 3790: Ms. DEGETTE, Mr. LUETKEMEYER, Mr. YOUNG of Florida, Mr. GUTHRIE, Mr. DUNCAN, Mr. ELLSWORTH, Mr. AKIN, Mr. PETERS, Mr. SMITH of Nebraska, Mr. BILBRAY, Mr. TEAGUE, Ms. BERKLEY, Mr. DENT, Mr. SOUDER, Mr. BISHOP of Georgia, Mr. PAYNE, Mr. BOUCHER, Mr. CAO, Mr. COBLE, Mr. WHITFIELD, Mr. CUELLAR, and Mr. WELCH.
H.R. 3924: Mr. BARRETT of South Carolina.
H.R. 4075: Mr. LUETKEMEYER.
H.R. 4090: Mr. UPTON and Mr. YOUNG of Alaska.
H.R. 4138: Mr. WESTMORELAND.
H.R. 4140: Mr. BACA.
H.R. 4183: Mr. STARK, Mr. OBERSTAR, Mr. DINGELL, and Ms. SUTTON.
H. Con. Res. 137: Mr. MCGOVERN and Mr. CAPUANO.
H. Con. Res. 194: Mr. MARSHALL and Mr. COURTNEY.
H. Con. Res. 200: Mr. WU.
H. Res. 35: Mr. BURGESS.
H. Res. 200: Mr. FALEOMAVAEGA.
H. Res. 862: Mr. QUIGLEY, Mr. ROSKAM, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. ROTHMAN of New Jersey, Mr. DINGELL, and Mr. SHIMKUS.
H. Res. 898: Ms. NORTON.
H. Res. 900: Mr. FORTENBERRY, Mrs. LOWEY, and Mr. PLATTS.
H. Res. 949: Mr. DUNCAN and Mrs. CAPITO.

¶150.27 PETITIONS

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

87. The SPEAKER presented a petition of The Legislature of Rockland County, New York, relative to petitioning the U.S. Congress to pass the Student Aid and Fiscal Responsiblility Act; to the Committee on Education and Labor.

88. Also, a petition of The Legislature of Rockland County, New York, relative to petitioning the U.S. Congress to pass H.R. 3545; to the Committee on Education and Labor.

89. Also, a petition of Croatian Parliament, Croatia, relative to expressing the condolances of the Croatian Parliament for the victims of the earthquake and tsunami that struck American Samoa; to the Committee on Foreign Affairs.

TUESDAY, DECEMBER 8, 2009 (151)

¶151.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 9 a.m. by the SPEAKER pro tempore, Ms. SPEIER, who laid before the House the following communication:

WASHINGTON, DC,
December 8, 2009.

I hereby appoint the Honorable JACKIE SPEIER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶151.2 RECESS—9:17 A.M.

The SPEAKER pro tempore, Ms. SPEIER, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 17 minutes a.m. until 10 a.m.

¶151.3 AFTER RECESS—10 A.M.

The SPEAKER pro tempore, Ms. BALDWIN, called the House to order.

¶151.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. BALDWIN, announced she had examined and approved the Journal of the proceedings of Monday, December 7, 2009.

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

¶151.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4916. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Whistleblower Protections for Contractor Employees (DFARS Case 2008-D012) (RIN: 0750-AG09) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4917. A letter from the Assistant General Counsel for Regulatory Services, Office of General Counsel, Department of Education, transmitting the Department's final rule — Institutional Eligibility Under the Higher Education Act of 1965, as Amended, and the Secretary's Recognition of Accrediting Agencies [Docket ID: ED-2009-OPE-0009] (RIN: 1840-AD00) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4918. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Investigational New Drug Applications; Technical Amendment [Docket No.: FDA-2009-N-0464] received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4919. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Leupp, Arizona) [MB Docket No.: 09-98] received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4920. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations based on the 2008 Missile Technology Control Regime Plenary Additions [Docket No.: 090126060-91251-01] (RIN: 0694-AE53) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4921. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. Act 18-239, ''Hospital and Medical Services Corporation Regulatory Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4922. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. Act 18-238, ''Omnibus Election Reform Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4923. A letter from the General Counsel (Acting), National Indian Gaming Commission, transmitting the Commission's final rule — Amendments to Various National Indian Gaming Commission Regulations (RIN: 3141-0001) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4924. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic

Zone Off Alaska; Pacific Ocean Perch by Vessels in the Amendment 80 Limited Access Fishery in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS59) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4925. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel by Vessels in the Amendment 80 Limited Access Fishery in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS58) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4926. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch by Vessels in the Amendment 80 Limited Access Fishery in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS57) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4927. A letter from the General Counsel, Department of Justice, transmitting the Department's final rule — Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands [EOIR Docket No.: 169 AG Order No. 3120-2009] (RIN: 1125-AA67) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4928. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone Naval Base Point Loma; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-1016] (RIN: 1625-AA87) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4929. A letter from the Attorney-Advisor, Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorages; New and Revised Anchorages in the Captain of the Port Portland, OR, Area of Responsibility [Docket No.: USCG-2008-1232] (RIN: 1625-AA01) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4930. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Beachfest Fireworks, Pacific Ocean, San Diego, CA [Docket No.: USCG-2009-0811] (RIN: 1625-AA00) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4931. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Pollution Prevention Equipment [Docket No.: USCG-2004-18939] (RIN: 1625-AA90) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4932. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Waters Surrounding M/V Guilio Verne and Barge Hagar for the Transbay Cable Laying Project, San Francisco Bay, CA [Docket No.: USCG-2009-0870] (RIN: 1625-AA00) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4933. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; East River, New York City, NY [Docket No.: USCG-2009-0348] (RIN: 1625-AA09) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4934. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Catholic Church Procession; San Diego Bay, San Diego, CA [Docket No.: USCG-2009-0812] (RIN: 1625-AA00) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4935. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines AG (IAE) V2500-A1, V2527E-A5, V2530-A5, and V2528-D5 Turbofan Engines [Docket No.: FAA-2009-0294; Directorate Identifier 2009-NE-08-AD; Amendment 39-16057; AD 2009-22-06] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4936. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamilton Sundstrand Power Systems T-62T-46C12 Auxiliary Power Units [Docket No.: FAA-2009-0247; Directorate Identifier 2009-NE-07-AD; Amendment 39-16040; AD 2009-21-03] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4937. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-200 and -300 Series Airplanes [Docket No.: FAA-2009-0907; Directorate Identifier 2009-NM-072-AD; Amendment 39-1604; AD 2009-21-05] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4938. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH Dornier Model 328-100 and -300 Airplanes [Docket No.: FAA-2009-0616; Directorate Identifier 2009-NM-070-AD; Amendment 39-16043; AD 2009-21-06] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4939. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 800 Series Turbofan Engines [Docket No.: FAA-2009-1369; Directorate Identifier 2003-NE-03-AD; Amendment 39-16048; AD 2009-21-09] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4940. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. ARRIUS 1A Turboshaft Engines [Docket No.: FAA-2009-0348; Directorate Identifier 2009-NE-39-AD; Amendment 39-16050; AD 2009-21-11] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4941. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 2000 Airplanes [Docket No.: FAA-2009-0909; Directorate Identifier 2009-NM-172-AD; Amendment 39-16045; AD 2007-23-05 R1] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4942. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Pilot, Flight Instructor, and Pilot School Certification; Correction [Docket No.: FAA-2006-26661; Amendment Nos. 61-124A, 91-309A, and 141-12A] (RIN: 2120-AI86) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4943. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Disadvantaged Business Enterprise Program; Inflationary Adjustment [Docket No.: DOT-OST-2009-0074] (RIN: 2105-AD79) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4944. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30692; Amdt. No. 3344] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4945. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30691; Amdt. No. 3343] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4946. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule — Removal of Delegations of Authority to Secretary, received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4947. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Production and Airworthiness Approvals, Part Marking, and Miscellaneous Amendments [Docket No.: FAA-2006-25877; Amendment Nos. 1-64, 21-92, 43-43, and 45-26] (RIN: 2120-AJ64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶151.6 AMENDMENT OF THE SENATE TO H.R. 3288

On motion of Mr. OLVER, by direction of the Committee on Appropriations and pursuant to clause 1 of rule XXII, the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. OLVER, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶151.7 MOTION TO INSTRUCT CONFEREES—H.R. 3288

Mr. LATHAM moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H.R. 3288; be instructed as follows:

(1) To disagree to any proposition in violation of clause 9 of Rule XXII which:

(a) Includes matter not committed to the conference committee by either House;

(b) Modifies specific matter committed to conference by either or both Houses beyond the scope of the specific matter as committed to the conference committee.

(2) That they shall not record their approval of the final conference agreement (as such term is used in clause 12(a)(4) of rule XXII of the Rules of the House of Representatives) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 72 hours prior to the time described in such clause.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the nays had it.

Mr. LATHAM demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶151.8 MIDDLE EAST ANTI-AMERICAN VIOLENCE

Mr. COSTA moved to suspend the rules and pass the bill (H.R. 2278) to direct the President to transmit to Congress a report on anti-American incitement to violence in the Middle East, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. BALDWIN, recognized Mr. COSTA and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BILIRAKIS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶151.9 WESTERN HEMISPHERE DRUG POLICY COMMISSION

Mr. ENGEL moved to suspend the rules and pass the bill (H.R. 2134) to establish the Western Hemisphere Drug Policy Commission; as amended.

The SPEAKER pro tempore, Ms. BALDWIN, recognized Mr. ENGEL and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶151.10 REPUBLIC OF HUNGARY RESPECT RULE OF LAW

Mr. ENGEL moved to suspend the rules and agree to the following resolution (H. Res. 915):

Whereas, on October 23, 1956, some 100,000 Hungarian citizens began a nation-wide revolt against the Communist government of Hungary and its domination by the Soviet Union;

Whereas the Hungarian people fought bravely for freedom, democracy, and human rights;

Whereas, on March 12, 1999, the Government of Hungary, reflecting the will of the Hungarian people, formally became a member of NATO and on May 1, 2005, Hungary became a full member of the European Union;

Whereas the United States has invested over $9,000,000,000 in Hungary since 1989 and the United States is the fourth-largest contributor and largest non-European contributor to foreign investment in Hungary according to the U.S. Department of Commerce;

Whereas the Hungarian Investment and Trade Development Agency reports that foreign direct investment has been crucial in boosting Hungary's economic performance and remains the driving force behind Hungary's economic success;

Whereas in 1997, the Hungarian National Radio and Television Board (ORTT) awarded licenses for two national radio stations, which are set to expire on November 19, 2009;

Whereas the two licenses are the only ones that allow for nationwide coverage by commercial, rather than state, radio-broadcast services in Hungary;

Whereas one of these licenses was awarded to a United States company and the other to a European company, each for a total of 12 years;

Whereas the Financial Times reported on November 6, 2009, that before the bids for renewal of their national licenses were due, these companies were approached by individuals claiming to represent the Socialist and Fidesz Parties in Hungary offering to extend their licenses if the parties received 50 percent of the companies' equity;

Whereas the Financial Times also reported on November 6, 2009, that both stations refused this alleged extortion attempt and the ORTT delegates from Fidesz and the ruling Socialist party voted to award the licenses to two politically-connected local bidders instead;

Whereas the Wall Street Journal reported on November 10, 2009, that Hungary's Prime Minister and the Chair of the ORTT have publicly decried the process by which these licenses were awarded;

Whereas the Economist reported on November 7, 2009, that the Chair of the ORTT resigned in protest and refused to sign the politically-motivated contracts;

Whereas United States investors are an important part of the Hungarian economy and deserve equitable treatment in accordance with United States and Hungarian laws;

Whereas unfair treatment of foreign companies will deter investment and hinder economic growth in Hungary; and

Whereas respect for the rule of law and a free and independent press will spur investor confidence in Hungary: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the recent action by the Hungarian National Radio and Television Board that awarded the national community radio licenses;

(2) encourages the Republic of Hungary to respect the rule of law and treat foreign investors fairly; and

(3) encourages the Republic of Hungary to maintain its commitment to a free and independent press.

The SPEAKER pro tempore, Ms. BALDWIN, recognized Mr. ENGEL and Mr. KUCINICH, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KUCINICH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶151.11 EL SALVADOR DEVASTATING FLOODING AND DEADLY MUDSLIDES

Mr. ENGEL moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 213); as amended:

Whereas, on November 9, 2009, parts of El Salvador were decimated by floods brought on by Hurricane Ida;

Whereas Hurricane Ida caused the death of over 190 people in El Salvador, and made over 14,000 homeless, with both of those numbers likely to rise;

Whereas over 1,800 homes have been destroyed by the mudslides;

Whereas the small coffee growing town of Verapaz, population 7,000, has almost been completely destroyed;

Whereas reports have stated that up to 10,000 Salvadorians may need emergency food assistance;

Whereas Hurricane Ida also left about 13,000 people homeless in Nicaragua and damaged about 100 homes in Guatemala;

Whereas neighboring nations of El Salvador have provided relief to the people of El Salvador;

Whereas the United States, through the U.S. Agency for International Development and U.S. Southern Command, has provided significant emergency relief and assistance to the people of El Salvador in the wake of Hurricane Ida; and

Whereas El Salvador has begun the process of recovering from this natural disaster: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) expresses solidarity with all people affected by Hurricane Ida;

(2) commends the brave efforts of the people of El Salvador and Central America as they recover from Hurricane Ida;

(3) applauds the coordination between the countries of Central America during the relief effort in providing relief to the people of El Salvador;

(4) acknowledges the efforts of the government of El Salvador to work closely and promptly with the United States to assist the affected population;

(5) recognizes the progress made by El Salvador on disaster preparedness capacity and their efforts to invest in disaster risk reduction; and

(6) urges the President to continue to make available assistance to help mitigate the effects of the recent natural disasters that have devastated El Salvador.

The SPEAKER pro tempore, Ms. BALDWIN, recognized Mr. ENGEL and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶151.12 CIVILIANS KILLED IN PHILIPPINES

Mr. ENGEL moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 218):

Whereas, on November 23, 2009, 57 unarmed civilians were slain in Maguindanao in the worst politically motivated violence in recent Philippine history;

Whereas those killed were on their way to file nomination papers on behalf of Ismael Mangudadatu, vice mayor of Buluan, who intended to run against Andal Ampatuan, Jr. who is currently mayor of Datay Unsu, in next year's gubernatorial elections to succeed Andal Ampatuan, Sr., the father of Andal Ampatuan, Jr.;

Whereas many of those killed were women and children, including the wife of Vice Mayor Ismael Mangudadatu and his two sisters;

Whereas most of the women were reportedly raped and their bodies were mutilated after being shot;

Whereas as of December 2, 2009, initial charges have been filed in connection with the massacre, according to press reports;

Whereas the Freedom Fund for Filipino Journalists reports that at least 30 journalists and media workers were killed in the Maguindanao massacre;

Whereas, the Committee to Protect Journalists reports that prior to the Maguindanao massacre, 30 journalists had been killed in the Philippines since 2000, and suspects were prosecuted in no more than 4 cases, putting into question the safety of journalists and the integrity of independent journalism in the Philippines;

Whereas government prosecutors and judges with jurisdiction over the massacre have allegedly received threats and have been told to ''go slow'' on the investigation;

Whereas President Gloria Macapagal Arroyo declared a state of emergency in Maguindanao the day after the massacre, vowing that ''no effort will be spared to bring justice to the victims'';

Whereas extrajudicial killings and election-related violence are common in the Philippines, though never on this scale and rarely with this level of brutality; and

Whereas the United States and the Philippines share a strong friendship based on shared history and the commitment to democracy and freedom: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) regrets the senseless killing of unarmed civilians and expresses its deepest condolences to the families of the 57 victims;

(2) condemns the culture of impunity that continues to exist among clans, politicians, armed elements, and other persons of influence in the Philippines;

(3) calls for a thorough, transparent, and independent investigation and prosecution of those who are responsible for the massacre, including those who committed the killings and anyone who may have ordered them, and that the proceedings be conducted with the highest possible level of professionalism, impartiality, and regard for witness protection to assure the Filipino people that all the responsible persons are brought to justice;

(4) calls for an end to extrajudicial killings and election-related violence;

(5) calls for freedom of press and the safety of the reporters investigating the massacre;

(6) urges the Departments of State and Justice and other United States Government agencies to review their assistance programs to the Government of the Philippines, and to offer any technical assistance, such as forensics support, that Philippine authorities may request; and

(7) reaffirms the United States commitment to working alongside Philippine authorities to combat corruption, terrorism, and security threats.

The SPEAKER pro tempore, Ms. BALDWIN, recognized Mr. ENGEL and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶151.13 MOTION TO INSTRUCT CONFEREES TO H.R. 3288—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion, by Mr. LATHAM, to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 212 / Nays 193

¶151.14 [Roll No. 931]

YEAS—212

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (NY)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Himes
Hodes
Hunter
Inglis
Issa
Jenkins
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Mica
Michaud
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paulsen
Pence
Perriello
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—193

Ackerman
Andrews
Baca
Baldwin
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy, Patrick
Nadler (NY)
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—29

Abercrombie
Arcuri
Barrett (SC)
Berman
Boucher
Broun (GA)
Campbell
Capuano
Davis (AL)
Delahunt
Fallin
Hall (TX)
Hoekstra
Johnson (IL)
Johnson, Sam
Kagen
Kind
Kirkpatrick (AZ)
Lipinski
Miller, Gary
Moran (VA)
Murtha
Neal (MA)
Paul
Petri
Reichert
Smith (WA)
Towns
Wexler

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to, was, by unanimous consent, laid on the table.

¶151.15 H. CON. RES. 199—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 199) recognizing the 10th Anniversary of the activation of Echo Company of the 100th Battalion of the 442d Infantry, and the sacrifice of the soldiers and families in support of the United States; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 400 / Nays 0

¶151.16 [Roll No. 932]

YEAS—400

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
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
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
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, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
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
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
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)
Young (FL)

NOT VOTING—34

Abercrombie
Arcuri
Barrett (SC)
Berman
Boucher
Broun (GA)
Campbell
Capuano
Davis (AL)
Delahunt
Fallin
Garrett (NJ)
Hall (TX)
Hoekstra
Johnson (GA)
Johnson (IL)
Johnson, Sam
Kagen
Kind
Kirkpatrick (AZ)
Kucinich
Larson (CT)
Lipinski
Miller, Gary
Moran (VA)
Murtha
Neal (MA)
Paul
Reichert
Rooney
Serrano
Smith (WA)
Towns
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A concurrent resolution recognizing the 10th Anniversary of the redesignation of Company E, 100th Battalion, 442d Infantry Regiment of the United States Army and the sacrifice of the soldiers of Company E and their families in support of the United States.''.

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶151.17 H. CON. RES. 206—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 206) commending the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication to the United States and recognizing the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 Nays 0

¶151.18 [Roll No. 933]

YEAS—404

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
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
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
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
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
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, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
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)
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)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
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)
Young (FL)

NOT VOTING—30

Abercrombie
Arcuri
Barrett (SC)
Berman
Boucher
Broun (GA)
Campbell
Capuano
Davis (AL)
Delahunt
Fallin
Garrett (NJ)
Hall (TX)
Hoekstra
Johnson (GA)
Johnson (IL)
Johnson, Sam
Kagen
Kind
Kirkpatrick (AZ)
Lipinski
Miller, Gary
Moran (VA)
Murtha
Neal (MA)
Paul
Reichert
Smith (WA)
Towns
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶151.19 H. RES. 940—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 940) recognizing and honoring the National Guard of its 373rd anniversary.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 401 Nays 0

¶151.20 [Roll No. 934]

YEAS—401

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
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
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
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
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
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, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
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)
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)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—33

Abercrombie
Arcuri
Barrett (SC)
Berman
Boucher
Broun (GA)
Campbell
Capuano
Chu
Davis (AL)
Delahunt
DeLauro
Fallin
Hall (TX)
Heinrich
Hoekstra
Johnson (GA)
Johnson (IL)
Johnson, Sam
Kagen
Kind
Lipinski
Miller, Gary
Moran (VA)
Murtha
Neal (MA)
Paul
Pence
Reichert
Smith (WA)
Towns
Waters
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶151.21 APPOINTMENT OF CONFEREES—H.R. 3288

The SPEAKER pro tempore, Mr. BLUMENAUER, by unanimous consent, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes: Messrs. OLVER, PASTOR, Ms. KAPTUR, Mr. PRICE of North Carolina, Ms. ROYBAL-ALLARD, Mr. BERRY, Ms. KILPATRICK of Michigan, Mrs. LOWEY, Messrs. OBEY, LATHAM, WOLF, TIAHRT, WAMP, and LEWIS of California.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶151.22 ROY RONDENO, SR. POST OFFICE BUILDING

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 3951) to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the ''Roy Rondeno, Sr. Post Office Building''.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. LYNCH and Mr. CAO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CAO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, December 9, 2009.

¶151.23 ANN MARIE BLUTE POST OFFICE

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 4017) to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the ''Ann Marie Blute Post Office''.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. LYNCH and Mr. CAO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, December 9, 2009.

The point of no quorum was considered as withdrawn.

¶151.24 FBI FAMILIES OF FALLEN HEROES

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 2711) to amend title 5, United States Code, to provide for the transportation of the dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. LYNCH and Mr. CAO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶151.25 GRAND CONCOURSE 100TH ANNIVERSARY FOR NEW YORK CITY

Mr. LARSEN of Washington, moved to suspend the rules and agree to the following resolution (H. Res. 907):

Whereas the Grand Concourse was designed by engineer Louis Aloys Risse beginning in 1894;

Whereas the Grand Concourse opened in 1909;

Whereas the 4-mile thoroughfare stretches from 138th Street to Van Cortland Park in the Bronx;

Whereas Edgar Allan Poe wrote the poem ''Annabel Lee'' in his Bronx cottage which now stands on the Grand Concourse;

Whereas Babe Ruth, Stanley Kubrick, Milton Berle, Penny and Garry Marshall, and E.L. Doctorow all at one time made their homes on the Grand Concourse;

Whereas the Grand Concourse hosts such New York landmarks as Yankee Stadium, Loews Paradise Theater, and the Concourse Plaza Hotel;

Whereas the Grand Concourse has the largest collection of Art Deco and Art Moderne buildings in the United States;

Whereas the Grand Concourse is registered as a National Historic Place;

Whereas the Grand Concourse has been designated as a special preservation district by the City of New York;

Whereas the Grand Concourse is known as the Champs Elysées of the Bronx;

Whereas the Grand Concourse is the central north-south artery of the Bronx;

Whereas the Concourse serves the 4, 5, B, and D subway lines as well as several bus routes and is a major transportation route in New York City;

Whereas the $18,000,000 that was provided for the Grand Concourse in January 2006 led to improving the streetscape and creating better access for pedestrians;

Whereas the Bronx Museum of the Arts is celebrating the roadway in its exhibition, ''Intersections: The Grand Concourse at 100'';

Whereas the Grand Concourse has seen the arrival of countless new immigrants as well as people arriving from other parts of the country, including Puerto Rico, and has been their launching point for the valuable contributions that they have made;

Whereas the people of the Bronx enjoy spending time on the beautiful parks adjoining the Grand Concourse, making it a center for socializing and recreating;

Whereas the Grand Concourse has fulfilled and exceeded its planners' intentions over a series of generations, occupying a central place in the hearts and minds of Bronxites past and present; and

Whereas the Grand Concourse since its inception has been an integral part of the cultural life and economic development of the Bronx: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture for the City of New York; and

(2) directs the Clerk of the House of Representatives to transmit a copy of this resolution to The Bronx County Historical Society located at 3309 Bainbridge Avenue, The Bronx, NY 10467, for appropriate display.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. LARSEN of Washington, and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LARSEN of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶151.26 FUNDS CONTRIBUTED BY NON-FEDERAL PUBLIC ENTITIES

Mr. LARSEN of Washington, moved to suspend the rules and pass the bill (H.R. 4165) to extend through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. LARSEN of Washington, and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶151.27 BIG BEAR LAKE, CALIFORNIA, PROJECT

Mr. LARSEN of Washington, moved to suspend the rules and pass the bill (H.R. 1854) to amend the Water Resources Development Act of 1992 to modify an environmental infrastructure project for Big Bear Lake, California.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. LARSEN of Washington, and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶151.28 SMITHSONIAN INSTITUTION BUILDING, SUITLAND, MARYLAND

Mr. BRADY of Pennsylvania, moved to suspend the rules and pass the bill (H.R. 3224) to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland, and for other purposes.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. BRADY of Pennsylvania, and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶151.29 FUNDING FOR TYPE 1 DIABETES

Mrs. CAPPS moved to suspend the rules and agree to the following resolution (H. Res. 35):

Whereas as many as 3,000,000 Americans suffer from type 1 diabetes, a chronic, genetically determined, debilitating disease affecting every organ system;

Whereas more than 15,000 children each year are diagnosed with type 1 diabetes, a disease caused by an autoimmune attack that destroys the insulin-producing beta cells of the pancreas;

Whereas diabetes is one of the most costly chronic diseases, costing the United States economy more than $174,000,000,000 and costing individuals with diabetes an average of $13,000 in annual health care costs, compared to $2,600 for individuals without diabetes;

Whereas insulin treats but does not cure this potentially deadly disease and does not prevent the complications of diabetes, which include blindness, heart attack, kidney failure, stroke, nerve damage, and amputations;

Whereas the National Institutes of Health has established 6 goal areas to guide type 1 diabetes research focused on the reduction, prevention, and cure of type 1 diabetes and its complications;

Whereas Federal funding has enabled research focused on determining the underlying genetic and environmental causes of diabetes and testing of promising new treatments to halt and reverse the autoimmune attack causing type 1 diabetes;

Whereas a cure for type 1 diabetes will require restoring beta cell function either by replacement with transplantation or by beta cell regeneration;

Whereas the development of a ''closed-loop'' artificial pancreas would greatly alleviate the daily burden of disease management for type 1 diabetes patients by continuously monitoring blood sugar levels, infusing insulin as necessary when blood glucose levels become too high, and warning patients when blood glucose levels become dangerously low;

Whereas continued progress toward a cure for type 1 diabetes depends on training the next generation of diabetes researchers;

Whereas a strong public-private partnership to fund type 1 diabetes exists between the Federal Government and the Juvenile Diabetes Research Foundation International, a foundation which has awarded more than $1,000,000,000 for diabetes research since its founding and in fiscal year 2008 provided more than $156,000,000 for diabetes research in 20 countries;

Whereas Congress has provided $150,000,000 annually through fiscal year 2011 for the Special Statutory Funding Program for type 1 Diabetes Research;

Whereas the National Institutes of Health devoted a total of $433,000,000 in fiscal year 2009 for type 1 diabetes research; and

Whereas leading type 1 diabetes researchers have recommended a total funding level of $4,100,000,000 for fiscal years 2009 through 2013 in order to meet the National Institutes of Health's type 1 research goals: Now, therefore, be it

Resolved, That Federal funding for diabetes research should be increased to meet the National Institutes of Health's goals so that a cure for type 1 diabetes can be found.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mrs. CAPPS and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. CAPPS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, December 9, 2009.

The point of no quorum was considered as withdrawn.

¶151.30 NATIONAL PRADER-WILLI SYNDROME AWARENESS MONTH

Mrs. CAPPS moved to suspend the rules and agree to the following resolution (H. Res. 55):

Whereas Prader-Willi syndrome is a complex genetic disorder that occurs in approximately 1 out of every 15,000 births, and is the most commonly known genetic cause of life-threatening obesity;

Whereas Prader-Willi syndrome affects males and females with equal frequency and affects all races and ethnicities;

Whereas Prader-Willi syndrome causes an extreme and insatiable appetite, often resulting in morbid obesity, which is the major cause of death for individuals with the syndrome;

Whereas Prader-Willi syndrome also causes cognitive and learning disabilities, and behavioral difficulties, such as obsessive-compulsive disorder and difficulty controlling emotions;

Whereas the hunger, metabolic, and behavioral characteristics of Prader-Willi syndrome force affected individuals to require constant and lifelong supervision in a controlled environment;

Whereas studies have shown that there is a high morbidity and mortality rate for individuals with Prader-Willi syndrome;

Whereas there is no known cure for Prader-Willi syndrome;

Whereas early diagnosis of Prader-Willi syndrome allows families to access treatment, intervention services, and support from health professionals, advocacy organizations, and other families who are dealing with the syndrome;

Whereas recently discovered treatments, such as human growth hormone, are improving the quality of life for individuals with the syndrome and offer new hope to families, but many difficult symptoms associated with Prader-Willi syndrome remain untreated;

Whereas increased research into Prader-Willi syndrome can lead to a better understanding of the disorder, more effective treatments, and an eventual cure for Prader-Willi syndrome;

Whereas increased research into Prader-Willi syndrome is likely to improve our understanding of common public health concerns, including childhood obesity and mental health; and

Whereas advocacy organizations have designated May as Prader-Willi Syndrome Awareness Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports raising awareness and educating the public about Prader-Willi syndrome;

(2) applauds the efforts of advocates and organizations that encourage awareness, promote research, and provide education, support, and hope to those impacted by Prader-Willi syndrome;

(3) recognizes the commitment of parents, families, researchers, health professionals, and others dedicated to finding an effective treatment and eventual cure for Prader-Willi syndrome;

(4) supports increased funding for research into the causes, treatment, and cure for Prader-Willi syndrome; and

(5) expresses support for the designation of a National Prader-Willi Syndrome Awareness Month.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mrs. CAPPS and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. CAPPS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, December 9, 2009.

The point of no quorum was considered as withdrawn.

¶151.31 PROTECT PERSONAL INFORMATION

Mr. RUSH moved to suspend the rules and pass the bill (H.R. 2221) to protect customers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach; as amended.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. RUSH and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶151.32 SHARING SOFTWARE

Mr. RUSH moved to suspend the rules and pass the bill (H.R. 1319) to prevent the inadvertent disclosure of information on a computer through the use of certain ''peer-to-peer'' file sharing software without first providing notice and obtaining consent from the owner or authorized user of the computer; as amended.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. RUSH and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to prevent the inadvertent disclosure of information on a computer through certain 'peer-to-peer' file sharing programs without first providing notice and obtaining consent from an owner or authorized user of the computer.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶151.33 AIRPORT AND AIRWAY TRUST FUND

Mr. LEWIS of Georgia, moved to suspend the rules and pass the bill (H.R. 4217) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. LEWIS of Georgia, and Mr. TIBERI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶151.34 SOCIAL SECURITY PROHIBITION OF RETROACTIVE PAYMENTS FOR PRISONERS, FUGITIVE FELONS, PAROLE VIOLATORS

Mr. TANNER moved to suspend the rules and pass the bill (H.R. 4218) to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. TANNER

and Mr. JOHNSON of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶151.35 H. RES. 845—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 845) recognizing the United States Air Force and Dyess Air Force Base for their success in achieving energy savings and developing energy-saving innovations during Energy Awareness Month; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 Nays 0

¶151.36 [Roll No. 935]

YEAS—409

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
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
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
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)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
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
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
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)
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
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
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
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—25

Abercrombie
Arcuri
Barrett (SC)
Berman
Bono Mack
Boucher
Broun (GA)
Capuano
Carney
Davis (AL)
Grijalva
Hoekstra
Kagen
Kind
Melancon
Moran (VA)
Murtha
Payne
Pence
Poe (TX)
Radanovich
Reichert
Simpson
Smith (WA)
Tsongas

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶151.37 H.R. 2278—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2278) to direct the President to transmit to Congress a report on anti-American incitement to violence in the Middle East, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 395 Nays ..... 3 Answered present 9

¶151.38 [Roll No. 936]

YEAS—395

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
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
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
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
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
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)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
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)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Honda
Johnson, E. B.
Paul

ANSWERED ''PRESENT''—9

Edwards (MD)
Kucinich
Lee (CA)
McDermott
Moore (WI)
Stark
Waters
Watt
Woolsey

NOT VOTING—27

Abercrombie
Arcuri
Barrett (SC)
Berman
Bono Mack
Boucher
Broun (GA)
Capuano
Carney
Davis (AL)
Grijalva
Gutierrez
Hoekstra
Kagen
Kind
Kosmas
Melancon
Moran (VA)
Murtha
Owens
Payne
Pence
Radanovich
Reichert
Schrader
Smith (WA)
Tsongas

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶151.39 H. RES. 915—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 915) encouraging the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	333
Nays	74
Answered present	3

¶151.40 [Roll No. 937]

YEAS—333

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Dicks
Donnelly (IN)
Doyle
Dreier
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kanjorski
Kennedy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Ortiz
Owens
Pallone
Pascrell
Paulsen
Pence
Perlmutter
Peters
Peterson
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rangel
Rehberg
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Titus
Tonko
Towns
Upton
Van Hollen
Visclosky
Walden
Wamp
Wasserman Schultz
Watson
Watt
Weiner
Westmoreland
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NAYS—74

Baldwin
Becerra
Bishop (UT)
Blumenauer
Boccieri
Chaffetz
Clarke
Cohen
Cole
Conyers
Costello
Dahlkemper
DeFazio
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Driehaus
Duncan
Edwards (MD)
Fudge
Hinchey
Hirono
Honda
Johnson, E. B.
Jones
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kucinich
LaTourette
Lee (CA)
Loebsack
Lofgren, Zoe
Lynch
Markey (MA)
Massa
McCotter
McDermott
McGovern
McMahon
Michaud
Miller (MI)
Mollohan
Moore (WI)
Napolitano
Nunes
Olver
Pastor (AZ)
Paul
Perriello
Petri
Pingree (ME)
Rahall
Reyes
Ryan (OH)
Schmidt
Serrano
Shuster
Snyder
Stark
Taylor
Tiberi
Tierney
Turner
Velázquez
Walz
Waters
Waxman
Welch
Whitfield
Woolsey
Young (AK)

ANSWERED ''PRESENT''—3

McCarthy (NY)
Speier
Tanner

NOT VOTING—24

Abercrombie
Arcuri
Barrett (SC)
Berman
Bono Mack
Boucher
Broun (GA)
Capuano
Carney
Davis (AL)
Grijalva
Hoekstra
Kagen
Kind
Melancon

Miller (FL)	Payne	Smith (WA)
Moran (VA)	Radanovich	Tsongas
Murtha	Reichert	Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶151.41 H. RES. 907—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 907) recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture for the City of New York.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 Nays 0

¶151.42 [Roll No. 938]

YEAS—405

Ackerman	Capps	Ellison
Aderholt	Cardoza	Ellsworth
Adler (NJ)	Carnahan	Emerson
Akin	Carson (IN)	Engel
Alexander	Carter	Eshoo
Altmire	Cassidy	Etheridge
Andrews	Castle	Fallin
Austria	Castor (FL)	Farr
Baca	Chaffetz	Fattah
Bachmann	Chandler	Filner
Bachus	Childers	Flake
Baird	Chu	Fleming
Baldwin	Clarke	Forbes
Barrow	Clay	Fortenberry
Bartlett	Cleaver	Foster
Barton (TX)	Clyburn	Foxx
Bean	Coble	Frank (MA)
Becerra	Coffman (CO)	Franks (AZ)
Berkley	Cohen	Frelinghuysen
Berry	Cole	Fudge
Biggert	Conaway	Gallegly
Bilbray	Connolly (VA)	Garamendi
Bilirakis	Conyers	Gerlach
Bishop (GA)	Cooper	Giffords
Bishop (NY)	Costa	Gingrey (GA)
Bishop (UT)	Costello	Gohmert
Blackburn	Courtney	Gonzalez
Blumenauer	Crenshaw	Goodlatte
Blunt	Crowley	Gordon (TN)
Boccieri	Cuellar	Granger
Bonner	Cummings	Graves
Boozman	Dahlkemper	Grayson
Boren	Davis (CA)	Green, Al
Boswell	Davis (IL)	Green, Gene
Boustany	Davis (KY)	Griffith
Boyd	Davis (TN)	Guthrie
Brady (PA)	Deal (GA)	Gutierrez
Brady (TX)	DeFazio	Hall (NY)
Braley (IA)	DeGette	Hall (TX)
Bright	Delahunt	Halvorson
Brown (SC)	DeLauro	Hare
Brown, Corrine	Dent	Harman
Brown-Waite, Ginny	Diaz-Balart, L.	Harper
Buchanan	Diaz-Balart, M.	Hastings (FL)
Burgess	Dicks	Hastings (WA)
Burton (IN)	Dingell	Heinrich
Butterfield	Doggett	Heller
Buyer	Donnelly (IN)	Hensarling
Calvert	Doyle	Herger
Camp	Dreier	Herseth Sandlin
Campbell	Driehaus	Higgins
Cantor	Duncan	Hill
Cao	Edwards (MD)	Himes
Capito	Edwards (TX)	Hinchey
	Ehlers	Hinojosa
	Hirono	McHenry
	Hodes	McIntyre
	Holden	McKeon
	Holt	McMahon
	Honda	McMorris Rodgers
	Hunter	McNerney
	Inglis	Meek (FL)
	Inslee	Meeks (NY)
	Israel	Mica
	Issa	Michaud
	Jackson (IL)	Miller (FL)
	Jackson-Lee (TX)	Miller (MI)
	Jenkins	Miller (NC)
	Johnson (GA)	Miller, Gary
	Johnson (IL)	Miller, George
	Johnson, E. B.	Minnick
	Johnson, Sam	Mitchell
	Jones	Mollohan
	Jordan (OH)	Moore (KS)
	Kanjorski	Moore (WI)
	Kaptur	Moran (KS)
	Kennedy	Murphy (CT)
	Kildee	Murphy (NY)
	Kilpatrick (MI)	Murphy, Patrick
	Kilroy	Murphy, Tim
	King (IA)	Myrick
	King (NY)	Nadler (NY)
	Kingston	Napolitano
	Kirk	Neal (MA)
	Kirkpatrick (AZ)	Nunes
	Kissell	Nye
	Klein (FL)	Oberstar
	Kline (MN)	Obey
	Kosmas	Olson
	Kratovil	Olver
	Kucinich	Ortiz
	Lamborn	Owens
	Lance	Pallone
	Langevin	Pascrell
	Larsen (WA)	Pastor (AZ)
	Larson (CT)	Paul
	Latham	Paulsen
	LaTourette	Pence
	Latta	Perlmutter
	Lee (CA)	Perriello
	Lee (NY)	Peters
	Levin	Peterson
	Lewis (CA)	Petri
	Lewis (GA)	Pingree (ME)
	Linder	Pitts
	Lipinski	Platts
	LoBiondo	Poe (TX)
	Loebsack	Polis (CO)
	Lofgren, Zoe	Pomeroy
	Lowey	Posey
	Lucas	Price (GA)
	Luetkemeyer	Price (NC)
	Luján	Putnam
	Lummis	Quigley
	Lungren, Daniel E.	Rahall
	Lynch	Rangel
	Mack	Rehberg
	Maffei	Reyes
	Maloney	Richardson
	Manzullo	Rodriguez
	Marchant	Roe (TN)
	Markey (CO)	Rogers (AL)
	Markey (MA)	Rogers (KY)
	Marshall	Rogers (MI)
	Massa	Rohrabacher
	Matheson	Rooney
	Matsui	Ros-Lehtinen
	McCarthy (CA)	Roskam
	McCarthy (NY)	Ross
	McCaul	Rothman (NJ)
	McClintock	Royce
	McCollum	Ruppersberger
	McCotter	Rush
	McDermott	Ryan (OH)
	McGovern	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)
		Snyder
		Souder
		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
		Turner
		Upton
		Van Hollen
		Velázquez
		Visclosky
		Walden
		Walz
		Wamp
		Wasserman Schultz
		Watson
		Watt
		Waxman
		Weiner
		Welch
		Westmoreland
		Wexler
		Whitfield
		Wilson (OH)
		Wilson (SC)
		Wittman
		Wolf
		Woolsey
		Wu
		Yarmuth
		Young (AK)
		Young (FL)

NOT VOTING—29

Abercrombie	Culberson	Murtha
Arcuri	Davis (AL)	Neugebauer
Barrett (SC)	Garrett (NJ)	Payne
Berman	Grijalva	Radanovich
Boehner	Hoekstra	Reichert
Bono Mack	Hoyer	Roybal-Allard
Boucher	Kagen	Smith (WA)
Broun (GA)	Kind	Tsongas
Capuano	Melancon	Waters
Carney	Moran (VA)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶151.43 PROVIDING FOR CONSIDERATION OF H.R. 4213

Mr. PERLMUTTER, by direction of the Committee on Rules, reported (Rept. No. 111–364) the resolution (H. Res. 955) providing for consideration of the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶151.44 PROVIDING FOR CONSIDERATION OF H.R. 4173

Mr. PERLMUTTER, by direction of the Committee on Rules, reported (Rept. No. 111–365) the resolution (H. Res. 956) providing for consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶151.45 RECESS—8:50 P.M.

The SPEAKER pro tempore, Mrs. DAHLKEMPER, pursuant to clause 12(a) of rule I, declared the House in recess at 8 o'clock and 50 minutes a.m., subject to the call of the Chair.

¶151.46 AFTER RECESS—11:22 P.M.

The SPEAKER pro tempore, Ms. WASSERMAN SCHULTZ, called the House to order.

¶151.47 SUBMISSION OF CONFERENCE REPORT—H.R. 3288

Mr. OLVER submitted a conference report (Rept. No. 111–366) on the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶151.48 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1422. An Act to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

¶151.49 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ABERCROMBIE, for today;

To Mr. Gary G. MILLER of California, for today until 3 p.m.;

To Mr. REICHERT, for today; and.

To Mr. ARCURI, for today.

And then,

¶151.50 ADJOURNMENT

On motion of Mr. OLVER, at 11 o'clock and 24 minutes p.m., the House adjourned.

¶151.51 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1319. A bill to prevent the inadvertent disclosure of information on a computer through the use of certain ''peer-to-peer'' file sharing software without first providing notice and obtaining consent from the owner or authorized user of the computer; with amendments (Rept. 111–361). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2221. A bill to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach; with amendments (Rept. 111–362). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 512. A bill to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns; with an amendment (Rept. 111–363). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARCURI: Committee on Rules. House Resolution 955. Resolution providing for consideration of the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes (Rept. 111–364). Referred to the House Calendar.

Mr. PERLMUTTER. Committee on Rules. House Resolution 956. Resolution providing for consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes (Rept. 111–365). Referred to the House Calendar.

Mr. OLVER: Committee of Conference. Conference report on H.R. 3288. A bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–366). Ordered to be printed.

¶151.52 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. OBERSTAR, Mr. CAMP, Mr. MICA, Mr. COSTELLO, Mr. PETRI, and Mr. LEWIS of Georgia):

H.R. 4217. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. Considered and passed.

By Mr. TANNER (for himself and Mr. SAM JOHNSON of Texas):

H.R. 4218. A bill to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators; to the Committee on Ways and Means. Considered and passed.

By Mr. WILSON of South Carolina (for himself, Mr. KINGSTON, Mr. INGLIS, Mr. BROUN of Georgia, Mr. SOUDER, Mr. BARRETT of South Carolina, Mrs. BACHMANN, Mrs. BLACKBURN, Mr. MILLER of Florida, Mr. FORBES, and Mr. AKIN):

H.R. 4219. A bill to establish a National Commission on American Recovery and Reinvestment; to the Committee on Education and Labor.

By Mr. BUYER (for himself, Mr. MORAN of Kansas, Mr. BROWN of South Carolina, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. BILIRAKIS, Mr. BUCHANAN, Mr. ROE of Tennessee, Mr. BILBRAY, and Mr. LAMBORN):

H.R. 4220. A bill to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to small business concerns and employment assistance, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Education and Labor, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself, Mr. ROE of Tennessee, Mr. BILBRAY, Mr. LAMBORN, Mr. BROWN of South Carolina, and Mr. BOOZMAN):

H.R. 4221. A bill to amend title 38, United States Code, to provide for improved acquisition practices by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mrs. EMERSON, Mr. SOUDER, Mr. ROONEY, Mr. BUCHANAN, Mr. ROSKAM, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PUTNAM, Mr. MARIO DIAZ-BALART of Florida, and Mr. MACK):

H.R. 4222. A bill to provide for the establishment of the Office of Deputy Secretary for Health Care Fraud Prevention; to the Committee on Energy and Commerce.

By Mr. KILDEE (for himself, Mr. RYAN of Ohio, and Mrs. BIGGERT):

H.R. 4223. A bill to support evidence-based social and emotional learning programming; to the Committee on Education and Labor.

By Ms. VELÁZQUEZ (for herself, Mr. FRANK of Massachusetts, and Ms. WATERS):

H.R. 4224. A bill to establish a pilot program to train public housing residents as home health aides and in home-based health services to enable such residents to provide covered home-based health services to residents of public housing and residents of federally-assisted rental housing, who are elderly and disabled, and for other purposes; to the Committee on Financial Services.

By Mr. COSTA (for himself and Mr. CARDOZA):

H.R. 4225. A bill to authorize drought assistance adjustments to provide immediate funding for projects and activities that will help alleviate record unemployment and diminished agricultural production related to the drought in California; to the Committee on Natural Resources.

By Mr. REICHERT (for himself, Mr. KIND, Mr. DAVIS of Kentucky, Mr. BLUMENAUER, Mr. LEE of New York, and Mr. PERRIELLO):

H.R. 4226. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHRADER (for himself, Mr. WALDEN, Mr. BAIRD, Ms. HERSETH SANDLIN, Mrs. MCMORRIS RODGERS, Mr. MINNICK, and Mr. DEFAZIO):

H.R. 4227. A bill to authorize the Secretary of Agriculture to provide loans to support the conversion of energy generation or heating and cooling systems to the use of renewable biomass and to support the installation of new equipment to use renewable biomass for such systems, and for other purposes; to the Committee on Agriculture.

By Mr. ALEXANDER:

H.R. 4228. A bill to require the Forest Service to accommodate, to the extent consistent with the management objectives and limitations applicable to the National Forest System lands at issue, individuals with mobility disabilities who need to use a power-driven mobility device for reasonable access to such lands; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BEAN (for herself and Mrs. CAPITO):

H.R. 4229. A bill to amend the Real Estate Settlement Procedures Act of 1974 to ensure that borrowers under federally related mortgage loans have an opportunity to inspect closing documents; to the Committee on Financial Services.

By Mr. BLUMENAUER:

H.R. 4230. A bill to limit access of Members of Congress to Government-administered health care benefits so long as comprehensive health reform legislation has not become law; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, Ways and Means, Energy and Commerce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAO:

H.R. 4231. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to reduce the rate of occurrence of homicides and violent crimes in violent and drug crime zones; to the Committee on the Judiciary.

By Mr. CASTLE:

H.R. 4232. A bill to extend the temporary duty suspension on certain rayon staple fibers; to the Committee on Ways and Means.

By Ms. HERSETH SANDLIN (for herself, Mr. WALDEN, Mr. BAIRD, Mrs. MCMORRIS RODGERS, and Mr. SCHRADER):

H.R. 4233. A bill to amend the Healthy Forests Restoration Act of 2003 to expand the areas of Federal land on which hazardous fuel reduction projects may be conducted under that Act, to add protection of infrastructure in rural communities as an additional purpose of that Act, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for

consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas:

H.R. 4234. A bill to provide for the commemoration of the 60th anniversary of the Korean war; to the Committee on Armed Services.

By Mr. KENNEDY:

H.R. 4235. A bill to amend the Public Health Service Act to provide assistance for graduate medical education funding for women's hospitals; to the Committee on Energy and Commerce.

By Mr. LEVIN:

H.R. 4236. A bill to amend the Internal Revenue Code of 1986 to provide a temporary exclusion of 100 percent of the gain on the sale or exchange of certain small business stock; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Ms. ROS-LEHTINEN, and Mr. NADLER of New York):

H.R. 4237. A bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons; to the Committee on the Judiciary.

By Ms. MARKEY of Colorado (for herself, Ms. DEGETTE, Mr. POLIS, Mr. SALAZAR, Mr. LAMBORN, Mr. COFFMAN of Colorado, and Mr. PERLMUTTER):

H.R. 4238. A bill to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the ''W.D. Farr Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. MEEK of Florida (for himself and Mr. BRADY of Texas):

H.R. 4239. A bill to amend the Internal Revenue Code of 1986 to modify the exception from the 10 percent penalty for early withdrawals from governmental plans for Federal and State qualified public safety employees; to the Committee on Ways and Means.

By Mr. MELANCON:

H.R. 4240. A bill to provide for a grace period in which durable medical equipment suppliers may meet Medicare accreditation and surety bond requirements; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD:

H.R. 4241. A bill to amend chapter 17 of title 38, United States Code, to allow for increased flexibility in payments for State veterans homes; to the Committee on Veterans' Affairs.

By Mr. MORAN of Kansas:

H.R. 4242. A bill to amend the Internal Revenue Code of 1986 to provide incentives for used oil re-refining, and for other purposes; to the Committee on Ways and Means.

By Ms. LINDA T. SÁNCHEZ of California (for herself and Mr. BRADY of Texas):

H.R. 4243. A bill to permit the issuance of tax-exempt bonds for air and water pollution control facilities; to the Committee on Ways and Means.

By Mr. SCHOCK (for himself and Mr. NYE):

H.R. 4244. A bill to amend the Internal Revenue Code of 1986 to provide a simplified research tax credit for small businesses; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 4245. A bill to authorize the Secretary of the Army to provide assistance relating to water resource protection and development in Pennsylvania, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WALZ:

H.R. 4246. A bill to amend the Internal Revenue Code of 1986 to extend the alternative fuels credit for liquified petroleum gas through 2010; to the Committee on Ways and Means.

By Mr. BERMAN (for himself, Mr. SMITH of New Jersey, Mr. FALEOMAVAEGA, Mr. PAYNE, Mr. CROWLEY, Mr. FILNER, Mr. HONDA, Ms. RICHARDSON, Mr. OBERSTAR, Mr. ELLISON, Mr. CARNAHAN, Ms. MCCOLLUM, Ms. HIRONO, Ms. CHU, Ms. BORDALLO, Ms. SPEIER, Mr. BILBRAY, Ms. WATSON, Mr. ENGEL, Mr. AL GREEN of Texas, Mr. SABLAN, Mr. SIRES, and Ms. LORETTA SANCHEZ of California):

H. Con. Res. 218. Concurrent resolution expressing sympathy for the 57 civilians who were killed in the southern Philippines on November 23, 2009; to the Committee on Foreign Affairs. Considered and agreed to.

By Mr. TERRY:

H. Con. Res. 219. Concurrent resolution recognizing and commending the leadership and thousands of volunteers involved with Bugles Across America for their commitment and sacrifice to ensure veterans are laid to rest with the honor and ceremony they earned through selfless service to the people of the United States in the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of Georgia (for himself, Ms. RICHARDSON, Mr. LUJÁN, Ms. JACKSON-LEE of Texas, Mr. ELLISON, Mr. CONYERS, and Mr. FILNER):

H. Res. 950. A resolution expressing the sense of the House that any unobligated funds authorized for expenditure by the Troubled Asset Relief Program (TARP) should be used to create jobs for United States citizens; to the Committee on Financial Services.

By Mr. BROWN of South Carolina (for himself, Mr. DAVIS of Illinois, Ms. GINNY BROWN-WAITE of Florida, Mr. CONAWAY, Mr. KINGSTON, Mr. CARTER, Mr. DUNCAN, Mr. BARRETT of South Carolina, Mr. INGLIS, Mr. ROGERS of Kentucky, Mr. BACHUS, Mr. JONES, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. SHIMKUS, Mr. SCALISE, Mr. MORAN of Kansas, Mr. SAM JOHNSON of Texas, and Mr. SOUDER):

H. Res. 951. A resolution expressing the sense of the House of Representatives that the symbols and traditions of Christmas should be protected for use by those who celebrate Christmas; to the Committee on Oversight and Government Reform.

By Mr. MCKEON (for himself and Mr. CANTOR):

H. Res. 952. A resolution expressing the sense of the House of Representatives that a recipient of the Congressional Medal of Honor should be permitted, at all times on the recipient's property, to properly display the Flag of the United States of America; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mr. WOLF, Mr. DELAHUNT, and Mr. SMITH of New Jersey):

H. Res. 953. A resolution expressing the sense of the House of Representatives that the Government of the People's Republic of China has violated internationally recognized human rights and legal due process standards by carrying out executions after trials marred by procedural abuses and by carrying out arbitrary detentions targeting Uyghurs and other individuals in Xinjiang in the aftermath of a suppressed demonstration and ensuing mob violence on July 5 to 7, 2009; to the Committee on Foreign Affairs.

By Mr. HALL of Texas (for himself, Mr. MCCAUL, Mr. OLSON, Mr. NEUGEBAUER, Mr. ROHRABACHER, Mr. AKIN, Mr. BROUN of Georgia, Mr. SENSENBRENNER, Mr. BILBRAY, Mr. BARTLETT, Mrs. BIGGERT, and Mr. SMITH of Texas):

H. Res. 954. A resolution expressing the sense of the House of Representatives regarding the scientific protocols, data collection methods, and peer review standards for climate change research which are necessary to preclude future infringements of the public trust; to the Committee on Science and Technology.

By Mr. MCHENRY (for himself, Mr. KISSELL, Mr. HUNTER, Mrs. MYRICK, and Mr. SCHAUER):

H. Res. 957. A resolution honoring Jimmie Johnson, 2009 NASCAR Sprint Cup Champion; to the Committee on Oversight and Government Reform.

By Mr. VAN HOLLEN (for himself, Mr. GEORGE MILLER of California, Mrs. BONO MACK, and Mr. REICHERT):

H. Res. 958. A resolution congratulating the United States Men's National Soccer Team for securing a berth at the 2010 FIFA World Cup in South Africa; to the Committee on Oversight and Government Reform.

¶151.53 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. PALLONE, Ms. WASSERMAN SCHULTZ, Mr. MAFFEI, Mr. BARTON of Texas, Mr. RANGEL, Mr. VISCLOSKY, Ms. CHU, Mr. DOGGETT, Mr. HIGGINS, and Mr. AL GREEN of Texas.

H.R. 39: Mr. FARR and Mr. ISRAEL.

H.R. 270: Mr. MCCOTTER.

H.R. 333: Ms. MATSUI.

H.R. 391: Mr. LINDER, Mr. HALL of Texas, Mr. MCCAUL, and Mr. OLSON.

H.R. 393: Mrs. CAPITO.

H.R. 537: Mr. COSTELLO.

H.R. 571: Ms. HARMAN, Ms. NORTON, and Mr. AUSTRIA.

H.R. 678: Mr. PAUL, Mr. LANCE, Ms. BALDWIN, and Ms. HIRONO.

H.R. 690: Mr. THOMPSON of Mississippi, Mr. SNYDER, Mr. HARPER, and Ms. KILROY.

H.R. 847: Mr. NYE.

H.R. 881: Mr. SESSIONS, Mr. ADERHOLT, and Mr. AUSTRIA.

H.R. 930: Mr. RUSH.

H.R. 1020: Mr. WALZ.

H.R. 1051: Mr. WELCH.

H.R. 1067: Mr. JACKSON of Illinois.

H.R. 1079: Mr. LANGEVIN.

H.R. 1134: Mr. MCCOTTER.

H.R. 1177: Mr. JOHNSON of Georgia, Mr. AUSTRIA, Mrs. LUMMIS, Mr. MCCLINTOCK, Mr. OLSON, Mr. PAULSEN, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. ROE of Tennessee, Mr. FLEMING, Mr. GALLEGLY, Mrs. SCHMIDT, Mr. SCHOCK, Mr. HARPER, Mr. THOMPSON of Pennsylvania, Mr. HELLER, Mr. YOUNG of Alaska, Mr. HUNTER, Mr. LEE of New York, Mr. LANCE, and Mr. QUIGLEY.

H.R. 1205: Mr. ROGERS of Alabama and Mr. STARK.

H.R. 1237: Ms. RICHARDSON and Mr. ELLSWORTH.

H.R. 1283: Mr. OWENS.

H.R. 1396: Mr. CARTER.

H.R. 1443: Mr. ELLISON.

H.R. 1499: Mr. TURNER.

H.R. 1526: Ms. CORRINE BROWN of Florida and Ms. BERKLEY.

H.R. 1552: Mr. OWENS.

H.R. 1584: Mr. CRENSHAW.

H.R. 1596: Mr. NEAL of Massachusetts.

H.R. 1618: Mr. GARAMENDI.

H.R. 1623: Mr. PASCRELL.

H.R. 1653: Ms. WOOLSEY.

H.R. 1806: Mr. CLAY, Mr. ELLSWORTH, Mr. SHULER, Mr. MOLLOHAN, Mr. DEFAZIO, Mr. DAVIS of Illinois, and Mr. NYE.
H.R. 1815: Mr. PENCE and Mr. COBLE.
H.R. 1869: Mr. COURTNEY.
H.R. 1894: Mr. FORBES.
H.R. 1956: Mr. MURPHY of Connecticut.
H.R. 1977: Mr. CONYERS.
H.R. 1987: Mr. MURPHY of New York.
H.R. 1990: Mr. COLE and Mr. KANJORSKI.
H.R. 2006: Ms. FUDGE, Mr. KLEIN of Florida, and Mrs. DAVIS of California.
H.R. 2119: Mr. SCHOCK and Mr. CRENSHAW.
H.R. 2149: Mr. HALL of Texas.
H.R. 2190: Mr. INSLEE.
H.R. 2194: Mr. SPRATT.
H.R. 2214: Ms. MCCOLLUM.
H.R. 2262: Mr. COHEN and Ms. TITUS.
H.R. 2324: Ms. LINDA T. SÁNCHEZ of California, Ms. SPEIER, Mr. WEXLER, Ms. HARMAN, Mr. MARKEY of Massachusetts, and Ms. SLAUGHTER.
H.R. 2365: Mr. JACKSON of Illinois.
H.R. 2429: Mr. HALL of Texas, Mr. MELANCON, and Mr. JACKSON of Illinois.
H.R. 2452: Mr. BUTTERFIELD.
H.R. 2478: Mr. REICHERT.
H.R. 2480: Mrs. NAPOLITANO and Mr. CROWLEY.
H.R. 2492: Mr. BOUCHER.
H.R. 2548: Mr. HODES.
H.R. 2565: Mr. CARNEY.
H.R. 2641: Mr. BRALEY of Iowa.
H.R. 2672: Mrs. BLACKBURN, Mr. NYE, Mr. SMITH of Nebraska, and Mr. BOOZMAN.
H.R. 2709: Mr. QUIGLEY.
H.R. 2743: Mr. REICHERT and Mr. NEAL of Massachusetts.
H.R. 2859: Ms. ROYBAL-ALLARD.
H.R. 2866: Mr. ROGERS of Michigan and Mr. CASSIDY.
H.R. 2964: Ms. RICHARDSON and Mrs. BLACKBURN.
H.R. 2987: Ms. SCHAKOWSKY.
H.R. 2991: Mr. CLAY, Mr. SCOTT of Virginia, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Ms. WATSON, and Ms. RICHARDSON.
H.R. 3019: Mr. STUPAK and Mr. WALDEN.
H.R. 3042: Mr. HIGGINS.
H.R. 3043: Mr. LEWIS of Georgia, Mr. KUCINICH, Mr. PETERSON, Mr. PASTOR of Arizona, and Mr. BERMAN.
H.R. 3077: Mr. STUPAK.
H.R. 3131: Mr. FORTENBERRY and Mr. DENT.
H.R. 3140: Ms. GRANGER and Mr. SMITH of Nebraska.
H.R. 3147: Mr. CLAY.
H.R. 3149: Ms. FUDGE and Mr. MICHAUD.
H.R. 3227: Mr. PAULSEN.
H.R. 3249: Ms. MATSUI.
H.R. 3310: Mr. FORBES AND MR. LINDER.
H.R. 3315: Mr. DEFAZIO.
H.R. 3402: Mr. BUYER.
H.R. 3431: Mr. TAYLOR.
H.R. 3439: Mr. COSTELLO.
H.R. 3441: Mr. OWENS.
H.R. 3463: Mr. SOUDER.
H.R. 3485: Mr. TIERNEY.
H.R. 3488: Mr. HODES.
H.R. 3615: Mr. OWENS.
H.R. 3654: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 3720: Mr. CARNEY.
H.R. 3745: Mr. FARR.
H.R. 3757: Mr. FORBES.
H.R. 3758: Mr. DAVIS of Kentucky, Mr. JACKSON of Illinois, Mr. TIAHRT,
Mrs. MCMORRIS RODGERS, Mr. SMITH of Nebraska, Mr. MINNICK, Mr. WAMP, Mr. HASTINGS of Washington, Mr. WOLF, Mr. HELLER, Mr. HALL of Texas, Mr. TERRY, Mr. GERLACH, Mr. MARIO DIAZ-BALART of Florida, and Mr. HINCHEY.
H.R. 3784: Mr. LEE of New York.
H.R. 3790: Mr. MOORE of Kansas, Mr. FORBES, Mr. TERRY, and Mr. CHILDERS.
H.R. 3812: Mr. POLIS.
H.R. 3838: Ms. BALDWIN.
H.R. 3904: Ms. ZOE LOFGREN of California and Mr. HALL of New York.
H.R. 3930: Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, and Mr. DOGGETT.
H.R. 3943: Mr. HASTINGS of Florida, Mr. BOCCIERI, Mr. CARNAHAN, Mr. SMITH of Nebraska, Mr. MASSA, Mr. ETHERIDGE, Mr. MCNERNEY, Mr. MCGOVERN, and Mr. FORBES.
H.R. 3947: Mr. BRALEY of Iowa.
H.R. 3948: Mr. HASTINGS of Florida.
H.R. 3966: Mr. FRANK of Massachusetts.
H.R. 3974: Mr. BOUCHER and Mr. JOHNSON of Georgia.
H.R. 4037: Mr. SABLAN.
H.R. 4067: Mr. HINOJOSA, Mr. PATRICK J. MURPHY OF PENNSYLVANIA, MR. MASSA, Mr. VAN HOLLEN, and Mr. MATHESON.
H.R. 4089: Mr. SMITH of Nebraska, Mr. MORAN of Kansas, and Mr. BOCCIERI.
H.R. 4102: Mr. WU.
H.R. 4108: Ms. MATSUI.
H.R. 4110: Mr. JONES, Mr. POE of Texas, and Mr. SIMPSON.
H.R. 4114: Ms. BALDWIN.
H.R. 4116: Ms. ROYBAL-ALLARD, Mr. PAULSEN, Mr. MURPHY of Connecticut, Mr. PIERLUISI, Ms. EDWARDS of Maryland, Ms. LEE of California, Mr. PLATTS, Mr. HODES, and Mr. ABERCROMBIE.
H.R. 4117: Mr. OWENS.
H.R. 4127: Mr. SOUDER.
H.R. 4128: Mr. CONYERS, Mr. MORAN of Virginia, Mr. MCGOVERN, Mr. BLUMENAUER, Mr. SHULER and Mr. CAO.
H.R. 4130: Mr. CONYERS, Mr. FILNER, and Mr. TANNER.
H.R. 4147: Mr. CROWLEY.
H.R. 4160: Ms. HIRONO.
H.R. 4161: Ms. HIRONO.
H.R. 4163: Mr. DEFAZIO.
H.R. 4165: Mr. SMITH of Washington, Mr. INSLEE, Mr. REICHERT, and Mr. DANIEL E. LUNGREN of California.
H.R. 4167: Ms. ESHOO.
H.R. 4168: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 4177: Mr. ALEXANDER, Mr. BRIGHT, and Mr. ROSS.
H.R. 4183: Mr. OLVER.
H.R. 4196: Mr. COURTNEY, Mr. MILLER of North Carolina, Mr. SABLAN, Mr. HARE, Ms. DELAURO, Ms. BORDALLO, Mr. RYAN of Ohio, Mr. GRIJALVA, Mr. LOEBSACK, Ms. NORTON, Ms. MOORE of Wisconsin, and Ms. FUDGE.
H.J. Res. 61: Mr. QUIGLEY.
H. Con. Res. 213: Mr. BERMAN and Mr. HINOJOSA.
H. Res. 35: Mr. JOHNSON of Illinois.
H. Res. 55: Mr. STUPAK, Mr. MURPHY of Connecticut, and Mr. BRALEY of Iowa.
H. Res. 677: Mr. PAULSEN.
H. Res. 732: Mr. MCCAUL, Mr. ROHRABACHER and Mr. SIRES.
H. Res. 860: Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. HIGGINS, and Ms. DEGETTE.
H. Res. 864: Mr. SNYDER, Mr. COOPER, Mr. MELANCON, Ms. HERSETH SANDLIN, Ms. SUTTON, Ms. MARKEY of Colorado, Mr. SHULER, Mr. MOORE of Kansas, Mr. BOYD, Ms. KOSMAS, and Mr. TANNER.
H. Res. 898: Mr. SESTAK.
H. Res. 905: Mr. CHANDLER, Mr. ETHERIDGE, and Ms. BORDALLO.
H. Res. 907: Mr. DOYLE.
H. Res. 911: Mr. SCALISE, Mr. BACHUS, Mr. LATTA, Mr. ISSA, Mr. POSEY, and Mr. DREIER.
H. Res. 925: Ms. RICHARDSON.
H. Res. 940: Ms. GIFFORDS and Ms. BALDWIN.
H. Res. 945: Mr. HERGER and Mr. SOUDER.
H. Res. 946: Mr. KISSELL, Mr. HARE, Mr. WEINER, Mr. MASSA, Mr. SCOTT of Virginia, Mr. MICHAUD, and Mr. CLEAVER.

WEDNESDAY, DECEMBER 9, 2009 (152)

The House was called to order by the SPEAKER.

¶152.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, December 8, 2009.

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

¶152.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4948. A letter from the Acting Farm Bill Coordinator, Department of Agriculture, transmitting the Department's final rule — Wildlife Habitat Incentive Program (RIN: 0578-AA49) received November 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4949. A letter from the Acting Farm Bill Coordinator, Department of Agriculture, transmitting the Department's final rule — Farm and Ranch Lands Protection Program (RIN: 0578-AA46) received November 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4950. A letter from the Vice Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Recommendation 2009-2, Los Alamos National Laboratory Plutonium Facility Seismic Safety; to the Committee on Armed Services.

4951. A letter from the Assistant Secretary, Department of the Navy, Department of Defense, transmitting notice of the completion of a public-private competition for identification card and administrative functions; to the Committee on Armed Services.

4952. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations — Administrative Ruling System (RIN: 1506-AB03) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4953. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Regulation S-AM: Limitations on Affiliate Marketing; Extension of Compliance Date [Release Nos. 34-60946; IA-2946; IC-28990; File No. S7-29-04] (RIN: 3235-AJ24) November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4954. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Final Model Privacy Form under the Gramm-Leach-Bliley Act [Release Nos.: 34-61003, IA-2950, IC-28997; File No. S7-09-07] (RIN: 3235-AJ06) received November 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4955. A letter from the Director, OSHA Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Revising Standards Referenced in the Acetylene Standard [Docket No.: OSHA-2008-0034] (RIN: 1218-AC08) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4956. A letter from the Department Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Device; Clinical Chemistry and Clinical Toxicology Devices; Classification of the Cardiac Allograft Gene Expression Profiling Test Systems [Docket No.: FDA-2009-N-0472] received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4957. A letter from the Administrator, Environmental Protection Agency, transmitting a report entitled: ''Mercury Compounds: Potential for Conversion to Elemental Mercury for Export''; to the Committee on Energy and Commerce.

4958. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Wheatland, Wyoming) [MD Docket No.: 08-3] received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4959. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Dubois, Wyoming) [MB Docket No.: 09-83] received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4960. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2009-26: Eligibility of Economic Community of Central African States (CEEAC) to be Furnished Defense Articles and Services Under the Foreign Assistance Act and the Arms Export Control Act, pursuant to 22 U.S.C. 2753(a); to the Committee on Foreign Affairs.

4961. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting weekly Iraq Status Reports for the August 15 to October 15, 2009 period; to the Committee on Foreign Affairs.

4962. A letter from the Chairman, Consumer Product Safety Commission, transmitting Fiscal Year 2009 Annual Performance Accountability Report; to the Committee on Oversight and Government Reform.

4963. A letter from the Chairman and President, John F. Kennedy Center for the Performing Arts, transmitting the Center's audited financial statements for the period ending September 28, 2008 and September 30, 2007, pursuant to 20 U.S.C. 76l(c); to the Committee on Oversight and Government Reform.

4964. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's Annual Management Report for Fiscal Year 2009, as required under OMB Circular No. A-136, Section I.6, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

4965. A letter from the Acting Assistant Administrator, NMFS, Department of Commerce, transmitting the Department's final rule — Sea Turtle Conservation; Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic [Docket No.: 0910141365-91366-01] (RIN: 0648-AY21) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4966. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reinstatement of Protections for the Gray Wolf in the Western Great Lakes in Compliance with Settlement Agreement and Court Order [Docket No.: FWS-R3-ES-2009-0063] received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4967. A letter from the Chief, Division of Scientific Authority, USFWS, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing the Chatham Petrel, Fiji Petrel, and Magenta Petrel as Endangered Throughout Their Ranges [FWS-R8-IA-2007-0021; 96100-1671-0000-B6] (RIN: 1018-AV21) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4968. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Atlantic Intracoastal Waterway (AIWW), Elizabeth River, Southern Branch, VA [Docket No. USCG-2009-0814] (RIN: 1625-AA09) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4969. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace and Modification of Class E Airspace; State College, PA [Docket No.: FAA-2009-0750; Airspace Docket No. 09-AEA-16] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4970. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Tioga, ND [Docket No.: FAA-2009-0504; Airspace Docket No. 09-AGL-7] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4971. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of VOR Federal Airway V-626; UT [Docket No.: FAA-2009-0311; Airspace Docket No. 09-ANM-3] (RIN: 2120-AA66) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4972. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Anniston, AL [Docket No.: FAA-2009-0653; Airspace Docket 09-ASO-22] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4973. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nantucket, MA [Docket No. FAA-2008-1253; Airspace Docket No. 08-ANE-103] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4974. A letter from the Chief, Publications and Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Margins and Other Unsubstantiated Additions to Insurance Company Reserves for Unpaid Losses and Claims received November 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4975. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2009-38) received November 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4976. A letter from the Administrator, FEMA, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1860-DR for the State of Kansas; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Homeland Security.

4977. A letter from the Administrator, FEMA, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1859-DR for the Territory of American Samoa; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Homeland Security.

4978. A letter from the Administrator, FEMA, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1858-DR for the State of Georgia; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Homeland Security.

¶152.3 PROVIDING FOR CONSIDERATION OF H.R. 4213

Mr. ARCURI, by direction of the Committee on Rules, called up the following resolution (H. Res. 955):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, 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 bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

When said resolution was considered.

After debate,

Mr. ARCURI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶152.4 RECESS—11:10 A.M.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 10 minutes a.m., subject to the call of the Chair.

¶152.5 AFTER RECESS—12:45 P.M.

The SPEAKER pro tempore, Ms. MCCOLLUM, called the House to order.

¶152.6 H. RES. 955—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 955) providing for consideration of the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239 / Nays 182

¶152.7 [Roll No. 939]

YEAS—239

Abercrombie	Adler (NJ)	Andrews
Ackerman	Altmire	Arcuri

Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
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
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
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
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—182

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
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
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
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)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Baldwin
Barrett (SC)
Capuano
Dingell
Fudge
Granger
Kucinich
Larson (CT)
Lewis (GA)
Moran (VA)
Radanovich
Sanchez, Loretta
Scott (VA)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. McCOLLUM, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 237 / Nays 182

¶152.8 [Roll No. 940]

YEAS—237

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
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
Kirkpatrick (AZ)
Kissell
Kosmas
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
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
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—182

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
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
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
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)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Baldwin
Barrett (SC)
Capuano
Dingell
Fudge
Granger
Larson (CT)
Lewis (GA)
Melancon
Moran (VA)
Paul
Radanovich
Rush
Sanchez, Loretta
Scott (VA)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶152.9 H.R. 3951—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3951) to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the ''Roy Rondeno, Sr. Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 Nays 1

¶152.10 [Roll No. 941]

YEAS—417

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
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
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
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)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
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)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
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.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
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
Souder
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Schrader

NOT VOTING—16

Baldwin
Barrett (SC)
Boyd
Capuano
Chandler
Coffman (CO)
Dingell
Fudge
Granger
Larson (CT)
Lewis (GA)
Linder
Moran (VA)
Radanovich
Sanchez, Loretta
Scott (VA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶152.11 TAX EXTENDERS

Mr. RANGEL, pursuant to House Resolution 955, called up for consideration the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

When said bill was considered.

After debate,

The previous question having been ordered by said resolution.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CAMP moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendments:

In subtitle A of title I, add at the end the following:

SEC. 105. ALTERNATIVE MINIMUM TAX RELIEF.

(a) INCREASED EXEMPTION AMOUNT.—Paragraph (1) of section 55(d) is amended—

(1) by striking ''($70,950 in the case of taxable years beginning in 2009)'' in subparagraph (A) and inserting ''($72,650 in the case of taxable years beginning in 2010)'', and

(2) by striking ''($46,700 in the case of taxable years beginning in 2009)'' in subparagraph (B) and inserting ''($47,550 in the case of taxable years beginning in 2010)''.

(b) ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST ALTERNATIVE MINIMUM TAX.—Paragraph (2) of section 26(a) is amended—

(1) by striking ''or 2009'' and inserting ''2009, or 2010'', and

(2) by striking ''2009'' in the heading thereof and inserting ''2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

In subtitle B of title I, add at the end the following:

SEC. 127. INCREASED LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (7) of section 179(b) is amended—

(1) by striking ''or 2009'' in the text thereof and inserting ''2009, or 2010'', and

(2) by striking ''AND 2009'' in the heading thereof and inserting ''2009, AND 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

In title VI, strike subtitles A and B.

Pending consideration of said motion,

¶152.12 POINT OF ORDER

Mr. NEAL of Massachusetts, made a point of order against consideration of the motion, and said:

''Mr. Speaker, I make a point of order that the motion before us is in violation of clause 10 of rule XXI of the rules of the House.''.

Mr. CAMP was recognized to speak to the point of order and said:

''Mr. Speaker, this point of order illustrates the dangers raised by the majority's PAYGO rule and its decision at the start of this Congress to prohibit us from offering motions to recommit that are not PAYGO compliant, something that all minorities, Republican and Democrat, over the last many years have been permitted to do in prior sessions, including as recently as last year.

''The majority has asserted the motion to recommit violates clause 10 of rule XXI, known as the PAYGO rule, which requires amendments, including those contained in a motion to recommit, to be budget neutral.

''I submit, Mr. Speaker, that his point of order should be overturned because it precludes the House from considering the merits of a different approach to the underlying bill, one that would let the American people keep more of their hard-earned income.

''By contrast, granting the PAYGO point of order would prevent the House from considering whether to extend this tax relief, as it has done many times before, without offsets. We should be encouraging business investment, not discouraging it through higher taxes.

''Let's be clear. This carried interest tax of over $25 billion changes how business income has been taxed for decades, making income currently taxed at 15 percent up to 30 percent, more than doubling it.

''Mr. Speaker, granting this point of order would foreclose the House from even considering whether it might want to pass this bill with fewer offsets or further tax relief.

''Accordingly, I ask that you overrule the point of order and allow the House to debate and vote on our alternative, which would provide additional tax relief for families and small businesses without some of the most objectionable offsets found in the underlying bill.''.

The SPEAKER pro tempore, Mr. DRIEHAUS, sustained the point of order, and said:

''The gentleman from Massachusetts makes a point of order that the amendment proposed in the instructions included in the motion to recommit offered by the gentleman from Michigan violates clause 10 of rule XXI by proposing a change in revenues that would increase the deficit.

''Pursuant to clause 10 of rule XXI, the Chair is authoritatively guided by estimates from the Committee on the Budget that the net effect of the provisions in the amendment affecting revenues would increase the deficit for a relevant period.

''Accordingly, the point of order is sustained and the motion is not in order.''.

Mr. CAMP appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. NEAL of Massachusetts, moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that the yeas had it.

Mr. CAMP demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 251 / Nays 172

¶152.13 [Roll No. 942]

YEAS—251

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
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
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
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.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
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
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—172

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
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
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
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)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Baldwin
Barrett (SC)
Carter
Fudge
Granger
LaTourette
Lewis (GA)
Moran (VA)
Murtha
Radanovich
Sanchez, Loretta

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to

was, by unanimous consent, laid on the table.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that the yeas had it.

Mr. RANGEL demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 241 Nays 181

¶152.14 [Roll No. 943]

AYES—241

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
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
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
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

NOES—181

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

NOT VOTING—12

Baldwin
Barrett (SC)
Carter
Fudge
Granger
Hinchey
Kaptur
Lewis (GA)
Moran (VA)
Murtha
Radanovich
Sanchez, Loretta

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶152.15 H.R. 3603—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3603) to rename the Ocmulgee National Monument; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 Nays 0

¶152.16 [Roll No. 944]

YEAS—419

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
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
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
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
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
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)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
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.
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
Souder
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Arcuri
Baldwin
Barrett (SC)
Carter
DeLauro
Doyle
Fudge
Granger
LaTourette
Lewis (GA)
McKeon
Moran (VA)
Murtha
Radanovich
Sanchez, Loretta

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶152.17 RECESS—3:26 P.M.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 26 minutes p.m., subject to the call of the Chair.

¶152.18 AFTER RECESS—6:47 P.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, called the House to order.

¶152.19 PROVIDING FOR CONSIDERATION OF H.R. 3288

Mr. PERLMUTTER, by direction of the Committee on Rules, reported (Rept. No. 111–368) the resolution (H. Res. 961) providing for consideration of the conference report to accompany the bill (H.R. 3288) making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶152.20 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House the following communication from Mr. SARBANES:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 9, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a third-party subpoena for production of documents issued by the U.S. District Court for the District of Maryland, in connection with a civil matter now pending in that court.

After consultation with the Office of the General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOHN SARBANES,
Member of Congress.

¶152.21 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—CONGRESSIONAL OVERSIGHT PANEL

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 8, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 125(c)(1) of the Emergency Economic Stabilization Act of 2008 (P.L. 110–343), I am pleased to appoint Mr. J. Mark McWatters of Dallas, Texas to the Congressional Oversight Panel. Mr. McWatters' appointment fills the vacancy created by the Honorable Jeb Hensarling, who has resigned the position, effective upon Mr. McWatters' appointment.

Mr. McWatters has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶152.22 PROVIDING FOR CONSIDERATION OF H.R. 4173

Mr. PERLMUTTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 956):

Resolved, That at any time after the adoption of this resolution the Speaker may, 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. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. General debate shall be confined to the bill, as amended, and shall not exceed three hours, with two hours equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services, 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Agriculture, and 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

SEC. 2. During consideration of H.R. 4173 pursuant to this resolution, the Chair of the Committee of the Whole may entertain a motion that the Committee rise only if offered by the chair of the Committee on Financial Services or his designee.

When said resolution was considered.

After debate,

On motion of Mr. PERLMUTTER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 235 / Nays ..... 177 }

¶152.23 [Roll No. 945]

YEAS—235

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
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, E. B.
Kagen
Kanjorski
Kennedy

Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Minnick
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
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)
Wu
Yarmuth

NAYS—177

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
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)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Baldwin
Barrett (SC)
Berry
Buyer
Davis (TN)
DeGette
Fudge
Granger
Hunter
Lee (NY)
Lewis (GA)
McHenry
Miller, George
Moran (VA)
Murtha
Pastor (AZ)
Payne
Radanovich
Sanchez, Loretta
Stark
Wexler
Woolsey

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶152.24 H.R. 86—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 86) to eliminate an unused lighthouse reservation, provide management consistency by bringing the rocks and small islands along the coats of Orange County, California, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 397 / Nays 4

¶152.25 [Roll No. 946]

YEAS—397

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Deal (GA)
DeFazio
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
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)
Kanjorski
Kaptur
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)
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
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Paulsen
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.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
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
Wu
Yarmuth
Young (FL)

NAYS—4

Emerson
Kennedy
Skelton
Young (AK)

NOT VOTING—33

Bachus
Baird
Baldwin
Barrett (SC)
Berry
Bilirakis
Buyer
Davis (TN)
DeGette

Delahunt	Kagen	Pastor (AZ)
Doggett	Lewis (GA)	Payne
Fudge	McNerney	Radanovich
Granger	Melancon	Sanchez, Loretta
Grijalva	Miller, George	Shuler
Halvorson	Moran (VA)	Stark
Harman	Murtha	Wexler
Holden	Obey	Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶152.26 ORDER OF BUSINESS—CONSIDERATION OF H.R. 4173

On motion of Mr. WAXMAN, by unanimous consent,

Ordered, That, during consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes, pursuant to House Resolution 956, the Chair of the Committee on Financial Services be permitted to control 10 minutes of the time allocated to the Chair of the Committee on Energy and Commerce.

¶152.27 ORDER OF BUSINESS—CONSIDERATION OF H.R. 4173

On motion of Mr. BARTON of Texas, by unanimous consent,

Ordered, That, during consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes, pursuant to House Resolution 956, the Ranking Minority Member of the Committee on Financial Services be permitted to control 10 minutes of the time allocated to the Ranking Minority Member of the Committee on Energy and Commerce.

¶152.28 WALL STREET REFORM AND CONSUMER PROTECTION

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to House Resolution 956 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, by unanimous consent, designated Mr. TEAGUE as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. GREEN of Texas, assumed the Chair.

When Mr. TEAGUE, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶152.29 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. PERLMUTTER, by direction of the Committee on Rules, reported (Rept. No. 111–369) the resolution (H. Res. 962) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶152.30 WALL STREET REFORM AND CONSUMER PROTECTION

The SPEAKER pro tempore, Mr. GREEN of Texas, pursuant to House Resolution 956 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.

Mr. TEAGUE, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

THURSDAY, DECEMBER 10 (LEGISLATIVE DAY OF DECEMBER 9), 2009

The SPEAKER pro tempore, Mr. WATT, resumed the Chair.

When Ms. TITUS, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶152.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BUYER, for today after 8 p.m. and the balance of the week; and

To Ms. BALDWIN, for today;

And then,

¶152.32 ADJOURNMENT

On motion of Mr. SCOTT of Georgia, at 12 o'clock and 8 minutes a.m., Thursday, December 10 (legislative day of December 9), 2009, the House adjourned.

¶152.33 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3126. A bill to establish the Consumer Financial Protection Agency, and for other purposes; with an amendment (Rept. 111–367, Pt. 1). Order to be printed.

Ms. SLAUGHTER: Committee on Rules. House Resolution 961. Resolution providing for consideration of the conference report to accompany the bill (H.R. 3288) making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–368). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 962. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 111–369). Referred to the House Calendar.

¶152.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself and Mrs. MCMORRIS RODGERS):

H.R. 4247. A bill to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes; to the Committee on Education and Labor.

By Mr. PAUL:

H.R. 4248. A bill to repeal the legal tender laws, to prohibit taxation on certain coins and bullion, and to repeal superfluous sections related to coinage; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHENRY:

H.R. 4249. A bill to establish a commission to develop legislation designed to reform entitlement benefit programs and ensure a sound fiscal future for the United States, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MELANCON (for himself, Mr. ALEXANDER, Mr. CAO, Mr. CASSIDY, Mr. BOUSTANY, and Mr. FLEMING):

H.R. 4250. A bill to direct the Secretary of Health and Human Services to revise regulations implementing the statutory reporting and auditing requirements for the Medicaid disproportionate share hospital (''DSH'') payment program to be consistent with the scope of the statutory provisions and avoid substantive changes to preexisting DSH policy; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 4251. A bill to amend title 31, United States Code, to provide for payments in lieu of taxes for certain Department of Homeland Security land; to the Committee on Natural Resources.

By Mr. BACA (for himself and Mrs. NAPOLITANO):

H.R. 4252. A bill to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the

State of California, and for other purposes; to the Committee on Natural Resources.

By Mr. BUTTERFIELD:

H.R. 4253. A bill to amend the Small Business Act to change the net worth amount under the small business program for socially and economically disadvantaged individuals from $750,000 to $978,722, and for other purposes; to the Committee on Small Business.

By Ms. KAPTUR:

H.R. 4254. A bill to direct amounts derived from the repayment of TARP assistance to the Deposit Insurance Fund of the Federal Deposit Insurance Corporation to reduce the amount of any increase in premiums that would otherwise be required of smaller insured depository institutions and community banks whose prudent activities did not contribute to the financial crisis, and for other purposes; to the Committee on Financial Services.

By Mr. MITCHELL (for himself and Mr. PAUL):

H.R. 4255. A bill to prevent Members of Congress from receiving any automatic pay adjustment in 2011; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. HELLER, Ms. BERKLEY, and Mr. NUNES):

H.R. 4256. A bill to amend the American Recovery and Reinvestment Tax Act of 2009 to allow specified energy property grants to real estate investment trusts without regard to the ratable share income limitations; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. TITUS (for herself, Ms. GIFFORDS, and Mr. HEINRICH):

H.R. 4257. A bill to amend the Energy Policy Act of 2005 relating to contracts for Federal purchases of renewable energy; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska:

H.R. 4258. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for donations for vocational educational purposes; to the Committee on Ways and Means.

By Mr. POE of Texas:

H. Res. 959. A resolution amending the Rules of the House of Representatives to prohibit the consideration of a regulation of individual activity disguised as a tax; to the Committee on Rules.

By Mr. POE of Texas:

H. Res. 960. A resolution expressing support for designation of January 2010 as ''National Stalking Awareness Month'' to raise awareness and encourage prevention of stalking; to the Committee on the Judiciary.

By Mr. KILDEE (for himself, Mr. CAMP, Mr. CONYERS, Mr. DINGELL, Mr. EHLERS, Mr. HOEKSTRA, Ms. KILPATRICK of Michigan, Mr. LEVIN, Mr. MCCOTTER, Mrs. MILLER of Michigan, Mr. PETERS, Mr. ROGERS of Michigan, Mr. SCHAUER, Mr. STUPAK, and Mr. UPTON):

H. Res. 963. A resolution congratulating the Great Lakes Bay Regional Convention and Visitors Bureaus for securing the 2012 Region II United States Youth Soccer Association (USYSA) tournament; to the Committee on Oversight and Government Reform.

¶152.35 MEMORIALS

Under clause 4 of Rule XXII,

223. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 153 urging the U.S. Congress to exclude all youth all-terrain vehicles, off-highway motorcycles and snowmobiles from the provisions of the Consumer Product Safety Improvement Act of 2008; to the Committee on Energy and Commerce.

¶152.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. SOUDER.

H.R. 272: Mr. LUETKEMEYER and Mr. WILSON of South Carolina.

H.R. 391: Mr. BOOZMAN, Mr. SOUDER, Mr. SESSIONS, Ms. JENKINS, and Mr. FLAKE.

H.R. 406: Ms. SLAUGHTER.

H.R. 571: Mr. PAULSEN.

H.R. 646: Mr. PETERSON.

H.R. 690: Ms. VELÁZQUEZ.

H.R. 775: Ms. ESHOO, Mr. UPTON, Mr. CARDOZA, and Mr. NEAL of Massachusetts.

H.R. 847: Mr. WALZ.

H.R. 930: Mrs. DAHLKEMPER.

H.R. 938: Mr. FRANK of Massachusetts.

H.R. 997: Mr. TIM MURPHY of Pennsylvania and Mr. BISHOP of Utah.

H.R. 1126: Mr. JACKSON of Illinois.

H.R. 1135: Mrs. DAHLKEMPER.

H.R. 1177: Mr. DAVIS of Kentucky and Ms. SHEA-PORTER.

H.R. 1193: Mr. GERLACH.

H.R. 1326: Mr. KILDEE, Mr. CROWLEY, Mr. HODES, Mr. OLVER, Mr. CUMMINGS, and Mr. LATOURETTE.

H.R. 1409: Mr. OWENS.

H.R. 1428: Ms. ZOE LOFGREN of California.

H.R. 1458: Mr. SMITH of New Jersey.

H.R. 1523: Mr. KENNEDY.

H.R. 1551: Mrs. DAHLKEMPER.

H.R. 1821: Mr. STUPAK.

H.R. 2085: Mr. FRANK of Massachusetts.

H.R. 2106: Mr. PLATTS.

H.R. 2194: Mr. HOLT.

H.R. 2254: Mr. KING of New York, Mr. NADLER of New York, Mr. OBERSTAR, Mr. PERRIELLO, Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CLARKE, Mr. BOOZMAN, and Mr. BISHOP of Utah.

H.R. 2262: Mr. YOUNG of Alaska.

H.R. 2308: Mr. MORAN of Virginia.

H.R. 2378: Mr. SCHAUER.

H.R. 2450: Mr. CARNEY.

H.R. 2480: Ms. SLAUGHTER.

H.R. 2553: Mr. TEAGUE.

H.R. 2608: Mr. MORAN of Kansas and Mr. CRENSHAW.

H.R. 2698: Mr. TAYLOR and Mr. HILL.

H.R. 2699: Mr. TAYLOR.

H.R. 2799: Mr. HINOJOSA, Mr. TAYLOR, Mrs. MALONEY, Mr. HALL of New York, Mrs. KIRKPATRICK of Arizona, and Ms. RICHARDSON.

H.R. 2807: Mr. LIPINSKI and Ms. LEE of California.

H.R. 2829: Mr. JOHNSON of Georgia.

H.R. 2906: Ms. SCHAKOWSKY.

H.R. 2946: Mr. GUTHRIE, Mr. CLEAVER, and Mrs. CAPITO.

H.R. 3010: Mr. DELAHUNT.

H.R. 3044: Mr. BARTON of Texas and Mr. HOEKSTRA.

H.R. 3105: Mr. GARY G. MILLER of California.

H.R. 3129: Mr. OLSON and Mr. BOOZMAN.

H.R. 3212: Mr. CONYERS.

H.R. 3251: Mr. CHAFFETZ.

H.R. 3286: Mr. HODES and Ms. WOOLSEY.

H.R. 3359: Mr. BERMAN.

H.R. 3380: Mr. SCHAUER, Mr. UPTON, Mr. KILDEE, and Mr. MASSA.

H.R. 3393: Mr. MURPHY of New York, Mrs. BLACKBURN, and Mr. JONES.

H.R. 3486: Mr. MICA and Mr. SPACE.

H.R. 3531: Mr. PASTOR of Arizona and Mr. STARK.

H.R. 3554: Ms. HARMAN.

H.R. 3564: Mr. HARE and Mr. GONZALEZ.

H.R. 3586: Mr. FRANK of Massachusetts and Mr. PASCRELL.

H.R. 3589: Mr. PAYNE.

H.R. 3646: Ms. ROYBAL-ALLARD, Ms. CHU, Mr. HONDA, Mr. FARR, and Ms. BALDWIN.

H.R. 3699: Mr. FRANK of Massachusetts and Mr. PAUL.

H.R. 3712: Mr. QUIGLEY and Ms. FUDGE.

H.R. 3721: Mr. MEEK of Florida.

H.R. 3758: Mr. YOUNG of Alaska, Mr. HOEKSTRA, Mr. CONYERS, Mrs. MYRICK, Mr. SIRES, Mr. POE of Texas, and Mr. ROSS.

H.R. 3778: Mr. KING of New York.

H.R. 3810: Mr. CUMMINGS.

H.R. 3828: Mr. POSEY, Mr. GARRETT of New Jersey, and Mr. ROYCE.

H.R. 3838: Mr. MEEKS of New York.

H.R. 3855: Mr. POLIS, Ms. DEGETTE, and Mr. CLEAVER.

H.R. 3942: Mrs. DAHLKEMPER.

H.R. 4000: Mr. FOSTER and Mr. FILNER.

H.R. 4052: Mr. REICHERT.

H.R. 4067: Mr. QUIGLEY and Mr. ALTMIRE.

H.R. 4090: Mr. LEVIN.

H.R. 4100: Mr. GINGREY of Georgia, Mr. ALEXANDER, Mr. BURTON of Indiana, Mr. OLSON, Mr. ROE of Tennessee, Mr. BARTLETT, Mr. THOMPSON of Pennsylvania, and Mr. SOUDER.

H.R. 4104: Mr. CASTLE.

H.R. 4114: Mr. JOHNSON of Georgia.

H.R. 4116: Mr. NADLER of New York, Mr. JACKSON of Illinois, Ms. VELÁZQUEZ, and Mr. RAHALL.

H.R. 4127: Mr. ADERHOLT and Mr. ROGERS of Kentucky.

H.R. 4132: Ms. ROS-LEHTINEN and Mrs. NAPOLITANO.

H.R. 4134: Mr. BUTTERFIELD, Mr. AL GREEN of TexasMr. THOMPSON of Mississippi, Mr. MEEKS of New York, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, Ms. RICHARDSON, Ms. WATSON, Ms. KILPATRICK of Michigan, Mr. CUMMINGS, Ms. EDWARDS of Maryland, Mr. JOHNSON of Georgia, Mr. SCOTT of Georgia, Mr. KUCINICH, and Mr. FATTAH.

H.R. 4138: Mr. PITTS, Mr. MARCHANT, Mr. SHADEGG, Mr. CONAWAY, Mr. KING of Iowa, Mr. COLE, Mr. BURTON of Indiana, Mr. OLSON, Mr. GOHMERT, Mr. BARTLETT, Mr. JORDAN of Ohio, Mr. BISHOP of Utah, Mr. LAMBORN, Mr. POSEY, Mr. THOMPSON of Pennsylvania, Mr. BILBRAY, Mr. AKIN, and Ms. FALLIN.

H.R. 4157: Mr. WILSON of South Carolina and Mr. DUNCAN.

H.R. 4162: Mr. CULBERSON.

H.R. 4163: Ms. SCHAKOWSKY.

H.R. 4177: Mr. BISHOP of Georgia.

H.R. 4184: Ms. BERKLEY and Mr. CROWLEY.

H.R. 4185: Ms. HERSETH SANDLIN.

H.R. 4190: Ms. SLAUGHTER.

H.R. 4191: Mr. CONYERS and Ms. ZOE LOFGREN of California.

H.R. 4196: Mr. JACKSON of Illinois, Mr. FILNER, Mr. LARSEN of Washington, and Ms. CORRINE BROWN of Florida.

H.R. 4219: Mr. MARIO DIAZ-BALART of Florida, Mr. DUNCAN, Ms. ROS-LEHTINEN, Mr. ROGERS of Alabama, Mr. COFFMAN of Colorado, Mr. ROE of Tennessee, Mr. GUTHRIE, Mr. HARPER, Mr. HUNTER, Mr. MCHENRY, and Mr. CHAFFETZ.

H.R. 4235: Mr. LANGEVIN.

H.J. Res. 47: Mr. BACHUS and Mr. ROSS.

H. Con. Res. 24: Mr. RYAN of Ohio.

H. Res. 111: Mr. CAPUANO and Mr. MCMAHON.

H. Res. 166: Mr. SPRATT.

H. Res. 704: Ms. WASSERMAN SCHULTZ, Mr. CAMPBELL, Mr. DAVIS of Alabama, Mr. HINOJOSA, Mr. OLSON, Mr. MCKEON, Mr. MARCHANT, and Mr. WILSON of South Carolina.

H. Res. 708: Mr. BISHOP of New York, Mrs. BIGGERT, Mrs. BLACKBURN, Mrs. MCMORRIS-

RODGERS, Ms. GRANGER, Ms. GINNY BROWN-WAITE of Florida, and Mrs. BONO MACK.

H. Res. 713: Mr. SKELTON, Mr. THOMPSON of Mississippi, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BACA, Mr. BRALEY of Iowa, Mrs. CHRISTENSEN, Ms. MATSUI, Mr. DOYLE, Ms. SUTTON, Mr. WELCH, Ms. ROYBAL-ALLARD, Ms. WATERS, Mr. DAVIS of Illinois, Mr. CARSON of Indiana, Mr. CONYERS, Mr. CUMMINGS, Ms. LEE of California, Mr. JACKSON of Illinois, Ms. NORTON, Mr. TOWNS, Ms. HIRONO, Mr. WU, Mr. BURGESS, and Mr. GOHMERT.

H. Res. 812: Mr. SPRATT and Mrs. MYRICK.

H. Res. 860: Mr. KAGEN, Mr. GEORGE MILLER of California, and Mr. POLIS of Colorado.

H. Res. 862: Mr. RUSH, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Ms. SCHAKOWSKY, Mr. COSTELLO, and Ms. HERSETH SANDLIN.

H. Res. 864: Mr. PRICE of North Carolina, Mr. MAFFEI, Mr. HOYER, Mr. KISSELL, Mr. KIND, Mr. MEEK of Florida, Mr. OWENS, Mr. HOLDEN, Mr. MICHAUD, Mrs. HALVORSON, Mr. HILL, Mr. BAIRD, Mr. ETHERIDGE, Mr. HODES, Ms. TITUS, Mr. STUPAK, Mr. EDWARDS of Texas, and Mr. SARBANES.

H. Res. 879: Mrs. LOWEY, Ms. HIRONO, and Mr. JOHNSON of Georgia.

H. Res. 901: Mr. JOHNSON of Georgia.

H. Res. 904: Mrs. Kirkpatrick of Arizona, Mr. WALZ, Mr. FALEOMAVAEGA, Mr. SHULER, Mrs. CHRISTENSEN, Ms. MOORE of Wisconsin, and Mr. MCNERNEY.

H. Res. 924: Mr. CONAWAY, Mr. FORBES, and Mr. LAMBORN.

H. Res. 925: Mr. WITTMAN and Mr. TAYLOR.

H. Res. 933: Mr. MCCOTTER.

H. Res. 934: Mr. MCCOTTER.

H. Res. 945: Mr. THOMPSON of Pennsylvania, Mr. AKIN, Mr. WAMP, Mr. HUNTER, Mr. SHADEGG, Mr. BURTON of Indiana, Mr. ROE of Tennessee, Mr. HENSARLING, Mr. RYAN of Wisconsin, Mr. MARCHANT, Mr. CONAWAY, Mr. GOHMERT, Mr. HALL of Texas, Mr. ALEXANDER, Mr. JORDAN of Ohio, Mr. BILIRAKIS, and Mr. SCALISE.

H. Res. 947: Ms. SCHAKOWSKY, Mrs. MALONEY, and Mrs. DAVIS of California.

H. Res. 951: Mr. COBLE, Mr. NEUGEBAUER, Mr. MARCHANT, Mr. PITTS, Mr. GINGREY of Georgia, Mr. HENSARLING, Mr. GOODLATTE, Mrs. BLACKBURN, Ms. FALLIN, Mr. ISSA, Mr. WAMP, Mr. AKIN, Mr. ADERHOLT, Mr. BILBRAY, Mr. THOMPSON of Pennsylvania, Mr. POSEY, Mr. BISHOP of Utah, Mr. JORDAN of Ohio, Mr. BARTLETT, Mr. ROE of Tennessee, Mr. HALL of Texas, Mr. GOHMERT, Mr. ALEXANDER, Mr. SHADEGG, Mr. WESTMORELAND, and Mrs. BACHMANN.

THURSDAY, DECEMBER 10, 2009 (153)

¶153.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BLUMENAUER, who laid before the House the following communication:

WASHINGTON, DC,
December 10, 2009.

I hereby appoint the Honorable EARL BLUMENAUER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶153.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BLUMENAUER, announced he had examined and approved the Journal of the proceedings of Wednesday, December 9, 2009.

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

¶153.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4979. A letter from the Under Secretary, Department of Defense, transmitting a report entitled ''Report on Civilian Health Professions Scholarship Program (HPSP) for Mental Health Providers''; to the Committee on Armed Services.

4980. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Promoting Diversification of Ownership in the Broadcasting Services [MB Docket No.: 07-294] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4981. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Crandon, Wisconsin) [MD Docket No.: 08-62] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4982. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (McNary, Arizona) [MB Docket No.: 09-7] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4983. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Cut Bank, Montana) [MB Docket No.: 09-50] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4984. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments Television Broadcast Stations. (Lexington, Kentucky) [MB Docket No.: 09-163] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4985. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations. (Opelika, Alabama) [MB Docket No.: 09-162] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4986. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 104-09, certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4987. A letter from the Assistant Secretary, Department of State, transmitting Transmittal No. DDTC 125-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4988. A letter from the Assistant Secretary, Department of State, transmitting Transmittal No. DDTC 127-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4989. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 123-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4990. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 124-09, certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4991. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 132-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4992. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 128-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4993. A letter from the Deputy Assistant Administrator, Bureau of Legislative and Public Affairs, United States Agency International Development, transmitting a letter in response to the GAO report entitled ''Information Technology: Federal Agencies Need to Strengthen Investment Board Oversight of Poorly Planned and Performing Projects''; to the Committee on Oversight and Government Reform.

4994. A letter from the Director, Department of the Interior, transmitting the Department's second report entitled, ''Estimates of Natural Gas and Oil Reserves, Reserves Growth, and Undiscovered Resources in Federal and State Water off the Coasts of Texas, Louisiana, Mississippi, and Alabama'', pursuant to Public Law 109–58, section 965(c); to the Committee on Natural Resources.

4995. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30697; Amdt. No. 3348] received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4996. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30698; Amdt. No. 3349] received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4997. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment of Class D and Class E Airspace; New Orleans NAS, LA [Docket No. FAA-2009-0405; Airspace Docket No. 09-ASW-12] received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4998. A letter from the Division Chief, Division of Legislation and Regulation, Department of Transportation, transmitting the

Department's final rule — Capital Construction Fund [Docket No.: MARAD-2008-0075] (RIN: 2133-AB71) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4999. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents for Calendar Year 2008 [FRA-2007-0018] received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5000. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mankato, MN [Docket No.: FAA-2009-0677; Airspace Docket No. 09-AGL-17] received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5001. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Amendments to List of User Fee Airports: Removal of User Fee Status for Roswell Industrial Air Center, Roswell, New Mexico and March Inland Port Airport, Riverside, California and Name Change for Capital City Airport, Lansing, Michigan [CBP Dec. 09-41] received November 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5002. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Electronic Payment and Refund of Quarterly Harbor Maintenance Fees [Docket No.: USCBP 2007-0111] (RIN: 1505-AB97) received November 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5003. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Amendment to List of User Fee Airports: Termination of User Fee Status of Santa Maria Public Airport, Santa Maria, California received November 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5004. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Information Reporting Requirements Under Internal Revenue Code Section 6039 [TD 9470] (RIN 1545-BH69) received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5005. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Further Extension of Effective Date of Normal Retirement Age Regulations for Governmental Plans [Notice: 209-86] received November 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶153.4 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 3288

Mr. MCGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 961):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3288) making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The conference report shall be considered as read. All points of order against the conference report and against its consideration are waived. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit.

Pending consideration of said resolution.

¶153.5 POINT OF ORDER

Mr. FLAKE made a point of order against consideration of said resolution, and said:

''Mr. Speaker, I will raise a point of order against H. Res. 961 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution carries a waiver of all points of order against consideration of the conference report, which includes a waiver of section 425 of the Congressional Budget Act which causes a violation of section 426(a).''.

The SPEAKER pro tempore, Mr. BLUMENAUER, responded to the point of order, and said:

''The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

''In accordance with section 426(b)(2) of the Act, the gentleman from Arizona has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

''Pursuant to section 426(b)(3) of the Act, after debate, the Chair will put the question of consideration, to wit: 'Will the House now consider the resolution?'.''.

Mr. FLAKE was further recognized and said:

''Mr. Speaker, I raise this point of order not so much out of a concern for unfunded mandates, but again, it's about the only opportunity we have to stand up and talk about the process by which this conference report is being brought to the floor.

''We all remember that earlier this year we had something unprecedented happen. We have never in the history of the Republic ever had every appropriation bill come to the floor under a closed rule where Members from both sides of the aisle were denied the ability to offer amendments.

''Now, until a decade or two ago, appropriation bills typically came to the floor without even going through the Rules Committee at all. It would simply come under an open rule, and amendments would be disposed of on the floor and there would be open debate.

''A couple of decades ago, we started to go to the Rules Committee, but only to set overall parameters. It was still an open rule, and any Member could offer any amendment to strike funding or move funding around within the bill as long as it was germane. But this year we were told by the majority that we had to rush this legislation through, these appropriation bills.

''Remember, the main reason Congress is here is because of the power of the purse. It's article 1: to dispose of funding legislation, to fund the agencies of the Federal Government. So that is the important reason we're here.

''But we were told we had to rush that through and had to do it under what amounts to a form of legislative martial law where every appropriation bill this year, every one, came to the floor under a closed rule. Members were denied the ability to offer the amendments they wanted to offer. They could only offer the amendments that the Rules Committee saw fit for them to offer.

''Over 1,000 amendments were offered. Just 12 percent of those amendments were actually allowed onto the House floor. Now, I was fortunate to have a number of those amendments allowed. Some of my colleagues came to the floor or came to the Rules Committee over and over again with multiple amendment requests on every bill, and in the entire year, not allowed one, not one amendment. We had several members not allowed one amendment the entire year because we had to rush these bills through for some unknown reason. We were told that we had to do this because we wanted to avoid an omnibus.

''Well, here we are with an omnibus. This is a bill that spends north of a trillion dollars, one bill brought to the floor under one rule. And in it, let me tell you what's in it.

''Let me just tell you what is in it. In it is more than 5,000 earmarks.''.

Mr. DREIER was recognized to speak to the point of order and said:

''Mr. Speaker, I congratulate him for his remarks. Basically it's what I'm going to say when we begin the process here. But one of the arguments that has been propounded and was utilized up in the Rules Committee last night was that when we completed our work here in the House of Representatives, that it was our friends on the other side of the Capitol who did not comply with the kind of schedule that we had. And the fact is, it's important to remember that there are 58 Democrats and two Independents who organize with the Democrats in the United States Senate, giving them a total of 60 votes, and they have complete control. And so the notion of somehow saying, ''Well, we had to get our work done. We had intended to avoid an omnibus if we had been able to complete our work, but it's those guys over on the other side of the Capitol who failed to meet their responsibilities'' is a very, very specious and weak argument to make in light of the fact that they have control of everything now.''.

Mr. MCGOVERN was recognized to speak to the point of order and said:

''I have great respect for my colleague from Arizona, but technically, this point of order is about whether or not to consider this rule and ultimately the underlying conference report. In reality, it is about trying to

block this report without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation itself. I think that is wrong, and I hope my colleagues will vote ''yes'' so we can consider this important legislation on its merits and not stop it on a procedural motion. Those who oppose the conference report can vote against it on final passage. We must consider this rule, we must have a debate, and we must pass this legislation today.

''I have the right to close, but in the end, I will urge my colleagues to vote 'yes' to consider the rule.''.

Mr. FLAKE was further recognized and said:

''Here again, I'm claiming my time on the unfunded mandates point of order because it's about the only opportunity we've had. And all throughout this appropriations season, I did something similar because it was the only opportunity I got. I was offered so few opportunities to offer amendments to earmarks during this appropriations season.

''But let me just give you some of the examples of earmarks that are in this bill, just a couple of examples of the more than 5,000 earmarks that are stuffed into this legislation; again, earmarks that, for the most part, we were unable to challenge on the House floor because we weren't afforded the opportunity.

''We made a law in the past couple of years, and I'm glad we have, about transparency, to make sure that Members' names are next to the earmarks they request. But as important as transparency is, accountability must also be present. And without the ability of Members to challenge those earmarks, then transparency doesn't mean a whole lot. And we haven't had the ability to have accountability here.

''In this legislation, $125,000 goes for the defense procurement assistance program in southwestern Pennsylvania. Now, those who follow the appropriations process around here, particularly with Defense Appropriations, realize that southwestern Pennsylvania needs help with defense procurement like Arizona needs more cactus. This is a region that gets billions and billions of dollars in no-bid contracts to private companies, and yet we are appropriating here an earmark, a specifically designated earmark, for defense procurement assistance. Now, how ridiculous is that? Yet, it's in this legislation, and it was in the prior legislation that we dealt with under, as I said, the legislative equivalent of martial law earlier this year.

''There's $500,000 for the Botanical Research Institute of Texas to enhance its collections; $292,000 to eliminate slum and blight in Scranton, Pennsylvania; $700,000 for an arts pavilion in Mississippi; $300,000 for Carnegie Hall music and education programs in New York.

''Again, these may well be worthy programs. I'm not sure the Federal Government ought to be funding them. But, in any case, should any Member have the right to designate that portion of funding for his or her district without the ability of other Members to challenge it on the House floor? That is the question we have here.

''We went through a process the entire year where we were told we can't have open debate, we can't allow Members to challenge these earmarks on the House floor because we have to rush these bills through to avoid an omnibus. Here we are in December with an omnibus. We all knew we would be here.

''During the years 2006 to 2008 when the majority party was in the majority of Congress but the Republicans had the White House, we were told, ''Well, we could get these bills through in regular order were it not for the White House.'' Now, as the ranking member on the Rules Committee stated, the majority party is in control of the White House, has a huge majority here in the House and a 60-vote majority in the Senate, and still we are here with an omnibus. We knew we would be here. So you can only conclude that we rushed through this process during the entire year just to shield Members from uncomfortable votes to be forced to defend $250,000 for the Brooklyn Children's Museum or $600,000 for streetscape beautification in California and $250,000 for a farmer's market in Kentucky. If it weren't for that, why in the world did we have to shield Members from these uncomfortable votes?

''So, Mr. Speaker, I simply wanted something different to come with this new majority in 2006. I wanted a transparent process with earmarks, wanted an accountable process with earmarks. But this year, I have to say, with the closed rules that have come on appropriations bills, we haven't had a more opaque year in a long, long time, and it doesn't speak well for this House. It doesn't speak well for our leadership to allow this kind of thing to happen, and particularly at a time when we have story after story after story in the newspapers about, particularly, problems with defense procurement, when you have no-bid contracts to private companies that are in legislation that we aren't allowed to challenge.

''I realize the Defense bill is not part of this legislation. That will come next week. But it will come again with one rule, no ability to amend and no ability to challenge. When that Defense bill came to the floor earlier this year, there were more than 1,000 earmarks, more than 500 of which represented no-bid contracts to private companies. I offered more than 500 amendments to challenge some of those, and I was allowed just a tiny fraction of those. I think I was allowed 8 percent of the amendments that were offered, and so we are only allowed to challenge just a fraction of those no-bid contracts to private companies. And that, Mr. Speaker, is simply wrong.

''We cannot continue to do that in this House. We need to be above reproach here. And we can't have a process when you have no-bid contracts to private companies without the ability of Members of Congress to come to this floor and challenge those earmarks. When you have a process that shields those projects and those Members from any vetting or criticism or debate or anything else, we shouldn't be doing that, yet we are still doing it.

''With that, I urge to overturn this rule.''.

Mr. McGOVERN was further recognized and said:

''Mr. Speaker, again, I want to urge my colleagues to vote 'yes' on this motion to consider so that we can debate and pass this important piece of legislation today.''.

After debate,

The question being put, viva voce,

Will the House now consider the resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the yeas had it.

So the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider the resoluton was, by unanimous consent, laid on the table.

Accordingly,

When said resolution was considered.

After debate,

Mr. McGOVERN moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 227 / Nays 187

¶153.6 [Roll No. 947]

YEAS—227

Abercrombie	Chandler	Edwards (TX)
Ackerman	Chu	Ellison
Adler (NJ)	Clarke	Eshoo
Altmire	Clay	Etheridge
Andrews	Cleaver	Farr
Arcuri	Clyburn	Fattah
Baca	Cohen	Filner
Barrow	Connolly (VA)	Foster
Bean	Conyers	Frank (MA)
Becerra	Cooper	Fudge
Berkley	Costello	Garamendi
Berman	Courtney	Gonzalez
Berry	Crowley	Gordon (TN)
Bishop (GA)	Cuellar	Grayson
Bishop (NY)	Cummings	Green, Al
Blumenauer	Dahlkemper	Green, Gene
Boccieri	Davis (AL)	Griffith
Boswell	Davis (CA)	Grijalva
Boucher	Davis (IL)	Gutierrez
Boyd	Davis (TN)	Hall (NY)
Brady (PA)	DeFazio	Halvorson
Butterfield	DeGette	Hare
Capps	Delahunt	Harman
Capuano	DeLauro	Hastings (FL)
Cardoza	Dicks	Herseth Sandlin
Carnahan	Dingell	Higgins
Carney	Doggett	Himes
Carson (IN)	Doyle	Hinchey
Castor (FL)	Edwards (MD)	Hinojosa

Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
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
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Teague
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
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
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
McIntyre
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Napolitano
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
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)
Souder
Stearns
Stupak
Sullivan
Taylor
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Baldwin
Barrett (SC)
Bartlett
Braley (IA)
Buyer
Cantor
Costa
Engel
Heinrich
Jackson-Lee (TX)
McKeon
Meeks (NY)
Mica
Moran (VA)
Murtha
Radanovich
Sires
Tanner
Wasserman Schultz
Waters

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 Nays 200

¶153.7 [Roll No. 948]

YEAS—221

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
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
Herseth Sandlin
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
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
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
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Tanner
Teague
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—200

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costello
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
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
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Quigley
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Taylor
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Baldwin
Barrett (SC)
Bartlett
Buyer
Davis (TN)
Higgins
Mica

Moran (VA)	Radanovich	Watt
Murtha	Sutton	Wittman

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶153.8 H. RES. 35—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 35) expressing the sense of the House of Representatives that Congress should provide increased Federal funding for continued type 1 diabetes research.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶153.9 PROVIDING FOR CONSIDERATION OF H.R. 4173

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 111–370) the resolution (H. Res. 964) providing for further consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶153.10 TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS FY 2010

Mr. OLVER, pursuant to H. Res. 961, called up the following conference report (Rept. No. 111–368):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3288), making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE

This Act may be cited as the ''Consolidated Appropriations Act, 2010''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Statement of appropriations.
DIVISION A—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010
Title I—Department of Transportation
Title II—Department of Housing and Urban Development
Title III—Related agencies
Title IV—General provisions—This Act
DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010
Title I—Department of Commerce
Title II—Department of Justice
Title III—Science
Title IV—Related agencies
Title V—General provisions
DIVISION C—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010
Title I—Department of the Treasury
Title II—Executive Office of the President and funds appropriated to the President
Title III—The judiciary
Title IV—District of Columbia
Title V—Independent agencies
Title VI—General provisions—This Act
Title VII—General provisions—Government-wide
Title VIII—General provisions—District of Columbia
DIVISION D—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010
Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related agencies
Title V—General provisions
DIVISION E—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2010
Title I—Department of Defense
Title II—Department of Veterans Affairs
Title III—Related agencies
Title IV—Overseas contingency operations
Title V—General provisions
DIVISION F—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010
Title I—Department of State and related agency
Title II—United States Agency for International Development
Title III—Bilateral economic assistance
Title IV—International security assistance
Title V—Multilateral assistance
Title VI—Export and investment assistance
Title VII—General provisions

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010.

DIVISION A—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $102,686,000, of which not to exceed $2,631,000 shall be available for the immediate Office of the Secretary; not to exceed $986,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $20,359,000 shall be available for the Office of the General Counsel; not to exceed $11,100,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $10,559,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,504,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $25,520,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,055,000 shall be available for the Office of Public Affairs; not to exceed $1,658,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,499,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $10,600,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $13,215,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, $600,000,000, to remain available through September 30, 2012: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than $10,000,000 and not greater than $200,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: Provided further, That not less than $140,000,000 of the funds provided under this heading shall be for projects located in rural areas: Provided further, That for projects located in rural areas, the

minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That of the amount made available under this heading, the Secretary may use an amount not to exceed $150,000,000 for the purpose of paying the subsidy and administrative costs of projects eligible for federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: Provided further, That of the amount made available under this heading, the Secretary may use an amount not to exceed $35,000,000 for the planning, preparation or design of projects eligible for funding under this heading: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading no sooner than 60 days after enactment of this Act, require applications for funding provided under this heading to be submitted no sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2010: Provided further, That the Secretary may retain up to $25,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants made under this heading.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, $5,000,000, to remain available until expended.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,667,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $16,168,000.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $147,596,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $353,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $570,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,074,000, to remain available until September 30, 2011: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $150,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: Provided, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 103. The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

SEC. 104. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from ''Office of the Secretary, Salaries and expenses'' to ''Minority Business Outreach''.

SEC. 105. Such amounts as are required from amounts provided in this Act to the Office of the Secretary of Transportation for the Transportation Planning, Research and Development program may be used for the development, coordination, and analysis of data collection procedures and national performance measures.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $9,350,028,000, of which $4,000,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,299,299,000 shall be available for air traffic organization activities; not to exceed $1,234,065,000 shall be available for aviation safety activities; not to exceed $15,237,000 shall be available for commercial space transportation activities; not to exceed $113,681,000 shall be available for financial services activities; not to exceed $100,428,000 shall be available for human resources program activities; not to exceed $341,977,000 shall be available for region and center operations and regional coordination activities; not to exceed $196,063,000 shall be available for staff offices; and not to exceed $49,278,000 shall be available for information services: Provided, That the Secretary utilize not less than $17,084,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: Provided further, That none of the funds provided for increases to the staffs of the aviation flight standards and aircraft certification offices shall be used for other purposes: Provided further, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: Provided further, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: Provided further, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $9,500,000 shall be for the contract tower cost-sharing program: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That of the funds available under this heading not to exceed $500,000 shall be provided to the Department of Transportation's Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31,

United States Code, and not to exceed $120,000 shall be provided to that office through reimbursement to conduct the annual Enterprise Services Center Statement on Auditing Standards 70 audit.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,936,203,000, of which $2,466,203,000 shall remain available until September 30, 2012, and of which $470,000,000 shall remain available until September 30, 2010: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2011 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2011 through 2015, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $190,500,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2012: Provided, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,000,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,515,000,000 in fiscal year 2010, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than $93,422,000 shall be obligated for administration, not less than $15,000,000 shall be available for the airport cooperative research program, not less than $22,472,000 shall be for Airport Technology Research and $6,000,000, to remain available until expended, shall be available and transferred to ''Office of the Secretary, Salaries and Expenses'' to carry out the Small Community Air Service Development Program.

(RESCISSION)

Of the amounts authorized for the fiscal year ending September 30, 2009, and prior years under sections 48103 and 48112 of title 49, United States Code, $394,000,000 are permanently rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2010.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2010, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. (a) Section 44302(f)(1) of title 49, United States Code, is amended—

(1) by striking ''September 30, 2009,'' and inserting ''September 30, 2010,''; and

(2) by striking ''December 31, 2009,'' and inserting ''December 31, 2010,''.

(b) Section 44303(b) of such title is amended by striking ''December 31, 2009,'' and inserting ''December 31, 2010,''.

SEC. 115. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 116. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 117. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 118. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 119. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $413,533,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed $3,524,000 shall be paid from appropriations made available by this Act and transferred to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of projects and programs of the Federal Highway Administration, and not to exceed $285,000 shall be paid from appropriations made available by this Act and provided to that office through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code. In addition, not to exceed $3,220,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $41,107,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2010: Provided, That within the $41,107,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2010: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: Provided further, That such fees are available until expended to pay for such costs: Provided further, That such amounts are in addition to administrative expenses that are also available for

such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $41,846,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

SURFACE TRANSPORTATION PRIORITIES

For the necessary expenses of certain highway and surface transportation projects, $292,829,000, to remain available until expended: Provided, That the amount provided under this heading shall be made available for the programs, projects, and activities identified under this heading in the explanatory statement accompanying this Act: Provided further, That funds provided under this heading, at the request of a State, shall be transferred by the Secretary to another Federal agency: Provided further, That the Federal share payable on account of any program, project, or activity carried out with funds provided under this heading shall be 100 percent: Provided further, That none of the funds provided under this heading shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2010, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2010; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. There is hereby appropriated to the Secretary of Transportation $650,000,000, to remain available through September 30, 2012: Provided, That the funds provided under this section shall be apportioned to the States in the

same ratio as the obligation limitation for fiscal year 2010 is distributed among the States in section 120(a)(6) of this Act, and made available for the restoration, repair, construction, and other activities eligible under paragraph (b) of section 133 of title 23, United States Code: Provided further, That funds apportioned under this section shall be administered as if apportioned under chapter 1 of title 23, United States Code: Provided further, That the Federal share payable on account of any project or activity carried out with funds apportioned under this section shall be 80 percent: Provided further, That funding provided under this section shall be in addition to any and all funds provided for fiscal year 2010 in this or any other Act for ''Federal-aid Highways'' and shall not affect the distribution of funds provided for ''Federal-aid Highways'' in any other Act: Provided further, That the amounts made available under this section shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act: Provided further, That section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this section.

SEC. 123. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: Provided, That the Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.

SEC. 124. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of non-toll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a non-toll lane for purposes of determining whether a highway will have fewer non-toll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 125. (a) In the explanatory statement referenced in section 129 of division K of Public Law 110–161 (121 Stat. 2388), the item relating to ''Route 5 Overpass and River Center, St. Mary's County, MD'' in the table of projects for such section 129 is deemed to be amended by striking ''Route 5 Overpass and River Center, St. Mary's County, MD'' and inserting ''Safety Improvements and Traffic Calming Measures along Route 5 at St. Mary's County, MD''.

(b) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to ''US 422 River Crossing Complex Project, King of Prussia, PA'' in the table of projects under the heading ''Transportation, Community, and System Preservation Program'' is deemed to be amended by striking ''US 422 River Crossing Complex Project, King of Prussia, PA'' and inserting ''For closed loop signal control system and other improvements for Trooper Road in Lower Providence and West Norriton Townships, Montgomery County, PA''.

(c) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to ''Improving the West Bank River Front, IL'' in the table of projects under the heading ''Transportation, Community, and System Preservation Program'' is deemed to be amended by striking ''Improving the West Bank River Front, IL'' and inserting ''East Bank River Front and Bikeway Improvements, IL''.

(d) In the explanatory statement referenced in section 186 of title I of division K of Public Law 110–161 (121 Stat. 2406), as amended by section 129(d) of division I of Public Law 111–8 (123 Stat. 947), the item relating to ''Repair of Side Streets and Relocation of Water Mains resulting from rerouting of traffic and reconstruction of 159th Street in Harvey, IL'' in the table of projects under the heading ''Transportation, Community, and System Preservation Program'' is deemed to be amended by striking ''Repair of Side Streets and Relocation of Water Mains resulting from rerouting of traffic and reconstruction of 159th Street in Harvey, IL'' and inserting ''Intersection Improvements on Crawford Avenue and 203rd Street in the Village of Olympia Fields, IL''.

(e) In the explanatory statement referenced in section 129 of division K of Public Law 110–161 (121 Stat. 2388), the item relating to ''Study Improvements to 109th Avenue, Winfield, IN'' in the table of projects for such section 129 is deemed to be amended by striking ''Winfield, IN'' and inserting ''Town of Winfield, City of Crown Point, Lake County, IN''.

(f) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to ''Ronald Reagan Parkway (Middle and Southern segments), Boone County, IN'' in the table of projects under the heading ''Transportation, Community, and System Preservation Program'' is deemed to be amended by striking ''Boone County'' and inserting ''Hendricks County''.

(g) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to ''Onville Road Intersection and Road-Widening Project, Prince William County, VA'' in the table of projects under the heading ''Federal Lands'' is deemed to be amended by striking ''Prince William'' and inserting ''Stafford''.

(h) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to ''U.S. 59/Alabama Grade Separation Project, St. Joseph, MO'' in the table of projects under the heading ''Interstate Maintenance Discretionary'' is deemed to be amended by striking ''U.S. 59/Alabama Grade Separation Project, St. Joseph, MO'' and inserting ''I-29 Interchange Reconstruction in St. Joseph, MO''.

(i) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to ''Decking and Sidewalk Replacement on the Central Avenue Overpass, South Charleston, WV'' in the table of projects under the heading ''Interstate Maintenance Discretionary'' is deemed to be amended by striking ''Decking and Sidewalk Replacement on the Central Avenue Overpass, South Charleston, WV'' and inserting ''General Interstate Maintenance, WV''.

(j) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111–8 (123 Stat. 928), the item relating to ''Wapsi Great Western Line Trail, Mitchell County, IA'' is deemed to be amended by striking ''Mitchell County'' and inserting ''Mitchell and Howard Counties''.

(k) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111–8 (123 Stat. 928), the item relating to ''Highway 169 Corridor Project Environmental Assessment, Preliminary Engineering and Planning, Humboldt, IA'' is deemed to be amended by striking ''Corridor Project Environmental Assessment, Preliminary Engineering and Planning, Humboldt, IA'' and inserting ''Construction, Humboldt and Webster Counties, IA''.

(l) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111–8 (123 Stat. 928), the item relating to ''Highway 53 Interchanges, WI'' is deemed to be amended by striking ''Interchanges'' and inserting ''Intersections''.

SEC. 126. Item 4866A in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended by striking ''Repair and restore'' and inserting ''Removal of and enhancements around''.

SEC. 127. Item 3923 in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended by striking ''to 4 lanes from I–10 to West U.S. 90''.

SEC. 128. Funds made available for ''Brentwood Boulevard/SR 4 Improvements, Brentwood, CA'' under section 129 of Public Law 110–161 shall be made available for ''John Muir Parkway Project, Brentwood, CA''.

SEC. 129. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in item number 3138 by striking the project description and inserting ''Elimination of highway-railway crossings and rehabilitation of rail along the KO railroad to Osborne''.

SEC. 130. Funds made available for ''City of Tuscaloosa Downtown Revitalization Project—University Blvd and Greensboro Avenue, AL'' under section 125 of Public Law 111–8 shall be made available for ''City of Tuscaloosa Downtown Revitalization Project—University Blvd''.

SEC. 131. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended by striking the project description for item number 4573 and inserting the following: ''Design and construct interchange on I–15 in Mesquite''.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $239,828,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $239,828,000, for ''Motor Carrier Safety Operations and Programs'' of which $8,543,000, to remain available for obligation until September 30, 2012, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: Provided further, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: Provided

further, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 30, 2010, and September 30, 2010, on the agency's ability to meet its requirement to conduct compliance reviews on high-risk carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $310,070,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $310,070,000, for ''Motor Carrier Safety Grants''; of which $212,070,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and $8,000,000 shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: Provided further, That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be available for audits of new entrant motor carriers: Provided further, That $1,610,661 in unobligated balances are permanently rescinded.

MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $6,415,501 in unobligated balances are permanently rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $3,232,639 in unobligated balances are permanently rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, $140,427,000, of which $35,543,000 shall remain available through September 30, 2011: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, $105,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of $105,500,000 for programs authorized under 23 U.S.C. 403: Provided further, That within the $105,500,000 obligation limitation for operations and research, $26,908,000 shall remain available until September 30, 2011 and shall be in addition to the amount of any limitation imposed on obligations for future years.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2010, are in excess of $4,000,000 for the National Driver Register authorized under such chapter.

NATIONAL DRIVER REGISTER MODERNIZATION

For an additional amount for the ''National Driver Register'' as authorized by chapter 303 of title 49, United States Code, $3,350,000, to remain available through September 30, 2011: Provided, That the funding made available under this heading shall be used to carry out the modernization of the National Driver Register.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $619,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of $619,500,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $235,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402; $25,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405; $124,500,000 shall be for ''Safety Belt Performance Grants'' under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2011 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years; $34,500,000 shall be for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 408; $139,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Incentive Grant Program'' under 23 U.S.C. 410; $18,500,000 shall be for ''Administrative Expenses'' under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for ''High Visibility Enforcement Program'' under section 2009 of Public Law 109–59; $7,000,000 shall be for ''Motorcyclist Safety'' under section 2010 of Public Law 109–59; and $7,000,000 shall be for ''Child Safety and Child Booster Seat Safety Incentive Grants'' under section 2011 of Public Law 109–59: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States: Provided further, That not to exceed $750,000 of the funds made available for the ''High Visibility Enforcement Program'' shall be available for the evaluation required under section 2009(f) of Public Law 109–59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. Of the amounts made available under the heading ''Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $2,299,000 in unobligated balances are permanently rescinded.

SEC. 143. Of the amounts made available under the heading ''Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $14,004,000 in unobligated balances are permanently rescinded.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $172,270,000, of which $12,300,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $37,613,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2010.

RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

For necessary expenses of carrying out section 20154 of title 49, United States Code, $34,532,000, to remain available until expended.

RAILROAD SAFETY TECHNOLOGY PROGRAM

For necessary expenses of carrying out section 20158 of title 49, United States Code, $50,000,000, to remain available until expended: Provided, That to be eligible for assistance under this heading, an entity need not have developed plans required under subsection 20156(e)(2) of title 49, United States Code, and section 20157 of such title.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make grants for high-speed rail projects as authorized under section 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, $2,500,000,000, to remain available until expended: Provided, That $50,000,000 of funds provided under this paragraph are available to the Administrator of the Federal Railroad Administration to fund the award and oversight by the Administrator of grants and cooperative agreements for intercity and high-speed rail: Provided further, That up to $30,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of conducting research and demonstrating technologies supporting the development of high-speed rail in the United States, including the demonstration of next-generation rolling stock fleet technology and the implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: Provided further, That up to $50,000,000 of the funds provided under this paragraph may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator or a state rail plan consistent with chapter 227 of title 49, United States Code: Provided further, That the Secretary may retain a portion of the funds made available for planning activities under the previous proviso to facilitate the preparation of a service development plan and related environmental impact statement for high-speed corridors located in multiple States: Provided further, That the Secretary shall issue interim guidance to applicants covering application procedures and administer the grants provided under this heading pursuant to that guidance until final regulations are issued: Provided further, That not less than 85 percent of the funds provided under this heading shall be for cooperative agreements that lead to the development of entire segments or phases of intercity or high-speed rail corridors: Provided further, That the Secretary shall submit to Congress the national rail plan required by section 103(j) of title 49, United States Code, no later than September 15, 2010: Provided further, That at least 30 days prior to issuing a letter of intent or cooperative agreement pursuant to Section 24402(f) of title 49, United States Code, for a major corridor development program, the Secretary shall provide to the House and Senate Committees on Appropriations written notification consisting of a business and public investment case for the proposed corridor program which shall include: a comprehensive analysis of the monetary and non-monetary costs and benefits of the corridor development program; an assessment of ridership, passenger travel time reductions, congestion relief benefits, environmental benefits, economic benefits, and other public benefits; operating financial forecasts for the program; a full capital cost estimation for the entire project, including the amount, source and security of non-Federal funds to complete the project; a summary of the grants management plan and an evaluation of the grantee's ability to sustain the project: Provided further, That the Federal share payable of the costs for which a grant or cooperative agreements is made under this heading shall not exceed 80 percent: Provided further, That in addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this heading, subsections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this heading: Provided further, That a project need not be in a State rail plan developed under Chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: Provided further, That recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $563,000,000, to remain available until expended: Provided, That the Secretary shall not make the grants for the third and fourth quarter of the fiscal year available to the Corporation until an Inspector General who is a member of the Council of the Inspectors General on Integrity and Efficiency determines that the Corporation and the Corporation's Inspector General have agreed upon a set of policies and procedures for interacting with each other that are consistent with the letter and the spirit of the Inspector General Act of 1978, as amended: Provided further, That 1 year after such determination is made, the Council of the Inspectors General on Integrity and Efficiency shall appoint another member to evaluate the current operational independence of the Amtrak Inspector General: Provided further, That the Corporation shall reimburse each Inspector General for all costs incurred in conducting the determination and the evaluation required by the preceding two provisos: Provided further, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit to the Secretary, the Inspector General of the Department of Transportation, and the House and Senate Committees on Appropriations a plan to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: Provided further, That the Inspector General of the Department of Transportation shall provide semiannual reports to the House and Senate Committees on Appropriations on the estimated savings accrued as a result of all operational reforms instituted by the Corporation and estimations of possible future savings: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the Inspector General of Department of Transportation, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-Year Financial Plan for fiscal year 2010 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: Provided further, That the budget, business plan, and the 5-Year Financial Plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: Provided further, That the budget, business plan and the 5-Year Financial Plan shall include a description of work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by these plans: Provided further, That the Corporation shall provide semiannual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole-source basis, as well as progress against the milestones and target dates of the 2009 performance improvement plan: Provided further, That the Corporation's budget, business plan, 5-Year Financial Plan, and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: Provided further, That these plans shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement, and expansion of the Amtrak fleet: Provided further, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities: Provided further, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: Provided further, That concurrent with the President's budget request for fiscal year 2011, the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2011 in similar format and substance to those submitted by executive agencies of the Federal Government.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $1,001,625,000, to remain available until expended, of which not to exceed $264,000,000 shall be for debt service obligations as authorized by section 102 of such Act: Provided, That grants after an initial allocation of $200,000,000 shall be provided to the Corporation only on a reimbursable basis: Provided further, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110–432: Provided further, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: Provided further, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: Provided further,

That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2010 business plan: Provided further, That in addition to the project management oversight funds authorized under section 101(d) of division B of Public Law 110–432, the Secretary may retain up to an additional one-half of one percent of the funds provided under this heading to fund expenses associated with implementing section 212 of division B of Public Law 110–432, including the amendments made by section 212 to section 24905 of title 49, United States Code.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 151. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: Provided, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

SEC. 152. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word ''services'' shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 153. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 154. The Administrator of the Federal Railroad Administration shall submit a report on April 1, 2010, and quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator's efforts at improving the on-time performance of Amtrak intercity rail service operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate.

SEC. 155. In the Explanatory Statement referenced in division I of Public Law 111–8 under the heading Railroad Research and Development the item relating to ''San Gabriel trench grade separation project, Alameda Corridor, CA'' is deemed to be amended by inserting ''Alameda Corridor East Construction Authority Grade Separations, CA.''.

SEC. 156. In the Explanatory Statement referenced in division K of Public Law 110–161 under the heading Rail Line Relocation and Improvement Program the item relating to ''Mt. Vernon railroad cut, NY'' is deemed to be amended by inserting ''Rail Line and Station Improvement and Rehabilitation, Mount Vernon, NY.''.

SEC. 157. Notwithstanding any other provision of law, funds provided in Public Law 111–8 for ''Lincoln Avenue Grade Separation, Port of Tacoma, Washington'' shall be made available for this project as therein described.

SEC. 158. The Administrator of the Federal Railroad Administration, in cooperation with the Illinois Department of Transportation (IDOT), may provide technical and financial assistance to IDOT and local and county officials to study the feasibility of 10th Street, or other alternatives, in Springfield, Illinois, as a route for consolidated freight rail operations and/or combined freight and passenger rail operations within the city of Springfield.

SEC. 159. (a) AMTRAK SECURITY EVALUATION.—No later than 180 days after the enactment of this Act, Amtrak, in consulation witht he Assistant Secretary of Homeland Security (Transportion Security Administration), shall submit a report to Congress that contains—

(1) a comprehensive, system-wide, security evaluation; and

(2) proposed guidance and procedures necessary to implement a new checked firearms program.

(b) DEVELOPMENT AND IMPLEMENTATION OF GUIDANCE AND PROCEDURES.—

(1) IN GENERAL.—Not later than one year after the enactment of this Act, Amtrak, in consultation with the Assistant Secretary, shall develop and implement guidance and procedures to carry out the duties and responsibilities of firearm storage and carriage in checked baggage cars and at Amtrak stations that accept checked baggage.

(2) SCOPE.—The guidance and procedures developed under paragraph (1) shall—

(A) permit Amtrak passengers holding a ticket for a specific Amtrak route to place an unloaded firearm or starter pistol in a checked bag on such route if—

(i) the Amtrak station accepts checked baggage for such route;

(ii) the passenger declares to Amtrak, either orally or in writing, at the time the reservation is made or not later than 24 hours before departure, that the firearm will be placed in his or her bag and will be unloaded;

(iii) the firearm is in a hard-sided container;

(iv) such container is locked; and

(v) only the passenger has the key or combination for such container;

(B) permit Amtrak passengers holding a tick for a specific Amtrak route to place small arms ammunition for personal use ina checked bag on such route if the ammunition is securely packed—

(i) in fiber, wood, or metal boxes; or

(ii) in other packaging specifically designed to carry small amunt of ammunition; and

(C) include any other measures needed to ensure the safety and security of Amtrak employees, passengers, and infrastructure, including—

(i) requiring inspections of any container that carries a firearm or ammunition; and

(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.

(c) DEFINITIONS.—

(1) For purposes oft his section, the term ''checked baggage'' refers to baggage trasported that is accessiable only to select Amtrak employees.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $98,911,000: Provided, That of the funds available under this heading, not to exceed $1,809,000 shall be available for travel: Provided further, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That of the amounts made available under this heading not to exceed $75,000 shall be paid from appropriations made available by this Act and provided to the Department of Transportation Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code: Provided further, That upon submission to the Congress of the fiscal year 2011 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2011.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $9,400,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $8,343,171,000 in fiscal year 2010.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $65,670,000, to remain available until expended: Provided, That $10,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: Provided further, That $44,370,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code: Provided further, That of the funds available to carry out section 5312 of title 49, United States Code, $5,000,000 shall be available to the Secretary to develop standards for asset management plans, provide technical assistance to recipients engaged in the development or implementation of an asset management plan, improve data collection through the National Transit Database, and conduct a pilot program designed to identify the best practices of asset management.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out section 5309 of title 49, United States Code, $2,000,000,000, to remain available until expended, of which no less than $200,000,000 is for section 5309(e) of such title: Provided, That $2,000,000 shall be transferred to the Department of Transportation Office of Inspector General from funds set aside for the execution of oversight contracts pursuant to section 5327(c) of title 49, United States Code, for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems.

GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE GAS REDUCTIONS

For grants to public transit agencies for capital investments that will reduce the energy consumption or greenhouse gas emissions of their public transportation systems, $75,000,000, to remain available through September 30, 2012: Provided, That priority shall be given to projects based on the total energy savings that are projected to result from the investments, and the projected energy savings as a percentage of the total energy usage of the public transit agency: Provided further, That the Secretary shall public criteria on which to base the competition for any grants awarded under this heading no sooner than 90 days after the enactment of this Act, require applications for funding provided under this heading to be submitted no sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2010.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110–432, $150,000,000, to remain available until expended: Provided, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: Provided further, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system, including but not limited to fixing the track signal system, replacing the 1000 series cars, installing guarded turnouts, buying equipment for wayside worker protection, and installing rollback protection on cars that are not equipped with this safety feature.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under ''Federal Transit Administration, Capital Investment Grants'' and for bus and bus facilities under ''Federal Transit Administration, Formula and Bus Grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2012, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2009, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading ''Federal Transit Administration, Capital investment grants'' in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. During fiscal year 2010, each Federal Transit Administration grant for a project that involves the acquisition or rehabilitation of a bus to be used in public transportation shall be funded for 90 percent of the net capital costs of a biodiesel bus or a factory-installed or retrofitted hybrid electric propulsion system and any equipment related to such a system: Provided, That the Secretary shall have the discretion to determine, through practicable administrative procedures, the costs attributable to the system and related-equipment.

SEC. 165. Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 166. (a) In the explanatory statement referenced in section 186 of title I of division K of Public Law 110–161 (121 Stat. 2406), the item relating to ''Broward County Southwest Transit Facility'' in the table of projects under the heading ''Bus and Bus Facilities'' is deemed to be amended by striking ''Southwest'' and inserting ''Ravenswood''.

(b) The explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 for ''Alternatives analysis'' under ''Federal Transit Administration–Formula and Bus Grants'' is deemed to be amended by striking ''Hudson–Bergen Light Rail Extension Route 440, North Bergen, NJ'' and inserting ''Hudson–Bergen Light Rail Extension Route 440, Jersey City, NJ''.

(c) Funds made available for the ''Phoenix/Regional Heavy Maintenance Facility, AZ'', ''Dial-a-Ride facility, Phoenix, AZ'' and the ''Phoenix Regional Heavy Bus Maintenance Facility, Arizona'' through the Department of Transportation Appropriations Acts for Fiscal Years 2004, 2005 and 2008 that remain unobligated or unexpended shall be made available to the East Baseline Park-and-Ride Facility in Phoenix, Arizona.

SEC. 167. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $4,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the City and County of Honolulu to operate a passenger ferry boat service demonstration project to test the viability of different intra-island ferry boat routes and technologies.

SEC. 168. In determining the local share of the cost of the project authorized to be carried out under section 3043(c)(70) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1644) for purposes of the rating process for New Starts projects, the Secretary shall consider any portion of the corridor advanced entirely with non-Federal funds.

SEC. 169. The Secretary of Transportation shall provide recommendations to Congress, including legislative proposals, on how to strengthen its role in regulating the safety of transit agencies operating heavy rail on fixed guideway: Provided, That the Secretary shall include actions the Department of Transportation will take and what additional legislative authorities it may need in order to fully implement recommendations of the National Transportation Safety Board directed at the Federal Transit Administration, including but not limited to recommendations related to crashworthiness, emergency access and egress, event recorders, and hours of service: Provided further, That the Secretary shall transmit to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Banking, Housing, and Urban Affairs a report outlining these recommendations and a plan for their implementation by the Department of Transportation no later than 45 days after enactment of this Act.

SEC. 170. Notwithstanding any other provision of law, the Secretary of Transportation shall not reallocate any funding made available for items 523, 267, and 131 of section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59).

Sec. 171. Notwithstanding any other provision of law, for fiscal year 2010, the total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding full funding grant agreements entered into on or before September 30, 2009, and all outstanding letters of intent and early systems work agreements under subsection 5309(g) of Title 49, United States Code, for major new fixed guideway capital projects may be not more than the sum of the amount authorized under subsections 5338(a)(3)(iv) and 5338(c) of such title for such projects and an amount equivalent to the last 3 fiscal years of funding allocated under subsections 5309(m)(1)(A) and (m)(2)(A)(ii) of such title, for such projects less an amount the Secretary reasonable estimates is necessary for grants under subsection 5309(b)(1) of such title for those of such projects that are not covered by a letter or agreement: Provided, That the Secretary may enter into full funding grant agreements under subsection 5309(g)(2) of such title for major new fixed guideway capital projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

SEC. 172. None of the funds provided or limited under this Act may be used to enforce regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency who during fiscal year 2008 was both initially granted a 60-day period to come into compliance with part 604, and then was subsequently granted an exception from said part.

SEC. 173. Hereafter, for interstate multi-modal projects which are in Interstate highway corridors, the Secretary shall base the rating under section 5309(d) of title 49, United States Code, of the non-New Starts share of the public transportation element of the project on the percentage of non-New Starts funds in the unified finance plan for the multi-modal project: Provided, That the Secretary shall base the accounting of local matching funds on the total amount of all local funds incorporated in the unified finance plan for the multi-modal project for the purposes of funding under chapter 53 of title 49, United States Code and title 23, United States Code: Provided further, That the Secretary shall evaluate the justification for the project under section 5309(d) of title 49, United States Code, including cost effectiveness, on the public transportation costs and public transportation benefits.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $32,324,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $149,750,000, of which $11,240,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which $15,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and of which $59,057,000 shall be available for operations at the United States Merchant Marine Academy: Provided, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget and Programs: Provided further, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United States Merchant Marine Academy may not be allotment holders for the United States Merchant Marine

Academy, and the Administrator of Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: Provided further, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administration, completes a plan detailing by program or activity and by object class how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $15,000,000, to remain available until expended.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3508 of Public Law 110–417 or section 54101 of title 46, United States Code, $15,000,000, to remain available until expended: Provided, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: Provided further, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines: Provided further, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized, $9,000,000, of which $5,000,000 shall remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That not to exceed $4,000,000 shall be available for administrative expenses to carry out the guaranteed loan program, which shall be transferred to and merged with the appropriation for ''Operations and Training'', Maritime Administration.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 175. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 176. Section 51314 of title 46, United States Code, is amended in subsection (b) by inserting at the end ''Such fees shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be refunded to the Midshipmen through a mechanism approved by the Secretary. The Academy shall maintain a separate and detailed accounting of fee revenue and all associated expenses.''.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $21,132,000, of which $639,000 shall be derived from the Pipeline Safety Fund: Provided, That $1,000,000 shall be transferred to ''Pipeline Safety'' in order to fund ''Pipeline Safety Information Grants to Communities'' as authorized under section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $37,994,000, of which $1,699,000 shall remain available until September 30, 2012: Provided, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $105,239,000, of which $18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2012; and of which $86,334,000 shall be derived from the Pipeline Safety Fund, of which $47,332,000 shall remain available until September 30, 2012: Provided, That not less than $1,048,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2011: Provided, That not more than $28,318,000 shall be made available for obligation in fiscal year 2010 from amounts made available by 49 U.S.C. 5116(I) and 5128(b)–(c): Provided further, That none of the funds made available by 49 U.S.C. 5116(I), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $13,007,000, of which $6,036,000 shall remain available until September 30, 2012: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $75,114,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $29,066,000: Provided, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, to result in a final appropriation from the general fund estimated at no more than $27,816,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Research and University Research Centers'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the committee report accompanying this Act for ''Ferry Boats and Ferry Terminal Facilities'', ''Federal Lands'', ''Interstate Maintenance Discretionary'', ''Transportation, Community and System Preservation Program'', ''Delta Region

Transportation Development Program'', ''Rail Line Relocation and Improvement Program'', ''Rail-highway crossing hazard eliminations'', ''Capital Investment Grants'', ''Alternatives analysis'', and ''Bus and bus facilities''.

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant from the Federal Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any ''quick release'' of funds from the emergency relief program: Provided further, That no notification shall involve funds that are not available for obligation.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 191. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 192. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 193. Notwithstanding section 3324 of Title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: Provided, that the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high quality performance under the contract.

SEC. 194. (a) IN GENERAL.—Section 127(a)(11) of title 23, United States Code, is amended by striking ''that portion of the Maine Turnpike designated Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations)'' and inserting ''all portions of the Interstate Highway System in the State, laws (including regulations)''.

(b) PERIOD OF EFFECTIVENESS.—The amendment made by subsection (a) shall be in effect during the 1-year period beginning on the date of enactment of this Act.

(c) REVERSION.—Effective as of the date that is 366 days after the date of enactment of this Act, section 127(a)(11) of title 23, United States Code, is amended by striking ''all portions of the Interstate Highway System in the State, laws (including regulations)'' and inserting ''that portion of the Maine Turnpike designated Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations)''.

(d) VERMONT PILOT PROGRAM.—Section 127(a) of title 23, United States Code, is amended by adding at the end the following:

''(13) VERMONT PILOT PROGRAM.—

''(A) IN GENERAL.—With respect to Interstate Routes 89, 91, and 93 in the State of Vermont, laws (including regulations) of that State concerning vehicle weight limitations applicable to state highways other than the Interstate system shall be applicable in lieu of the requirement of this subsection.''

(e) Period of Effectiveness for the Vermont Pilot Program.—The amendment made by subsection (d) shall be in effect during the 1-year period beginning on the date of enactment of this Act.

(f) Reversion for the Vermont Pilot Program.—Effective as of the date that is 366 days after the date of enactment of this Act, section 127(a) of title 23, United States Code, is amended by striking paragraph (13).

(g) Report ont he Vermont Pilot Program.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall complete and submit to Congress a report on the effects of the pilot program under this paragraph on highway safety, bridge and road durability, commerce, truck, volumes, and energy use within the State of Vermont.

SEC. 195. The Secretary shall initiate an independent and comprehensive study and analysis to supplement that authorized under section 108, division C, of Public Law 111–8: Provided, That the Department of Transportation shall work with and coordinate with the Departments of Energy, Commerce and Agriculture to develop a comprehensive understanding of the full value of river flow support to users in the Mississippi and Missouri Rivers: Provided further, That subjects of analysis shall include energy (including hydropower and generation cooling), and water transport (including water-compelled rates, projected total transportation congestion considerations, transportation energy efficiency, air quality and carbon emissions) and water users (including the number and distribution of people, households, municipalities, and business throughout the Missouri and Mississippi River basins who use river water for multiple purposes): Provided further, That in addition to understanding current value, the Department is directed to work with appropriate Federal partners to develop recommendations on how to minimize impediments to growth and maximize water value of benefits related to energy production and efficiency, congestion relief, trade and transport efficiency, and air quality: Provided further, That the Department of Transportation shall provide its analysis and recommendations to the U.S. Army Corps of Engineers, the White House, and the Congress: Provided further, That $2,000,000 is available until expended for such purposes.

SEC. 196. Notwithstanding any other provision of law, funds made available under section 330 of the Fiscal Year 2002 Department of Transportation and Related Agencies Appropriations Act (Public Law 107–87) for the Las Vegas, Nevada Monorail Project, funds made available under section 115 of the Fiscal Year 2004 Transportation, Treasury and Independent Agencies Appropriations Act (Public Law 108–199) for the North Las Vegas Intermodal Transit Hub, and funds made available for the CATRAIL RTC Rail Project, Nevada in the Fiscal Year 2005 Transportation, Treasury, Independent Agencies and General Government Appropriations Act (Public Law 108–447), as well as any unexpended funds in the Federal Transit Administration grant numbers NV–03–0024 and NV–03–0027, shall be made available until expended to the Regional Transportation Commission of Southern Nevada for bus and bus-related projects and bus rapid transit projects: Provided, That the funds made available for a project in accordance with this section shall be administered under the terms and conditions set forth in 49 U.S.C. 5307, to the extent applicable.

This title may be cited as the ''Department of Transportation Appropriations Act, 2010''.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, $26,855,000, of which not to exceed $4,619,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed $1,703,000 shall be available for the Office of Hearings and Appeals; not to exceed $778,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $727,000 shall be available for the immediate Office of the Chief Financial Officer; not to exceed $1,474,000 shall be available for the immediate Office of the General Counsel; not to exceed $2,912,000 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed $3,996,000 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed $1,218,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,125,000 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed $1,781,000 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed $3,497,000 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed $1,097,000 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to exceed $928,000 shall be available to the Office of

the Assistant Secretary for Fair Housing and Equal Opportunity: Provided, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: Provided further, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: Provided further, That the Secretary shall provide all signed reports required by Congress electronically: Provided further, That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, $537,011,000, of which not to exceed $76,958,000 shall be available for the personnel compensation and benefits of the Office of Administration; not to exceed $9,623,000 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed $51,275,000 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed $14,649,000 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed $35,197,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed $89,062,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed $3,296,000 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed $1,393,000 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; not to exceed $2,400,000 shall be available for the personnel compensation and benefits for the Office of Sustainability; not to exceed $3,288,000 shall be available for the personnel compensation and benefits for the Office of Strategic Planning and Management; and not to exceed $249,870,000 shall be available for non-personnel expenses of the Department of Housing and Urban Development: Provided, That, funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: Provided further, That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: Provided further, That no appropriation for any office shall be increased or decreased by more than 10 percent by all such transfers.

PERSONNEL COMPENSATION AND BENEFITS

PUBLIC AND INDIAN HOUSING

For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, $197,074,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, $98,989,000.

HOUSING

For necessary personnel compensation and benefits expenses of the Office of Housing, $374,887,000.

OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, $11,095,000, to be derived from the GNMA guarantees of mortgage backed securities guaranteed loan receipt account.

POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, $21,138,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, $71,800,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, $7,151,000.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (''the Act'' herein), not otherwise provided for, $14,184,200,000, to remain available until expended, shall be available on October 1, 2009 (in addition to the $4,000,000,000 previously appropriated under this heading that will become available on October 1, 2009), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2010: Provided, That of the amounts made available under this heading are provided as follows:

(1) $16,339,200,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose vouchers initially funded in fiscal year 2008 and 2009 such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Non-elderly Disabled Vouchers): Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2010 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the most recent Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or first-time renewals including tenant protection or HOPE VI vouchers: Provided further, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work demonstration, which are instead governed by the terms and conditions of their MTW agreements: Provided further, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the last two provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: Provided further, That the Secretary may extend the 60-day notification period with the prior written approval of the House and Senate Committees on Appropriations: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: Provided further, That up to $150,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation; (3) for adjustments for the costs associated with VASH vouchers; or (4) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act: Provided further, That the Secretary shall allocate amounts under the previous proviso based on need as determined by the Secretary: Provided further, That of the amounts made available under this paragraph, up to $100,000,000 may be transferred to and merged with the appropriation for ''Transformation Initiative'';

(2) $120,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: Provided, That the Secretary shall provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds;

(3) $1,575,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs

Supportive Housing vouchers, and other incremental vouchers: Provided, That no less than $1,525,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2010 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): Provided further, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2009 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: Provided further, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) $60,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act;

(5) $15,000,000 for incremental voucher assistance through the Family Unification Program: Provided, That the assistance made available under this paragraph shall continue to remain available for family unification upon turnover: Provided further, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to entities with demonstrated experience and resources for supportive services;

(6) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: Provided, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over.

HOUSING CERTIFICATE FUND

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading ''Annual Contributions for Assisted Housing'' and the heading ''Project-Based Rental Assistance'', for fiscal year 2010 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: Provided, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled: Provided further, That amounts heretofore recaptured, or recaptured during the current fiscal year, from project-based Section 8 contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the ''Act'') $2,500,000,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2010 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): Provided further, That of the total amount provided under this heading, not to exceed $20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2010: Provided further, That of the amounts provided under this heading up to $40,000,000 may be for grants to be competitively awarded to public housing agencies for the construction, rehabilitation or purchase of facilities to be used to provide early education, adult education, job training or other appropriate services to public housing residents: Provided further, That grantees shall demonstrate an ability to leverage other Federal, State, local or private resources for the construction, rehabilitation or acquisition of such facilities, and that selected grantees shall demonstrate a capacity to pay the long-term costs of operating such facilities: Provided further, That of the total amount provided under this heading, $50,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): Provided further, That of the total amount provided under this heading up to $8,820,000 is to support the costs of administrative and judicial receiverships: Provided further, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2010 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFER OF FUNDS)

For 2010 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,775,000,000: Provided, That, in fiscal year 2009 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: Provided further, That of the amounts made available under this heading, up to $15,000,000 may be transferred to and merged with the appropriation for ''Transformation Initiative''.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), $200,000,000, to remain available until September 30, 2011, of which the Secretary of Housing and Urban Development may use up to $10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein: Provided further, That of the amounts provided under this heading, up to $65,000,000 may be available for a demonstration of the Choice Neighborhoods Initiative (subject to such section 24 except as otherwise specified under the provisos for this demonstration under this heading) for the transformation, rehabilitation and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, public assets, transportation and access to jobs, and schools, including public schools, community schools, and charter schools: Provided further, That for this demonstration, funding may also be used for the conversion of vacant or foreclosed properties to affordable housing: Provided further, That use of funds made available for this demonstration under this heading shall not be deemed to be public housing notwithstanding section 3(b)(1) of such Act: Provided further, That grantees shall commit to an additional period of affordability determined by the Secretary, but not fewer than 20 years: Provided further, That grantees shall undertake comprehensive local planning with input from residents and the community: Provided further, That for the purposes of this demonstration, applicants may include local governments, public housing authorities, nonprofits, and for-profit developers that apply jointly with a public entity: Provided further, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies and resident organizations: Provided further, That the Secretary shall develop and publish a Notice of Funding Availability for the allocation and use of such competitive funds in this demonstration, including but not limited to eligible activities, program requirements, protections and services for affected residents, and performance metrics.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $700,000,000, to remain

available until expended: Provided, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That of the amounts made available under this heading, $3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided further, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $18,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $13,000,000, to remain available until expended: Provided, That of this amount, $300,000 shall be for training and technical assistance activities, including up to $100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $7,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $919,000,000: Provided further, That up to $750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $1,044,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $41,504,255.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $335,000,000, to remain available until September 30, 2011, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2012: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,450,000,000, to remain available until September 30, 2012, unless otherwise specified: Provided, That of the total amount provided, $3,990,068,480 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That $65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, $172,843,570 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: Provided, That none of the funds provided under this paragraph may be used for program operations: Provided further, That, for fiscal years 2008, 2009 and 2010, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, $22,087,950 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced explanatory statement under this heading in title II of division K of Public Law 110–161 is deemed to be amended by striking ''Old Town Boys and Girls Club, Albuquerque, NM, for renovation of the existing Old Town Boys and Girls Club accompanied by construction of new areas for the Club'' and inserting ''Old Town Boys and Girls Club, Albuquerque, NM, for renovation of the Heights Boys and Girls Club''.

The referenced statement of the managers under this heading ''Community Planning and Development'' in title II of division K of Public Law 110–161 is deemed to be amended by striking ''Custer County, ID for acquisition of an unused middle school building'' and inserting ''Custer County, ID, to construct a community center''.

The referenced explanatory statement under this heading in division I of Public Law 111–8 is deemed to be amended with respect to ''Hawaii County Office of Housing and Community Development, HI'' by striking ''Senior Housing Renovation Project'' and inserting ''Transitional Housing Project''.

The referenced statement of the managers under this heading ''Community Planning and Development'' in title II of division I of Public Law 111–8 is deemed to be amended by striking ''Custer County, ID, to purchase a middle school building'' and inserting ''Custer County, ID, to construct a community center''.

The referenced explanatory statement under the heading ''Community Development Fund'' in title II of division K of Public Law 110–161 is deemed to be amended with respect to ''Emergency Housing Consortium in San Jose, CA'' by striking ''for construction of the Sobrato Transitional Center, a residential facility for homeless individuals and families'' and inserting ''for improvements to homeless services and prevention facilities''.

Of the amounts made available under this heading, $150,000,000 shall be made available for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning: Provided, That $100,000,000 shall be for Regional Integrated Planning Grants to support the linking of transportation and land use planning: Provided further, That not less than $25,000,000 of the funding made available for Regional Integrated Planning Grants shall be awarded to metropolitan areas of less than 500,000: Provided further, That $40,000,000 shall be for Community Challenge Planning Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: Provided further, That before funding is made available for Regional Integrated Planning Grants or Community Challenge Planning Grants, the Secretary, in coordination with the Secretary of Transportation, shall submit a plan to the House and Senate Committees on Appropriations, the Senate Committee on Banking and Urban Affairs, and the House Committee on Financial Services establishing grant criteria as well as performance measures by which the success of grantees will be measured: Provided further, That the Secretary will consult with the Secretary of Transportation in evaluating grant proposals: Provided further, That up to $10,000,000 shall be for a joint Department of Housing and Urban Development and Department of Transportation research effort that shall include a rigorous evaluation of the Regional Integrated Planning Grants and Community Challenge Planning Grants programs: Provided further, That of the amounts made available under this heading, $25,000,000 shall be made available for the Rural Innovation Fund for grants to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to address the problems of concentrated rural housing distress and community poverty: Provided further, That of the funding made available under the previous proviso, at least $5,000,000 shall be made available to promote economic development and entrepreneurship for federally recognized Indian Tribes, through activities including the capitalization of revolving loan programs and business planning and development, funding is also made available for technical assistance to increase capacity through training and outreach activities: Provided further, That of the amounts made available under this heading, $25,000,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307).

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, $6,000,000, to remain available until September 30, 2011, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $275,000,000, notwithstanding any aggregate

limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $17,500,000, to remain available until September 30, 2011: Provided, That no funds made available under this heading may be used to establish loan loss reserves for the section 108 Community Development Loan Guarantee program.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,825,000,000, to remain available until September 30, 2012: Provided, That, funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $82,000,000, to remain available until September 30, 2012: Provided, That of the total amount provided under this heading, $27,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: Provided further, That $50,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 may be made available for rural capacity building activities: Provided further, That $5,000,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110–246.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,865,000,000, of which $1,860,000,000 shall remain available until September 30, 2012, and of which $5,000,000 shall remain available until expended for rehabilitation projects with 10-year grant terms: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the Shelter Plus Care Program and emergency shelter grants, shall be used for permanent housing for individuals and families: Provided further, That all funds awarded for services shall be matched by not less than 25 percent in funding by each grantee: Provided further, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to $6,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That up to $12,650,000 of the funds made available under this heading may be transferred to and merged with the appropriation for ''Transformation Initiative'': Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2010.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (''the Act''), not otherwise provided for, $8,157,853,000, to remain available until expended, shall be available on October 1, 2009, and $393,672,000, to remain available until expended, shall be available on October 1, 2010: Provided, That the amounts made available under this heading are provided as follows:

(1) Up to $8,325,853,000 shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Not less than $232,000,000 but not to exceed $258,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: Provided, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667).

(3) Amounts recaptured under this heading, the heading ''Annual Contributions for Assisted Housing'', or the heading ''Housing Certificate Fund'' may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $825,000,000, to remain available until September 30, 2013, of which up to $582,000,000 shall be for capital advance and project-based rental assistance awards: Provided, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: Provided further, That of the amount provided under this heading, up to $90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $40,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: Provided further, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $300,000,000, of which up to $186,000,000 shall be for capital advances and project-based rental assistance contracts, to remain available until September 30, 2013: Provided, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: Provided further, That, of the amount provided under this heading, $87,100,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): Provided further, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: Provided further, That the Secretary may waive the provisions of section 811 governing the terms and conditions

of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $87,500,000, including up to $2,500,000 for administrative contract services, to remain available until September 30, 2011: Provided, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: Provided further, That of the amounts made available under this heading, not less than $13,500,000 shall be awarded to HUD-certified housing counseling agencies located in the 100 metropolitan statistical areas with the highest rate of home foreclosures for the purpose of assisting homeowners with inquiries regarding mortgage-modification assistance and mortgage scams.

ENERGY INNOVATION FUND

For an Energy Innovation Fund to enable the Federal Housing Administration and the new Office of Sustainability to catalyze innovations in the residential energy efficiency sector that have promise of replicability and help create a standardized home energy efficient retrofit market, $50,000,000, to remain available until September 30, 2013: Provided, That $25,000,000 shall be for the Energy Efficient Mortgage Innovation pilot program, directed at the single family housing market: Provided further, That $25,000,000 shall be for the Multifamily Energy Pilot, directed at the multifamily housing market.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $40,000,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z–1) $72,036,000 are rescinded: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $16,000,000, to remain available until expended, of which $7,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than $9,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2010 appropriation: Provided further, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: Provided further, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: Provided further, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2010, commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed a loan principal of $400,000,000,000: Provided, That for new loans guaranteed pursuant to section 255 of the National Housing Act (12 U.S.C. 1715z–20), the Secretary shall adjust the factors used to calculate the principal limit (as such term is defined in HUD Handbook 4235.1) that were assumed in the President's Budget Request for 2010 for such loans, as necessary to ensure that the program operates at a net zero subsidy rate: Provided further, That during fiscal year 2010, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: Provided further, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, $188,900,000, of which up to $70,794,000 may be transferred to the Working Capital Fund, and of which up to $7,500,000 shall be for education and outreach of FHA single family loan products: Provided further, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2010, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $8,600,000, to remain available until expended: Provided, That commitments to guarantee loans shall not exceed $15,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $500,000,000,000, to remain available until September 30, 2011.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(I) of Reorganization Plan No. 2 of 1968, $48,000,000, to remain available until September 30, 2011.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $72,000,000, to remain available until September 30, 2011, of which $42,500,000 shall be to carry out activities pursuant to such section 561: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: Provided further, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: Provided further, That of the funds made available under this heading, $500,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as Authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $140,000,000, to remain available until September 30, 2011, of which not less than $20,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, $48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: Provided further, That each recipient of funds provided under the second proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That the Secretary may waive the matching requirement

cited in the preceding proviso on a case by case basis if the Secretary determines that such a waiver is necessary to advance the purposes of this program: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: Provided further, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

MANAGEMENT AND ADMINISTRATION

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, $200,000,000, to remain available until September 30, 2011: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated: Provided further, That up to $15,000,000 may be transferred to this account from all other accounts in this title (except for the Office of the Inspector General account) that make funds available for salaries and expenses.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $125,000,000: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for combating mortgage fraud, $20,000,000, to remain available until expended.

In addition, of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 1 percent from each such account, and such transferred amounts shall be available until September 30, 2012, for (1) research, evaluation, and program metrics; (2) program demonstrations; (3) technical assistance and capacity building; and (4) information technology: ''Public Housing Capital Fund'', ''Revitalization of Severely Distressed Public Housing'', ''Brownfields Redevelopment'', ''Section 108 Loan Guarantees'', ''Energy Innovation Fund'', ''Housing Opportunities for Persons With AIDS'', ''Community Development Fund'', ''HOME Investment Partnerships Program'', ''Self-Help and Assisted Homeownership Opportunity Program'', ''Housing for the Elderly'', ''Housing for Persons With Disabilities'', ''Housing Counseling Assistance'', ''Payment to Manufactured Housing Fees Trust Fund'', ''Mutual Mortgage Insurance Program Account'', ''General and Special Risk Program Account'', ''Research and Technology'', ''Lead Hazard Reduction'', ''Rental Housing Assistance'', and ''Fair Housing Activities'': Provided, That of the amounts made available under this paragraph, not less than $80,000,000 and not more than $180,000,000 shall be available for information technology modernization, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems: Provided further, That not more than 25 percent of the funds made available for information technology modernization may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that (1) identifies for each modernization project (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost, and (c) key milestones to be met; (2) demonstrates that each modernization project is (a) compliant with the department's enterprise architecture, (b) being managed in accordance with applicable lifecycle management policies and guidance, (c) subject to the department's capital planning and investment control requirements, and (d) supported by an adequately staffed project office; and (3) has been reviewed by the Government Accountability Office: Provided further, That of the amounts made available under this paragraph, not less than $45,000,000 shall be available for technical assistance and capacity building: Provided further, That technical assistance activities shall include, technical assistance for HUD programs, including HOME, Community Development Block Grant, homeless programs, HOPWA, HOPE VI, Public Housing, the Housing Choice Voucher Program, Fair Housing Initiative Program, Housing Counseling, Healthy Homes, Sustainable Communities, Energy Innovation Fund and other technical assistance as determined by the Secretary: Provided further, That of the amounts made available for research, evaluation and program metrics and program demonstrations, the Secretary shall include an assessment of the housing needs of Native Americans, including sustainable building practices: Provided further, That of the amounts made available for research, evaluation and program metrics and program demonstrations, the Secretary shall include an evaluation of the Moving-to-Work demonstration program: Provided further, That the Secretary shall submit a plan to the House and Senate Committees on Appropriations for approval detailing how the funding provided under this heading will be allocated to each of the four categories identified under this heading and for what projects or activities funding will be used: Provided further, That following the initial approval of this plan, the Secretary may amend the plan with the approval of the House and Senate Committees on Appropriations.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescission or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescission or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescission or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2010 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2010 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2010 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2010 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2010, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter ''metropolitan division'') of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3-year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National

Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2010 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter ''metropolitan division''), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 210. The President's formal budget request for fiscal year 2011, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of Public Housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2010 and 2011, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) The number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) Any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section.

(10) The Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms ''low-income'' and ''very low-income'' shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term ''multifamily housing project'' means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term ''project-based assistance'' means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term ''receiving project or projects'' means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term ''transferring project'' means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 213. The funds made available for Native Alaskans under the heading ''Native American Housing Block Grants'' in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 214. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 215. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 216. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–g)), the Secretary of Housing and Urban Development may, until September 30, 2010, insure and enter into commitments to insure mortgages under section 255(g) of the National Housing Act (12 U.S.C. 1715z–20).

SEC. 217. Notwithstanding any other provision of law, in fiscal year 2010, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''MAHRAA'') and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 218. During fiscal year 2010, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 219. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole source contract.

SEC. 220. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 221. (a) The amounts provided under the subheading ''Program Account'' under the heading ''Community Development Loan Guarantees'' may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: Provided, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 222. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking ''fiscal year'' and all that follows through the period at the end and inserting ''fiscal year 2010.''; and

(2) in subsection (o), by striking ''September'' and all that follows through the period at the end and inserting ''September 30, 2010.''.

SEC. 223. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: Provided, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 224. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): Provided, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 225. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the headings ''Executive Direction'' and heading ''Administration, Operations, and Management'' as well as each account receiving appropriations for ''personnel compensation and benefits'' within the Department of Housing and Urban Development.

SEC. 226. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 227. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 228. The Secretary of the Department of Housing and Urban Development shall for Fiscal Year 2010 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for Fiscal Year 2010 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.

SEC. 229. (a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), for which the Secretary's consent to prepayment is required, the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any project-based rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other project-based rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) or any successor project-based rental assistance program, except as provided by subsection (a)(2)(B); and

(2) the prepayment may involve refinancing of the loan if such refinancing results—

(A) in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

(B) in the case of a project that is assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower, a transaction under which—

(i) the project owner shall address the physical needs of the project;

(ii) the prepayment plan for the transaction, including the refinancing, shall meet a cost benefit analysis, as established by the Secretary, that the benefit of the transaction outweighs the cost of the transaction including any increases in rent charged to unassisted tenants;

(iii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by nonprofit organizations; or

(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k));

(iv) the project owner may charge tenants rent sufficient to meet debt service payments and operating cost requirements, as approved by the Secretary, if project-based rental assistance is not available or is insufficient for the debt service and operating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

(II) shall be an eligibility event for the project for purposes of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t));

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

(vi) there shall be a use agreement of 20 years from the date of the maturity date of the original 202 loan for all units, including units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

SEC. 230. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: Provided, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: Provided further, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fundraising ability or commitments for in-kind donations of goods and services: Provided further, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: Provided further, That, this section shall apply to properties in fiscal years 2009 and 2010 made available as surplus Federal property for use to assist the homeless.

SEC. 231. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent of funds appropriated for any account under this title under the heading ''Personnel Compensation and Benefits'' to any other account under this title under the heading ''Personnel Compensation and Benefits'' only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: Provided, That, no appropriation for any such account shall be increased or decreased by more than 10 percent by all such transfers.

SEC. 232. The Secretary of Housing and Urban Development may increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321) by adding to the program three Public Housing Agencies that meet the following requirements: is a High Performing Agency under the Public Housing Assessment System (PHAS). No PHA shall be granted this designation through this section that administers in excess of 5,000 aggregate housing vouchers and public housing units. No PHA granted this designation through this section shall receive more funding under sections 8 or 9 of the United States Housing Act of 1937 than they otherwise would have received absent this designation. In addition to other reporting requirements, all Moving-to-Work agencies shall report financial data to the Department of Housing and Urban Development as specified by the Secretary, so that the effect of Moving-to-Work policy changes can be measured.

SEC. 233. Notwithstanding any other provision of law, in determining the market value of any multifamily real property or multifamily loan for any noncompetitive sale to a State or local government, the Secretary shall in fiscal year 2010 consider, but not be limited to, industry standard appraisal practices, including the cost of repairs needed to bring the property into such condition as to satisfy minimum State and local code standards and the cost of maintaining the affordability restrictions imposed by the Secretary on the multifamily real property or multifamily loan.

SEC. 234. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a ''program of the Department of Housing and Urban Development'' under section 904 of the McKinney Act for the purpose of income verifications and matching.

SEC. 235. (a) IN GENERAL.—The Secretary of Housing and Urban Development shall prepare a report, and post such report on the public website of the Department of Housing and Urban Development (in this section referred to as the ''Department''), regarding the number of homes owned by the Department and the budget impact of acquiring, maintaining, and selling such homes.

(b) CONTENT.—The report required by this section shall include—

(1) the number of residential homes that the Department owned during the years 2004 through 2009;

(2) an itemized breakdown of the total annual financial impact, including losses and gains from selling homes and maintenance and acquisition of homes, of home ownership by the Department since 2004;

(3) a detailed explanation of the reasons for the ownership by the Department of the homes;

(4) a list of the 10 urban areas in which the Department owns the most homes and the rate of homelessness in each of those areas; and

(5) a list of the 10 States in which the Department owns the most homes and the rate of homelessness in each of those States.

SEC. 236. The matter under the heading ''Community Development Fund'', under the heading ''Community Planning and Development'', under the heading ''Department of Housing and Urban Development'' in chapter 10 of title I of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3601) is amended by striking '': Provided further, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program''.

This title may be cited as the ''Department of Housing and Urban Development Appropriations Act, 2010''.

TITLE III

RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $7,300,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $24,135,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, $19,000,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: Provided further, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: Provided further, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: Provided further, That concurrent with the President's budget request for fiscal year 2011, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2011 in

similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $98,050,000, of which not to exceed $2,000 may be used for official reception and representation expenses: Provided, That of the funds provided under this heading, $2,416,000 shall remain available through September 30, 2011: Provided further, That of the funds provided, up to $100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the National Transportation Safety Board's financial statements. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $133,000,000, of which $5,000,000 shall be for a multi-family rental housing program: Provided, That section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104) is amended by adding at the end of the first sentence, prior to the period, '', except that the board-appointed officers may be paid salary at a rate not to exceed level II of the Executive Schedule'': Provided further, That in addition, $35,000,000 shall be made available until expended for capital grants to rehabilitate or finance the rehabilitation of affordable housing units, including necessary administrative expenses: Provided further, That in addition, $65,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (''NRC''), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to $3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $2,450,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2010 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations made available for salaries and expenses for fiscal year 2010 in this Act, shall remain available through

September 30, 2011, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 30, 2010. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownsfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended in contravention of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been found to violate the Buy American Act (41 U.S.C. 10a–10c).

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available in this Act may be used to purchase a light bulb for an office building unless the light bulb has, to the extent practicable, an Energy Star or Federal Energy Management Program designation.

SEC. 416. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 417. None of the funds made available in this Act may be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that: (1) is provided assistance by the Department of Housing and Urban Development; and (2)(A) is or would be located on property of the Department of Veterans Affairs; or (B) is subject to an enhanced use lease with the Department of Veterans Affairs.

SEC. 418. None of the funds made available under this Act or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 419. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–218) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

This division may be cited as the ''Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010''.

And the Senate agree to the same.

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $456,204,000, to remain available until September 30, 2011, of which $9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That not less than $49,530,000 shall be for Manufacturing and Services; not less than $43,212,000 shall be for Market Access and Compliance; not less than $68,290,000 shall be for the Import Administration; not less than $258,438,000 shall be for the Trade Promotion and United States and Foreign Commercial Service; and not less than $27,295,000 shall be for Executive Direction and Administration: Provided further, That not less than $7,000,000 shall be for the Office of China Compliance, and not less than $4,400,000 shall be for the China Countervailing Duty Group: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210: Provided further, That within the amounts appropriated, $5,215,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $100,342,000, to remain available until expended, of which $14,767,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use

in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $255,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $38,000,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $31,500,000: Provided, That within the amounts appropriated, $1,100,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $97,255,000, to remain available until September 30, 2011.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $259,024,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $7,065,707,000, of which $100,000,000 shall be derived from available unobligated balances previously appropriated under this heading, to remain available until September 30, 2011: Provided, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of census data on race identification that does not include ''some other race'' as a category: Provided further, That from amounts provided herein, funds may be used for additional promotion, outreach, and marketing activities.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $19,999,000, to remain available until September 30, 2011: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants, authorized by section 392 of the Communications Act of 1934, $20,000,000, to remain available until expended as authorized by section 391 of the Act: Provided, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,887,000,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2010, so as to result in a fiscal year 2010 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2010, should the total amount of offsetting fee collections be less than $1,887,000,000, this amount shall be reduced accordingly: Provided further, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2010 for official reception and representation expenses: Provided further, That in fiscal year 2010 from the amounts made available for ''Salaries and Expenses'' for the USPTO, the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: Provided further, That sections 801, 802, and 803 of division B, Public Law 108–447 shall remain in effect during fiscal year 2010: Provided further, That the Director may, this year, reduce by regulation fees payable for documents in patent and trademark matters, in connection with the filing of documents filed electronically in a form prescribed by the Director: Provided further, That from the amounts provided herein, no less than $4,000,000 shall be available only for the USPTO contribution in a cooperative or joint agreement or agreements with a non-profit organization or organizations, successfully audited within the previous year, and with previous experience in such programs, to conduct policy studies, including studies relating to activities of United Nations Specialized agencies and other international organizations, as well as conferences and other development programs, in support of fair international protection of intellectual property rights.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $515,000,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the ''Working Capital Fund'': Provided, That not to exceed $10,000 shall be for official reception and representation expenses: Provided further, That within the amounts appropriated, $10,500,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $124,700,000, to remain available until expended. In addition, for necessary expenses of the Technology Innovation Program of the National Institute of Standards and Technology, $69,900,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $147,000,000, to remain available until expended, of which $20,000,000 is for a competitive construction grant program for research science buildings: Provided, That within the amounts appropriated, $47,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act: Provided further, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,305,178,000, to remain available until September 30, 2011, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2012: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $3,000,000 shall be derived by transfer from the fund entitled ''Coastal Zone Management'' and in addition $104,600,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': Provided further, That of the $3,412,778,000 provided for in direct obligations under this heading $3,305,178,000 is appropriated from the general fund, and $107,600,000 is provided by transfer: Provided further, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $235,549,000: Provided further, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $41,944,000: Provided further, That within the amounts appropriated, $99,295,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this

Act: Provided further, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,358,353,000, to remain available until September 30, 2012, except funds provided for construction of facilities which shall remain available until expended: Provided, That of the $1,360,353,000 provided for in direct obligations under this heading, $1,358,353,000 is appropriated from the general fund and $2,000,000 is provided from recoveries of prior year obligations: Provided further, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: Provided further, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration Procurement, Acquisition or Construction project having a total of more than $5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years: Provided further, That the Secretary of Commerce is authorized to enter into a lease, at no cost to the United States Government, with the Regents of the University of Alabama for a term of not less than 55 years, with two successive options each of 5 years, for land situated on the campus of University of Alabama in Tuscaloosa to house the Cooperative Institute and Research Center for Southeast Weather and Hydrology: Provided further, That within the amounts appropriated, $18,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $80,000,000, to remain available until September 30, 2011: Provided, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and Federally-recognized tribes of the Columbia River and Pacific Coast for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: Provided further, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the ''Operations, Research, and Facilities'' account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2010, obligations of direct loans may not exceed $16,000,000 for Individual Fishing Quota loans and not to exceed $59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: Provided, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official reception and representation, $58,000,000: Provided, That the Secretary, within 60 days of enactment of this Act, shall provide a report to the Committees on Appropriations of the House and Senate that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: Provided further, That of the amounts provided to the Secretary within this account, $5,000,000 shall not become available for obligation until the Secretary certifies to the Committees on Appropriations of the House and Senate that the Bureau of the Census has followed and met all standards and best practices, and all Office of Management and Budget guidelines related to information technology projects and contract management.

HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of the Herbert C. Hoover Building, $22,500,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $27,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce: Provided further, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. The requirements set forth by section 112 of division B of Public Law 110–161 are hereby adopted by reference.

SEC. 106. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 107. With the consent of the President, the Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding fisheries, marine mammals, or sea turtles: Provided, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section.

SEC. 108. Section 101(k) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by striking ''2009'' and inserting ''2011''.

SEC. 109. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 110. The Administration of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available

appropriations, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

This title may be cited as the ''Department of Commerce Appropriations Act, 2010''.

TITLE II

DEPARTMENT OF JUSTICE

General Administration

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $118,488,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: Provided, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: Provided further, That $18,693,000 is for Department Leadership; $8,101,000 is for Intergovernmental Relations/External Affairs; $12,715,000 is for Executive Support/Professional Responsibility; and $78,979,000 is for the Justice Management Division: Provided further, That any change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: Provided further, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

NATIONAL DRUG INTELLIGENCE CENTER

For necessary expenses of the National Drug Intelligence Center, $44,023,000, of which $2,000,000 shall be for reimbursement of Air Force personnel for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities: Provided, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counterterrorism, and national security investigations and operations.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $88,285,000, to remain available until expended.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nation-wide Integrated Wireless Network supporting Federal law enforcement communications, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, $206,143,000, to remain available until expended: Provided, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $300,685,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examinations Fee'' account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,438,663,000, to remain available until expended: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: Provided further, That not to exceed $5,000,000 shall be considered ''funds appropriated for State and local law enforcement assistance'' pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $84,368,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

United States Parole Commission

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $12,859,000.

Legal Activities

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $875,097,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed $10,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): Provided further, That of the amounts provided under this heading for the election monitoring program $3,390,000, shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $163,170,000, to remain available until expended: Provided, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $102,000,000 in fiscal year 2010), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at $61,170,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,934,003,000: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $25,000,000 shall remain available until expended: Provided further, That of the amount provided under this heading, not less than $36,980,000 shall be used for salaries and expenses for assistant U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) concerning the prosecution of offenses relating to the sexual exploitation of children: Provided further, That of the amount provided under this heading, $6,000,000 is for salaries and expenses for new assistant U.S. Attorneys to carry out additional prosecutions of serious crimes in Indian Country.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $219,250,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $210,000,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the Fund estimated at $4,250,000.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $2,117,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $168,300,000, to remain available until expended: Provided, That not to exceed $10,000,000 may be made available for construction of buildings for protected witness safesites: Provided further, That not to exceed $3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: Provided further, That not to exceed $11,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $11,479,000: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,125,763,000; of which not to exceed $30,000 shall be available for official reception and representation expenses; and of which not to exceed $10,000,000 shall remain available until expended for information technology systems.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $26,625,000, to remain available until expended; of which not less than $12,625,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, $87,938,000; of which not to exceed $5,000,000 for information technology systems shall remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $528,569,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $7,658,622,000, of which $101,066,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and of which not to exceed $150,000,000 shall remain available until expended: Provided, That not to exceed $205,000 shall be available for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, the Director of the Federal Bureau of Investigation, upon a determination that additional funding is necessary to carry out construction of the Biometrics Technology Center, may transfer from amounts available for ''Salaries and Expenses'' to amounts available for ''Construction'' up to $30,000,000 in fees collected to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs: Provided further, That any transfer made pursuant to the previous proviso shall be subject to section 505 of this Act.

CONSTRUCTION

For all necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of Federally-owned buildings; and preliminary planning and design of projects; $239,915,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $2,019,682,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed $40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,114,772,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which not to exceed $10,000,000 shall remain available until expended: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of ''Curios or relics'' in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2010: Provided further, That, beginning in fiscal year 2010 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: Provided further, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $6,000,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 831, of which 743 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $6,086,231,000: Provided,

That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2011: Provided further, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $99,155,000, to remain available until expended, of which not less than $73,769,000 shall be available only for modernization, maintenance and repair, and of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) (''the 1974 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (''the 2000 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); and for related victims services, $418,500,000, to remain available until expended: Provided, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: Provided further, That of the amount provided (which shall be by transfer for programs administered by the Office of Justice Programs)—

(1) $210,000,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) $18,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act; and

(B) $3,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(2) $60,000,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(3) $15,000,000 for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(4) $41,000,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(5) $9,500,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(6) $41,000,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(7) $4,250,000 for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(8) $14,000,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(9) $6,750,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(10) $3,000,000 for an engaging men and youth in prevention program, as authorized by section 41305 of the 1994 Act;

(11) $1,000,000 for tracking of violence against Indian women, as authorized by section 905 of the 2005 Act and consistent with title I of the Adam Walsh Child Protection and Safety Act of 2006;

(12) $3,500,000 for services to advocate and respond to youth, as authorized by section 41201 of the 1994 Act;

(13) $3,000,000 for grants to assist children and youth exposed to violence, as authorized by section 41303 of the 1994 Act;

(14) $3,000,000 for the court training and improvements program, as authorized by section 41002 of the 1994 Act;

(15) $1,000,000 for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act; and

(16) $2,500,000 for the Supporting Teens through Education and Protection program, as authorized by section 41204 of the 1994 Act.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 ''the 1968 Act''; the Juvenile Justice and Delinquency Prevention Act of 1974 ''the 1974 Act''; the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296), which may include research and development; and other programs (including the Statewide Automated Victim Notification Program); $235,000,000, to remain available until expended, of which—

(1) $60,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which $41,000,000 is for the National Crime Victimization Survey;

(2) $48,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act;

(3) $12,000,000 is for the Statewide Victim Notification System of the Bureau of Justice Assistance;

(4) $45,000,000 is for the Regional Information Sharing System, as authorized by part M of title I of the 1968 Act; and

(5) $70,000,000 is for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); and other programs; $1,534,768,000, to remain available until expended as follows—

(1) $519,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act, (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, as amended, shall not apply for purposes of this Act), of which $5,000,000 is for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, and $3,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process;

(2) $330,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5));

(3) $31,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) $185,268,000 for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation), which shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act;

(5) $40,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

(6) $2,000,000 for the purposes described in the Missing Alzheimer's Disease Patient Alert Program (section 240001 of the 1994 Act);

(7) $12,500,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386 and for programs authorized under Public Law 109–164;

(8) $45,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(9) $7,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;

(10) $15,000,000 for prison rape prevention and prosecution and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79);

(11) $30,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(12) $5,500,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review;

(13) $12,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(14) $50,000,000 for assistance to Indian tribes, of which—

(A) $10,000,000 shall be available for grants under section 20109 of subtitle A of title II of the 1994 Act;

(B) $25,000,000 shall be available for the Tribal Courts Initiative;

(C) $12,000,000 shall be available for tribal alcohol and substance abuse reduction assistance grants; and

(D) $3,000,000 shall be available for training and technical assistance and civil and criminal legal assistance as authorized by title I of Public Law 106–559;

(15) $20,000,000 for economic, high technology and Internet crime prevention grants, including as authorized by section 401 of Public Law 110–403;

(16) $15,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(17) $2,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(18) $3,000,000 for grants to improve the stalking and domestic violence database, as authorized by section 40602 of the 1994 Act;

(19) $1,000,000 for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act;

(20) $3,500,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(21) $1,000,000 for grants for televised testimony, as authorized by part N of title I of the 1968 Act;

(22) $15,000,000 for programs to reduce gun crime and gang violence;

(23) $20,000,000 for grants to assist State and tribal governments as authorized by the NICS Improvement Amendments Act of 2007 (Public Law 110–180);

(24) $11,500,000 for the National Criminal History Improvement program for grants to upgrade criminal records;

(25) $100,000,000 for offender reentry programs, as authorized by the Second Chance Act of 2007 (Public Law 110–199), of which $37,000,000 is for grants for adult and juvenile offender State and local reentry demonstration projects, $15,000,000 is for grants for mentoring and transitional services, $10,000,000 is for reentry courts, $7,500,000 is for family-based substance abuse treatment, $2,500,000 is for evaluation and improvement of education at prisons, jails, and juvenile facilities, $5,000,000 is for technology careers training demonstration grants, $13,000,000 is for offender reentry substance abuse and criminal justice collaboration, and $10,000,000 is for prisoner reentry research;

(26) $10,000,000 for activities related to comprehensive criminal justice reform and recidivism reduction efforts by States;

(27) $10,000,000 for implementation of a student loan repayment assistance program pursuant to section 952 of Public Law 110–315;

(28) $3,000,000 for the Northern Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments for the costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys; and

(29) $35,000,000 for Paul Coverdell Forensic Science Improvement Grants under part BB of title I of the 1968 Act:

Provided, That if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Office of Weed and Seed Strategies, $20,000,000, to remain available until expended, as authorized by section 103 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''), the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); the PROTECT Our Children Act of 2008 (Public Law 110–401), and other juvenile justice programs, $423,595,000, to remain available until expended as follows—

(1) $75,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(2) $91,095,000 for grants and projects, as authorized by sections 261 and 262 of the 1974 Act, which shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act;

(3) $100,000,000 for youth mentoring grants;

(4) $65,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) $25,000,000 shall be for the Tribal Youth Program;

(B) $10,000,000 shall be for a gang education initiative; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $4,840,000 shall be available for discretionary grants, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(5) $22,500,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(6) $55,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State;

(7) $10,000,000 for community-based violence prevention initiatives; and

(8) $5,000,000 for the Safe Start Program, as authorized by the 1974 Act:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: Provided further, That not more than 2 percent of each amount may be used for training and technical assistance: Provided further, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs, which amounts shall be paid to the ''Salaries and Expenses'' account), to remain available until expended; and $9,100,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to ''Public Safety Officer Benefits'' from available appropriations for the current fiscal year for the Department of Justice as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

(INCLUDING TRANSFERS OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296), which may include research and development; and the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (the ''Adam Walsh Act''); and the Justice for All Act of 2004 (Public Law 108–405), $791,608,000, to remain available until expended: Provided, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided (which shall be by transfer, for programs administered by the Office of Justice Programs)—

(1) $30,000,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: Provided, That $1,500,000 is for related research, testing, and evaluation programs;

(2) $40,385,000 for grants to entities described in section 1701 of title I of the 1968 Act, to address public safety and methamphetamine manufacturing, sale, and use in hot spots as authorized by section 754 of Public Law 109–177, and for other anti-methamphetamine-related activities: Provided, That within the amounts appropriated $25,385,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act: Provided further, That within the amounts appropriated $10,000,000 shall be transferred to the Drug Enforcement Administration upon enactment of this Act: Provided further, That within the amounts appropriated $5,000,000 is for anti-methamphetamine-related activities in Indian Country;

(3) $170,223,000 for a law enforcement technologies and interoperable communications program, and related law enforcement and public safety equipment: Provided, That within the amounts appropriated, $168,723,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act: Provided further, That of the amounts provided under this heading $1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office for research, testing, and evaluation programs;

(4) $161,000,000 for DNA related and forensic programs and activities, of which—

(A) $151,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities including the purposes of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program);

(B) $5,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108–405, section 412); and

(C) $5,000,000 is for Sexual Assault Forensic Exam Program Grants as authorized by Public Law 108–405, section 304;

(5) $40,000,000 for improving tribal law enforcement, including equipment and training;

(6) $12,000,000 for community policing development activities;

(7) $24,000,000 for a national grant program the purpose of which is to assist State and local law enforcement to locate, arrest and prosecute child sexual predators and exploiters, and to enforce sex offender registration laws described in section 1701(b) of the 1968 Act, of which—

(A) $11,000,000 is for sex offender management assistance as authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103–322); and

(B) $1,000,000 is for the National Sex Offender Public Registry;

(8) $16,000,000 for expenses authorized by part AA of the 1968 Act (Secure our Schools); and

(9) $298,000,000 for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsections (g) and (i) of such section and notwithstanding 42 U.S.C. 3796dd–3(c).

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office on Violence Against Women, the Office of Justice Programs and the Community Oriented Policing Services Office, $192,388,000, of which not to exceed $15,708,000 shall be available for the Office on Violence Against Women; not to exceed $139,218,000 shall be available for the Office of Justice Programs; not to exceed $37,462,000 shall be available for the Community Oriented Policing Services Office: Provided, That, notwithstanding section 109 of title I of Public Law 90–351, an additional amount, not to exceed $21,000,000 shall be available for authorized activities of the Office of Audit, Assessment, and Management: Provided further, That the total amount available for management and administration of such programs shall not exceed $213,388,000: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for management and administration of such programs, the Attorney General may transfer such amounts to ''Salaries and Expenses'' from available appropriations for the current fiscal year for the Department of Justice as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $75,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. The Attorney General is authorized to extend through September 30, 2011, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for Sentinel, or for any other major new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 214. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase of the Federal Bureau of Investigation's Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases currently under contract for development or fielding have completed a majority of the work for that phase under the performance measurement baseline validated by the integrated baseline review conducted in 2008: Provided, That this restriction does not apply to planning and design activities for future phases: Provided further, That the Bureau will notify the Committees on Appropriations of any significant changes to the baseline.

SEC. 215. In addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this Act under the headings ''Justice Assistance'', ''State and Local Law Enforcement Assistance'', ''Weed and Seed'', ''Juvenile Justice Programs'', and ''Community Oriented Policing Services''—

(1) Up to 3 percent of funds made available to the Office of Justice Programs for grants or reimbursement may be used to provide training and technical assistance; and

(2) Up to 1 percent of funds made available to such Office for formula grants under such headings may be used for research or statistical purposes by the National Institute of Justice or the Bureau of Justice Statistics, pursuant to, respectively, sections 201 and 202, and sections 301 and 302 of title I of Public Law 90–351.

SEC. 216. The Attorney General may, upon request by a grantee and based upon a determination of fiscal hardship, waive the requirements of paragraph (1) of section 2976(g) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1)) with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2009 and 2010 for Adult and Juvenile Offender State and Local Reentry Demonstration Projects authorized under part FF of such Act of 1968.

SEC. 217. Section 5759 of title 5, United States Code, is amended by striking subsection (e).

SEC. 218. (a) The Attorney General shall submit quarterly reports to the Inspector General of the Department of Justice regarding the costs and contracting procedures relating to each conference held by the Department of Justice during fiscal year 2010 for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the Department of Justice in evaluating potential contractors for that conference.

SEC. 219. (a) Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

''§5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation

''The Director of the Federal Bureau of Investigation may, under regulations prescribed by the Director, pay a cash award of up to 10 percent of basic pay to any Bureau employee who maintains proficiency in a language or languages critical to the mission or who uses one or more foreign languages in the performance of official duties.''.

(b) The analysis for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

''5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation.''

SEC. 220. For purposes of the allocation under section 505(d)(1) of title I of Public Law 90–351 (42 U.S.C. 3755(d)(1)) for fiscal year 2010, the Attorney General is authorized to waive the application of section 505(e)(3) (42 U.S.C. 3755(e)(3)) to any non-reporting unit of local government that—

(1) was eligible to receive an allocation under section 505(d)(2)(B) (42 U.S.C. 3755(d)(2)(B));

(2) agrees to begin to report timely data on part I violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation by not later than the end of such fiscal year; and

(3) does so begin in accordance with such agreement.

This title may be cited as the ''Department of Justice Appropriations Act, 2010''.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $7,000,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $4,469,000,000, to remain available until September 30, 2011.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $501,000,000, to remain available until September 30, 2011.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management, personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,746,300,000, to remain available until September 30, 2011: Provided, That notwithstanding section 505 of this Act, none of the funds provided herein and from prior years that remain available for obligation during fiscal year 2010 shall be available for the termination or elimination of any program, project or activity of the architecture for the Constellation program nor shall such funds be available to create or initiate a new program, project or activity, unless such program termination, elimination, creation, or initiation is provided in subsequent appropriations Acts.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; maintenance; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,146,800,000, to remain available until September 30, 2011: Provided, That of the amounts provided under this heading, not more than $3,157,100,000 shall be for Space Shuttle operations, production, research, development, and support, not more than $2,317,000,000 shall be for International Space Station operations, production, research, development, and support, and not more than $751,500,000 shall be for Space and Flight Support.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $182,500,000, to remain available until September 30, 2011.

CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $70,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,194,000,000: Provided, That not more than $2,206,300,000 shall be available for center management and operations: Provided further, That not less than $40,000,000 shall be available for independent verification and validation activities: Provided further, That within the amounts appropriated, $63,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND REMEDIATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, $448,300,000, to remain available until September 30, 2015: Provided, That within the funds provided, $13,700,000 shall be available to support science research and development activities; $90,800,000 shall be available to support exploration research and development activities; $27,300,000 shall be available to support space operations research and development activities; and $316,500,000 shall be available for cross agency support activities: Provided further, That hereafter, notwithstanding section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j), all proceeds from leases entered into under that section shall be deposited into this account and shall be available for a period of 5 years, to the extent provided in annual appropriations Acts: Provided further, That such proceeds shall be available for obligation for fiscal year 2010 in an amount not to exceed $6,226,000: Provided further, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $36,400,000.

ADMINISTRATIVE PROVISIONS

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Notwithstanding any other provision of law, no funds shall be used to implement by Reduction in Force or other involuntary separations

(except for cause) by the National Aeronautics and Space Administration prior to September 30, 2010.

The unexpired balances of the Science, Aeronautics, and Exploration account, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,617,920,000, to remain available until September 30, 2011, of which not to exceed $570,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: Provided, That from funds specified in the fiscal year 2010 budget request for icebreaking services, $54,000,000 shall be transferred to the U.S. Coast Guard ''Operating Expenses'' within 60 days of enactment of this Act: Provided further, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That not less than $147,120,000 shall be available for activities authorized by section 7002(c)(2)(A)(iv) of Public Law 110–69.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, $117,290,000, to remain available until expended: Provided, That none of the funds may be used to reimburse the Judgment Fund.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $872,760,000, to remain available until September 30, 2011: Provided, That not less than $55,000,000 shall be available until expended for activities authorized by section 7030 of Public Law 110–69: Provided further, That not less than $32,000,000 shall be available until expended for the Historically Black Colleges and Universities Undergraduate Program.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,200 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $300,000,000: Provided, That contracts may be entered into under this heading in fiscal year 2010 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,540,000: Provided, That not to exceed $2,800 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $14,000,000.

This title may be cited as the ''Science Appropriations Act, 2010''.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,400,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and not to exceed $30,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, $367,303,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the House and Senate Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $81,860,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $420,000,000, of which $394,400,000 is for basic field programs and required independent audits; $4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $17,000,000 is for management and grants oversight; $3,400,000 is for client self-help and information technology; and $1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2009 and 2010, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $3,250,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $47,826,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $124,000 shall be available for official reception and representation expenses: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) $5,131,000, of which $500,000 shall remain available until September 30, 2011: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing

law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that—

(1) creates or initiates a new program, project or activity;

(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(5) reorganizes or renames offices, programs or activities, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(8) augments funds for existing programs, projects or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds; or

(9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds in provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $705,000,000 shall not be available for obligation until the following fiscal year.

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be

used to issue patents on claims directed to or encompassing a human organism.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin ''curios or relics'' firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

(RESCISSIONS)

SEC. 529. (a) Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are hereby rescinded, not later than September 30, 2010, from the following accounts in the specified amounts—

(1) ''Legal Activities, Assets Forfeiture Fund'', $387,200,000;

(2) ''Federal Bureau of Investigation, Salaries and Expenses'', $50,000,000;

(3) ''Office of Justice Programs'', $54,000,000; and

(4) ''Community Oriented Policing Services'', $40,000,000.

(b) Within 30 days of enactment of this Act, the Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

(c) The rescissions contained in this section shall not apply to funds provided in this Act.

SEC. 530. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 531. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

SEC. 532. (a) None of the funds made available in this or any other Act may be used to release an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

(b) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purpose of detention, except as provided in subsection (c).

(c) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of prosecuting such individual, or detaining such individual during legal proceedings, until 45 days after the plan described in subsection (d) is received.

(d) The President shall submit to Congress, in classified form, a plan regarding the proposed disposition of any individual covered by subsection (c) who is detained as of June 24, 2009. Such plan shall include, at a minimum, each of the following for each such individual:

(1) A determination of the risk that the individual might instigate an act of terrorism within

the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were so transferred.

(2) A determination of the risk that the individual might advocate, coerce, or incite violent extremism, ideologically motivated criminal activity, or acts of terrorism, among inmate populations at incarceration facilities within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were transferred to such a facility.

(3) The costs associated with transferring the individual in question.

(4) The legal rationale and associated court demands for transfer.

(5) A plan for mitigation of any risks described in paragraphs (1), (2), and (7).

(6) A copy of a notification to the Governor of the State to which the individual will be transferred, to the Mayor of the District of Columbia if the individual will be transferred to the District of Columbia, or to any United States territories with a certification by the Attorney General of the United States in classified form at least 14 days prior to such transfer (together with supporting documentation and justification) that the individual poses little or no security risk to the United States.

(7) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer and the actions taken to mitigate such risk.

(e) None of the funds made available in this or any other Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States or to a freely associated State, unless the President submits to the Congress, in classified form, at least 15 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country or the freely associated State to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with the country or the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(f) None of the funds made available in this Act may be used to provide any immigration benefit (including a visa, admission into the United States or any of the United States territories, parole into the United States or any of the United States territories (other than parole for the purposes of prosecution and related detention), or classification as a refugee or applicant for asylum) to any individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba.

(g) In this section, the term ''freely associated States'' means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau.

(h) Prior to the termination of detention operations at Naval Station, Guantanamo Bay, Cuba, the President shall submit to the Congress a report in classified form describing the disposition or legal status of each individual detained at the facility as of the date of enactment of this Act.

SEC. 533. Section 504(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104–134) is amended by striking paragraph (13).

SEC. 534. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 535. (a) The Comptroller General of the United States shall conduct a review and audit of Federal funds received by the Association of Community Organizations for Reform Now (referred to in this section as ''ACORN'') or any subsidiary or affiliate of ACORN to determine—

(1) whether any Federal funds were misused and, if so, the total amount of Federal funds involved and how such funds were misused;

(2) what steps, if any, have been taken to recover any Federal funds that were misused;

(3) what steps should be taken to prevent the misuse of any Federal funds; and

(4) whether all necessary steps have been taken to prevent the misuse of any Federal funds.

(b) Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the audit required under subsection (a), along with recommendations for Federal agency reforms.

SEC. 536. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are ''Energy Star'' qualified or have the ''Federal Energy Management Program'' designation.

SEC. 537. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States Government receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 538. None of the funds made available in this Act may be used to relocate the Bureau of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

SEC. 539. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–149) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

This division may be cited as the ''Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010''.

DIVISION C FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, $304,888,000, of which not to exceed $21,983,000 is for executive direction program activities; not to exceed $47,249,000 is for economic policies and programs activities, including $1,000,000 that shall be transferred to the National Academy of Sciences for a study by the Board on Mathematical Sciences and Their Applications on the long-term economic effects of the aging population in the United States, to remain available until September 30, 2011, and $1,500,000 that shall be transferred to the National Academy of Sciences for a carbon audit of the tax code as authorized in section 117 of the Energy Improvement and Extension Act of 2008 (Public Law 110–343), to remain available until September 30, 2011; not to exceed $48,580,000 is for financial policies and programs activities; not to exceed $64,611,000 is for terrorism and financial intelligence activities; not to exceed $22,679,000 is for Treasury-wide management policies and programs activities; and not to exceed $99,786,000 is for administration programs activities: Provided, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: Provided further, That no appropriation for any program activity shall be increased or decreased by more than 4 percent by all such transfers: Provided further, That any change in funding greater than 4 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2011, is for information technology modernization requirements; not to exceed $200,000 is for official reception and representation expenses; and not to exceed $258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: Provided further, That of the amount appropriated under this heading, $6,787,000, to remain available until September 30, 2011, is for the Treasury-wide Financial Statement Audit and Internal Control Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: Provided further, That this transfer authority shall be in addition to any other provided in this Act: Provided further, That of the amount appropriated under this heading, $500,000, to remain available until September 30, 2011, is for secure space requirements: Provided further, That of the amount appropriated under this heading, $3,400,000, to remain available until September 30, 2012, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements: Provided further, That of the amount appropriated under this heading, $3,000,000, to remain available until September 30, 2012, is for modernizing the Office of Debt Management's information technology.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $9,544,000, to remain available until September 30, 2012: Provided, That $4,544,000 is for repairs to the Treasury Annex Building: Provided further, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated under this heading shall be used to support or supplement ''Internal Revenue Service, Operations Support'' or ''Internal

Revenue Service, Business Systems Modernization''.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $29,700,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; $152,000,000, of which not to exceed $6,000,000 shall be available for official travel expenses; of which not to exceed $500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), $23,300,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses, including for course development, of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $111,010,000, of which not to exceed $26,085,000 shall remain available until September 30, 2012; and of which $9,316,000 shall remain available until September 30, 2011: Provided, That funds appropriated in this account may be used to procure personal services contracts.

TREASURY FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $90,000,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $244,132,000, of which not to exceed $9,220,000 shall remain available until September 30, 2012, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $103,000,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: Provided, That of the amount appropriated under this heading, $3,000,000, to remain available until September 30, 2011, shall be for the hiring, training, and equipping of special agents and related support personnel.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2010 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $26,700,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $192,244,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until September 30, 2012, for systems modernization: Provided, That the sum appropriated herein from the general fund for fiscal year 2010 shall be reduced by not more than $10,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at $182,244,000. In addition, $90,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103–325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, notwithstanding sections 4707(d) and 4707(e) of title 12, United States Code, $166,750,000, to remain available until September 30, 2011; of which $12,000,000 shall be for financial assistance, technical assistance, training and outreach programs, designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers; of which $1,000,000 shall be available for the pilot project grant program under section 1132(d) of division A of the Housing and Economic Recovery Act of 2008 (Public Law 110–289); of which $3,150,000 shall be for an additional pilot project grant to an eligible organization located in the State of Hawaii for financial education and pre-home ownership counseling as authorized in section 1132(d) of division A of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), and of which up to $18,000,000 may be used for administrative expenses, including administration of the New Markets Tax Credit.

For an additional amount to be transferred to the ''Capital Magnet Fund'', as authorized by section 1339 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 1301 et seq.), as amended by section 1131 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), to support financing for affordable housing and economic development projects, $80,000,000, to remain available until September 30, 2011: Provided, That, for fiscal year 2010, section 1339(h)(3) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by section 1131 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), shall be applied by substituting the term ''at least 10 times the grant amount or such other amount that the Secretary may require'' for ''at least 10 times the grant amount''.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,278,830,000, of which not less than $6,100,000 shall be for the Tax Counseling for the Elderly Program, of which not less than $10,000,000 shall be available for low-income taxpayer clinic grants, of which not less than $12,000,000, to remain available until September 30, 2011, shall be available for a Community Volunteer Income Tax Assistance matching grants demonstration program for tax return preparation assistance, and of which not less than $205,954,000 shall be available for operating expenses of the Taxpayer Advocate Service.

ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,904,000,000, of which not less than $59,206,000 shall be for the Interagency Crime and Drug Enforcement program; and of which not to exceed $126,500 shall be for official reception and representation expenses associated with hosting the Leeds Castle Meeting in the United States during 2010: Provided, That up to $10,000,000 may be transferred as necessary from this account to ''Operations Support'' solely for the purposes of the Interagency Crime and Drug Enforcement program: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act. In addition to amounts made available above, $600,000,000 shall be made available for enhanced tax enforcement activities.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $4,083,884,000, of which up to $75,000,000 shall remain available until September 30, 2011, for information technology support; of which not to exceed $1,000,000 shall remain available until September 30, 2012, for research; of which not less than $2,000,000 shall be for the Internal Revenue Service Oversight Board; of which not to exceed $25,000 shall be for official reception and representation; and of which $290,000,000 shall be made available to support enhanced tax enforcement activities: Provided, That of the amounts provided under this heading, such

sums as are necessary shall be available to fully support tax enforcement and enhanced tax enforcement activities.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, $263,897,000, to remain available until September 30, 2012, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That, with the exception of labor costs, none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $15,512,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading ''Enforcement'' may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 105. Of the funds made available by this Act to the Internal Revenue Service, not less than $7,100,000,000 shall be available only for tax enforcement. In addition, of the funds made available by this Act to the Internal Revenue Service, and subject to the same terms and conditions, $890,000,000 shall be available for enhanced tax law enforcement.

SEC. 106. None of the funds made available in this Act may be used to enter into, renew, extend, administer, implement, enforce, or provide oversight of any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986).

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 107. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 108. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 109. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 110. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 111. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 112. The Secretary of the Treasury may transfer funds from Financial Management Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 113. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking ''11 years'' and inserting ''12 years''.

SEC. 114. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing and Urban Affairs.

SEC. 115. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 116. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for Fiscal Year 2010.

SEC. 117. Not to exceed $5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

This title may be cited as the ''Department of the Treasury Appropriations Act, 2010''.

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to 31 U.S.C. 1552.

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $59,143,000, of which not less than $1,400,000 shall be for the Office of National AIDS Policy.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $13,838,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30

days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $2,500,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,200,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $12,231,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $115,280,000, of which $16,768,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $92,863,000, of which not to exceed $3,000 shall be available for official representation expenses: Provided, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: Provided further, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: Provided further, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: Provided further, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: Provided further, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $29,575,000; of which $1,300,000 shall remain available until expended for policy research and evaluation: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center (CTAC) for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $5,000,000, which shall remain available until expended for counternarcotics research and development projects: Provided, That such amount shall be available for transfer to other Federal departments or agencies: Provided further, That the Office of National Drug Control Policy shall submit for approval by the Committees on Appropriations of the House of Representatives and the Senate, a mission statement for CTAC, a detailed explanation of the CTAC program, and a detailed spending plan for the use of these funds, prior to obligation of any funds provided in this paragraph: Provided further, That the report required by the preceding proviso shall be in lieu of inclusion of CTAC in the financial plan required by section 202.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $239,000,000, to remain available until September 30, 2011, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas (''HIDTAs''), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: Provided, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy (''the Director''), of which up to $2,700,000 may be used for auditing services and associated activities (including up to $500,000 to ensure the continued operation and maintenance of the Performance Management System): Provided further, That, notwithstanding the requirements of Public Law 106–58, any unexpended funds obligated prior to fiscal year 2008 may be used for any other approved activities of that High Intensity Drug Trafficking Area, subject to reprogramming requirements: Provided further, That each High Intensity Drug Trafficking Area designated as of September 30, 2009, shall be funded at not less than the fiscal year 2009 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: Provided further, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2010 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $154,400,000, to remain available until expended, which shall be available as follows: $45,000,000 to support a national media campaign; $95,000,000 for the Drug-Free Communities Program, of which $2,000,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by Public Law 109–469 (21 U.S.C. 1521 note); $1,000,000 for the National Drug Court Institute; $10,000,000 for the United States Anti-Doping Agency for anti-doping activities; $1,900,000 for the United States membership dues to the World Anti-Doping Agency; $1,250,000 for the National Alliance for Model State Drug Laws; and $250,000 for evaluations and research related to National Drug Control Program performance measures, which may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000, to remain available until September 30, 2011.

PARTNERSHIP FUND FOR PROGRAM INTEGRITY INNOVATION

(INCLUDING TRANSFER OF FUNDS)

For the Partnership Fund for Program Integrity Innovation, $37,500,000, to remain available until September 30, 2012, which may be used for grants, contracts, cooperative agreements, and administrative costs of carrying out Partnership Fund for Program Integrity Innovation pilot projects: Provided, That these funds shall be transferred by the Director of the Office of Management and Budget to appropriate agencies to carry out pilot projects and to conduct or provide for evaluation of such projects: Provided further, That such transfers shall be contingent upon the Director of the Office of Management and Budget determining, in consultation with an interagency council consisting of representatives of appropriate Federal agencies, States, and other stakeholders, that the pilot projects address Federal programs that have a substantial State role in eligibility determination or administration or where Federal-State cooperation could otherwise be beneficial; in aggregate, save at least as much money as they cost; demonstrate the potential to streamline administration or strengthen program integrity; and do not achieve savings primarily by reducing the participation of eligible beneficiaries: Provided further, That the interagency council required by

the previous proviso shall submit a progress report to the Committees on Appropriations of the House of Representatives and the Senate not later than March 31, 2010 and semiannually thereafter until the program is completed, including detailed information on goals, objectives, performance measures, and evaluations of the program in general and of each specific pilot undertaken.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,604,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $330,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 201. From funds made available in this Act under the headings ''The White House'', ''Executive Residence at the White House'', ''White House Repair and Restoration'', ''Council of Economic Advisers'', ''National Security Council'', ''Office of Administration'', ''Special Assistance to the President'', and ''Official Residence of the Vice President'', the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: Provided, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: Provided further, That no amount shall be transferred from ''Special Assistance to the President'' or ''Official Residence of the Vice President'' without the approval of the Vice President.

SEC. 202. The Director of the Office of National Drug Control Policy shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act, and prior to the initial obligation of more than 20 percent of the funds appropriated in any account (except ''Counterdrug Technology Assessment Center'') under the heading ''Office of National Drug Control Policy'', a detailed narrative and financial plan on the proposed uses of all funds under the account by program, project, and activity: Provided, That the reports required by this section shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: Provided further, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

SEC. 203. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 204. Not to exceed $1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed within a program, project, or activity upon the advance approval of the Committees on Appropriations.

This title may be cited as the ''Executive Office of the President Appropriations Act, 2010''.

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $74,034,000, of which $2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, $14,525,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $32,560,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $21,350,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $5,011,018,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $5,428,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A, and also under 18 U.S.C. 3599, in cases in which a defendant is charged with a crime that may be punishable by death; the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services under 18 U.S.C. 3006A(e), and also under 18 U.S.C. 3599(f) and (g)(2), in cases in which a defendant is charged with a crime that may be punishable by death; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; and for necessary training and general administrative expenses, $977,748,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), $61,861,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $452,607,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $83,075,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $27,328,000; of which $1,800,000 shall remain available through September 30, 2011, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $71,874,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $6,500,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $4,000,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $16,837,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for ''Courts of Appeals, District Courts, and Other Judicial Services'' shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology Fund, which will establish the baseline for application of reprogramming and transfer authorities for the current fiscal year.

SEC. 305. Section 3314(a) of title 40, United States Code, shall be applied by substituting ''Federal'' for ''executive'' each place it appears.

SEC. 306. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 307. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking ''18 years'' and inserting ''19 years'';

(2) in the sixth sentence (relating to the Northern District of Ohio), by striking ''18 years'' and inserting ''19 years''; and

(3) in the seventh sentence (relating to the District of Hawaii), by striking ''15 years'' and inserting ''16 years''.

This title may be cited as the ''Judiciary Appropriations Act, 2010''.

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $35,100,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia Government, for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, including support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $261,180,000 to be allocated as follows: for the District of Columbia Court of Appeals, $12,022,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $108,524,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Court System, $65,114,000, of which not to exceed $2,500 is for official reception and representation expenses; and $75,520,000, to remain available until September 30, 2011, for capital improvements for District of Columbia courthouse facilities, including structural improvements to the District of Columbia cell block at the Moultrie Courthouse: Provided, That funds made available for capital improvements shall be expended consistent with the General Services Administration (GSA) master plan study and building evaluation report: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the GSA, and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: Provided further, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $55,000,000, to remain available until expended: Provided, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $212,408,000, of which not to exceed $2,000 is for official reception and representation expenses related to

Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which $153,856,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $58,552,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That not less than $2,000,000 shall be available for re-entrant housing in the District of Columbia: Provided further, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: Provided further, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: Provided further, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $37,316,000: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $20,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: Provided, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $2,000,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2011, to the Commission on Judicial Disabilities and Tenure, $295,000, and for the Judicial Nomination Commission, $205,000.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER FOR THE DISTRICT OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer for the District of Columbia, $1,850,000, in the amounts and for the projects specified in the table that appears under the heading ''Federal Payment to the Office of the Chief Financial Officer for the District of Columbia'' in the statement of managers to accompany this Act: Provided, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer for the District of Columbia (CFO), not later than 60 days after enactment of this Act, a detailed budget and comprehensive description of the activities to be carried out with such funds, and the CFO shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate not later than June 1, 2010.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $75,400,000, to be allocated as follows: for the District of Columbia Public Schools, $42,200,000 to improve public school education in the District of Columbia; for the State Education Office, $20,000,000 to expand quality public charter schools in the District of Columbia, to remain available until expended; for the Secretary of the Department of Education, $13,200,000 to provide opportunity scholarships for students in the District of Columbia in accordance with title III of division C of the District of Columbia Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126), to remain available until expended, of which up to $1,000,000 may be used to administer and fund assessments, and of which up to $1,000,000 may be used to administer testing of students to determine and compare academic performance of the schools enrolling students participating in the opportunity scholarship program: Provided, That notwithstanding the second proviso under this heading in Public Law 111–8, funds provided herein may only be used to provide opportunity scholarships to students who received scholarships in the 2009–2010 school year: Provided further, That funds available under this heading for opportunity scholarships, including from prior-year appropriations Acts, may be made available only for scholarships to students who received scholarships in the 2009–2010 school year: Provided further, That none of the funds provided in this Act or any other Act for opportunity scholarships may be used by an eligible student to enroll in a participating school under the DC School Choice Incentive Act of 2003 unless (1) the participating school has and maintains a valid certificate of occupancy issued by the District of Columbia; (2) the core subject matter teachers of the eligible student hold 4-year bachelor's degrees; and (3) the participating school is in compliance with the accreditation and other standards prescribed under the District of Columbia compulsory school attendance laws that apply to educational institutions not affiliated with the District of Columbia Public Schools: Provided further, That the Secretary of Education shall submit a report to Congress not later than June 15, 2010 detailing the academic rigor and quality of each participating school and that for the purposes of submitting the report the Secretary shall administer to eligible students participating in the program the same tests of academic performance as those administered to students enrolled in the District of Columbia Public Schools in the 2009–2010 school year and the Secretary shall utilize the performance of scholarship recipients on that test as well as other metrics of academic quality considered appropriate by the Secretary to evaluate the academic rigor and quality of participating schools and include in this report comparative data on District of Columbia Public Schools and Public Charter Schools: Provided further, That the Secretary of Education shall ensure that site inspections of participating schools are conducted at least twice annually.

FEDERAL PAYMENT FOR CONSOLIDATED LABORATORY FACILITY

For a Federal payment to the District of Columbia, $15,000,000, to remain available until September 30, 2011, for costs associated with the construction of a consolidated bioterrorism and forensics laboratory: Provided, That the District of Columbia provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, $375,000, to remain available until expended for the District of Columbia National Guard retention and college access programs, which shall hereafter be known as the ''Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program''.

FEDERAL PAYMENT FOR HOUSING FOR THE HOMELESS

For a Federal payment to the District of Columbia, $17,000,000, to remain available until September 30, 2011, to support permanent supportive housing programs in the District.

FEDERAL PAYMENT FOR YOUTH SERVICES

For a Federal payment to the District of Columbia, $4,000,000, to remain available until September 30, 2011, to support the ''Reconnecting Disconnected Youth'' initiative.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia (''General Fund''), except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, (114 Stat. 2440; D.C. Official Code, section 1–204.50a) and provisions of the Fiscal Year 2010 Budget Request Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2010 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $10,016,041,000 (of which $5,637,824,000 shall be from local funds, (including $394,417,000 from dedicated taxes) $2,661,782,000 shall be from Federal grant funds, $1,711,249,000 shall be from other funds, and $5,187,000 shall be from private funds); in addition, $185,725,000 from funds previously appropriated in this Act as Federal payments, which does not include funds appropriated under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5): Provided further, That of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance: Provided further, That of these funds the District's intradistrict authority shall be $791,096,000: in addition for capital construction projects, an increase of $3,249,642,000, of which $2,685,760,000 shall be from local funds, $54,893,000 from the District of Columbia Highway Trust fund, $186,805,000 from the Local Street Maintenance fund, $322,184,000 from Federal grant funds, and a rescission of $1,834,494,000 from local funds and a rescission of $91,327,000 from Local Street Maintenance funds appropriated under this heading in prior fiscal years for a net amount of $1,323,821,000, to remain available until expended: Provided further, That the amounts provided under this heading are to be available, allocated and expended as proposed under Title III of the Fiscal Year 2010 Budget Request Act at the rate set forth under ''District of Columbia Funds Division of Expenses'' of the Fiscal Year 2010 Proposed Budget and Financial Plan submitted to the Congress of the United States by the District of Columbia on September 28, 2009: Provided further, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act (87 Stat. 777; D.C. Official Code sec. 1–201.01 et seq.): Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and

funds made available to the District during fiscal year 2010, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the ''District of Columbia Appropriations Act, 2010''.

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., $1,500,000, to remain available until September 30, 2011, of which not to exceed $1,000 is for official reception and representation expenses.

CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Christopher Columbus Fellowship Foundation, established by section 423 of Public Law 102–281, $750,000, to remain available until expended.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $2,000 for official reception and representation expenses, $118,200,000, of which $2,000,000 shall remain available for obligation until September 30, 2011, to implement the Virginia Graeme Baker Pool and Spa Safety Act grant program as provided by section 1405 of Public Law 110–140 (15 U.S.C. 8004).

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), $17,959,000, of which $3,500,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002: Provided, That $750,000 shall be for the Help America Vote College Program as authorized by the Help America Vote Act of 2002: Provided further, That $300,000 shall be for a competitive grant program to support community involvement in student and parent mock elections.

ELECTION REFORM PROGRAMS

For necessary expenses relating to election reform programs, $75,000,000, to remain available until expended, of which $70,000,000 shall be for requirements payments under part 1 of subtitle D of title II of the Help America Vote Act of 2002 (Public Law 107–252), $3,000,000 shall be for grants to carry out research on voting technology improvements as authorized under part 3 of subtitle D of title II of such Act, and $2,000,000, shall be to conduct a pilot program for grants to States and units of local government for pre-election logic and accuracy testing and post-election voting systems verification.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $335,794,000: Provided, That $335,794,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at $0: Provided further, That any offsetting collections received in excess of $335,794,000 in fiscal year 2010 shall not be available for obligation: Provided further, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2009, shall not be available for obligation: Provided further, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $85,000,000 for fiscal year 2010: Provided further, That the Inspector General of the Federal Communications Commission shall examine whether, and to what extent, the National Exchange Carrier Association, Inc. is acting in compliance with the Communications Act of 1934, as amended, and the regulations promulgated thereunder, and whether, and to what extent, the FCC has delegated authority to National Exchange Carrier Association, Inc. consistent with the Communications Act of 1934, as amended: Provided further, That the Federal Communications Commission Inspector General shall submit a report to Congress not later than July 1, 2010, setting forth the conclusions of such examination.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 501. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking ''December 31, 2009'', each place it appears and inserting ''December 31, 2010''.

SEC. 502. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $37,942,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $66,500,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $24,773,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $291,700,000, to remain available until expended: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: Provided further, That, notwithstanding any other provision of law, not to exceed $102,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: Provided further, That, notwithstanding any other provision of law, not to exceed $21,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than $168,700,000: Provided further, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For an additional amount to be deposited in the Federal Buildings Fund, $537,900,000. Amounts in the Fund, including revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $8,543,585,000, of which: (1) $894,037,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Alabama:

Mobile, United States Courthouse, $50,000,000.

California:
Calexico, Calexico West, Land Port of Entry, $9,437,000.
Colorado:
Lakewood, Denver Federal Center Remediation, $9,962,000.
District of Columbia:
Columbia Plaza, $100,000,000.
Southeast Federal Center Remediation, $15,000,000.
Florida:
Miami, Federal Bureau of Investigation Field Office Consolidation, $190,675,000.
Georgia:
Savannah, United States Courthouse, $7,900,000.
Maine:
Madawaska, Land Port of Entry, $50,127,000.
Maryland:
White Oak, Food and Drug Administration Consolidation, $137,871,000.
Greenbelt, United States Courthouse, $10,000,000.
Pennsylvania:
Lancaster, United States Courthouse, $6,500,000.
Texas:
El Paso, Tornillo-Guadalupe, Land Port of Entry, $91,565,000.
San Antonio, United States Courthouse, $4,000,000.
Utah:
Salt Lake City, United States Courthouse, $211,000,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2011 and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That for fiscal year 2011 and thereafter, the annual budget submission to Congress for the General Services Administration shall include a detailed 5-year plan for Federal building construction projects with a yearly update of total projected future funding needs: Provided further, That for fiscal year 2011 and thereafter, the annual budget submission to Congress for the General Services Administration shall, in consultation with U.S. Customs and Border Protection, include a detailed 5-year plan for Federal land port-of-entry projects with a yearly update of total projected future funding needs; (2) $413,776,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:
District of Columbia:
East Wing Infrastructure Systems Replacement, $84,500,000.
Eisenhower Executive Office Building Roof Replacement, $15,000,000.
New Executive Office Building, $30,276,000.
Special Emphasis Programs:
Fire and Life Safety Program, $20,000,000.
Energy and Water Retrofit and Conservation Measures, $2,000,000.
Federal High-Performance Green Buildings, $2,000,000.
Basic Repairs and Alterations, $260,000,000:

Provided further, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2011 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $140,525,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $4,804,871,000 for rental of space which shall remain available until expended; and (5) $2,290,376,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2010, excluding reimbursements under 40 U.S.C. 592(b)(2) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; $59,665,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses; $72,881,000, of which $1,000,000 shall be for a payment to the Oklahoma City National Memorial Foundation as authorized by 16 U.S.C. 450ss–5.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $59,000,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $34,000,000, to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purpose of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and explanation for each project to be undertaken has been submitted to the Committees on Appropriations of the House of Representatives and the Senate.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $3,756,000.

FEDERAL CITIZEN SERVICES FUND

For necessary expenses of the Office of Citizen Services, including services authorized by 5 U.S.C. 3109, $36,515,000, to be deposited into the Federal Citizen Services Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Services activities in the aggregate amount not to exceed $61,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2010 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 510. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 511. Funds in the Federal Buildings Fund made available for fiscal year 2010 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 512. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2011 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year

construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 513. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 514. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 515. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

SEC. 516. In furtherance of the emergency management policy set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Administrator of the General Services Administration may provide for the use of the Federal supply schedules of the General Services Administration by relief and disaster assistance organizations as described in section 309 of that Act. Purchases under this authority shall be limited to use in preparation for, response to, and recovery from hazards as defined in section 602 of that Act.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93–642, $660,000, to remain available until expended.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $40,339,000 together with not to exceed $2,579,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), $2,500,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289) notwithstanding sections 8 and 9 of Public Law 102–259: Provided, That up to 60 percent of such funds may be transferred by the Morris K. Udall and Stewart L. Udall Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $3,800,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, $339,770,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110–409, 122 Stat. 4302–16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, $4,100,000.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, $85,500,000, of which $61,757,000 shall remain available until September 30, 2012: Provided, That none of the multi-year funds may be obligated until the National Archives and Records Administration submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the National Archives and Records Administration's enterprise architecture; (3) conforms with the National Archives and Records Administration's enterprise life cycle methodology; (4) is approved by the National Archives and Records Administration and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $27,500,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $13,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2010, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)): Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2010 shall not exceed $1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,250,000 shall be available until September 30, 2011 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $14,000,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $102,970,000, of which $5,908,000 shall remain available until September 30, 2011 for the Enterprise Human Resources Integration project; $1,364,000 shall remain available until September 30, 2011 for the Human Resources Line of Business project; and in addition $112,738,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which not more than $9,300,000 shall remain available until September 30, 2011 for the cost of implementing the new integrated financial system and not more than $4,000,000 shall remain available until September 30, 2011 for automating the retirement recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2010, accept donations of money, property, and personal services: Provided further, That such donations, including

those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission: Provided further, That within the funds provided, the Office of Personnel Management shall carry out the Intergovernmental Personnel Act Mobility Program, with special attention to Federal agencies employing more than 2,000 nurses: Provided further, That funding may be allocated to develop guidelines that provide Federal agencies direction in using their authority under the Intergovernmental Personnel Act Mobility Program, according to the directives outlined in the joint explanatory statement.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $3,148,000, and in addition, not to exceed $21,215,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 107–304, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $18,495,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109–435), $14,333,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), $1,500,000, to remain available until September 30, 2011.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $1,111,000,000, to remain available until expended; of which not less than $4,400,000 shall be for the Office of Inspector General; of which not to exceed $20,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: Provided further, That not to exceed $1,094,915,800 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That $16,084,200 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: Provided further, That the total amount appropriated under this heading from the general fund for fiscal year 2010 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2010 appropriation from the general fund estimated at not more than $0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $24,275,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $433,438,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: Provided further, That $113,000,000 shall be available to fund grants for performance in fiscal year 2010 or fiscal year 2011 as authorized by section 21 of the Small Business Act, of which $1,000,000 shall be for the Veterans Assistance and Services Program authorized by section 21(n) of the Small Business Act, as added by section 107 of Public Law 110–186, and of which $1,000,000 shall be for the Small Business Energy Efficiency Program authorized by section 1203(c) of Public Law 110–140: Provided further, That $22,000,000 shall remain available until September 30, 2011 for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: Provided further, That during fiscal year 2010, the applicable percentage under section 7(m)(4)(A) of the Small Business Act shall be 50 percent: Provided further, That $11,690,500 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2011: Provided further, That $2,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $16,300,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act of 1958, $1,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $3,000,000, to remain available until expended, and for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act, $80,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2010 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed $7,500,000,000: Provided further, That during fiscal year 2010 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed $17,500,000,000: Provided further, That during fiscal year 2010 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed $3,000,000,000: Provided further, That during fiscal year 2010, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $153,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, $1,690,000, to remain available until expended, of which $352,357 is for loan guarantees as authorized by section 42 of the Small Business Act, and $1,337,643 is for loan guarantees as authorized by section 12085 of Public Law 110–246.

In addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act and the guaranteed loan programs authorized by section 42 of the Small Business Act and section 12085 of Public Law 110–246, $76,588,200, to be available until expended, of which $1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which $65,278,200 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; of which $9,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses, and of which $1,310,000 is for administrative expenses to carry out the guaranteed loan programs, which may be transferred to and merged with the appropriations for Salaries and Expenses.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 520. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 521. All disaster loans issued in Alaska or North Dakota shall be administered by the Small Business Administration and shall not be sold during fiscal year 2010.

SEC. 522. Funds made available under section 525 of Public Law 111–8 for the Jackie Joyner-Kersee Center shall be made available to the Illinois Institute of Independent Colleges and Universities.

SEC. 523. For an additional amount under the heading ''Small Business Administration—Salaries and Expenses'', $59,000,000, to remain available until September 30, 2011, which shall be for initiatives related to small business development and entrepreneurship, including programmatic and construction activities, in the amounts and for the projects specified in the table that appears under the heading ''Administrative Provisions—Small Business Administration'' in the statement of managers to accompany this Act.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $118,328,000, of which $89,328,000 shall not be available for obligation until October 1, 2010: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2010.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $244,397,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $49,241,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: Provided, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations made available for salaries and expenses for fiscal year 2010 in this Act, shall remain available through September 30, 2011, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health

benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 617. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2009, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2010 shall remain available until expended.

SEC. 618. From the unobligated balances of prior year appropriations made available for the Privacy and Civil Liberties Oversight Board, $1,500,000 are rescinded.

SEC. 619. During fiscal year 2010, for purposes of section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)), the term ''payment of cash in advance'' shall be interpreted as payment before the transfer of title to, and control of, the exported items to the Cuban purchaser.

SEC. 620. (a) Section 101(a)(1) of the Federal and District of Columbia Government Real Property Act of 2006 (Public Law 109–396; 120 Stat. 2711) is amended to read as follows:

''(1) IN GENERAL.—

''(A) U.S. RESERVATION 13.—On the date on which the District of Columbia conveys to the Administrator of General Services all right, title, and interest of the District of Columbia in the property described in subsection (c), the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in U.S. Reservation 13, subject to the conditions described in subsection (b).

''(B) OLD NAVAL HOSPITAL.—Not later than 60 days after the date of the enactment of the Financial Services and General Government Appropriations Act, 2010, the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in Old Naval Hospital.''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Federal and District of Columbia Government Real Property Act of 2006.

SEC. 621. Notwithstanding section 708 of this Act, funds made available to the Commodity Futures Trading Commission and the Securities and Exchange Commission by this or any other Act may be used for the interagency funding and sponsorship of a joint advisory committee to advise on emerging regulatory issues.

SEC. 622. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–202) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2010 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $13,197 except station wagons for which the maximum shall be $13,631: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: Provided, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: Provided further, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: Provided further, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2010, by this or any other

Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2010, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2010, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2010 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2010 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2009, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2009, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2009.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 711. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 712. Notwithstanding section 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 713. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to 5 U.S.C. 3302, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the National Geospatial-Intelligence Agency;

(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(6) the Bureau of Intelligence and Research of the Department of State;

(7) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 714. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 715. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants—personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 716. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

SEC. 717. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 718. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 719. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or

telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 720. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 721. (a) In this section, the term ''agency''—

(1) means an Executive agency, as defined under 5 U.S.C. 105;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 722. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

(TRANSFER OF FUNDS)

SEC. 723. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse ''General Services Administration, Government-wide Policy'' with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: Provided, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): Provided further, That the total funds transferred or reimbursed shall not exceed $17,000,000: Provided further, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 724. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 725. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 726. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: Provided, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 727. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 728. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 729. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 730. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 731. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 732. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 733. (a) For fiscal year 2010, no funds shall be available for transfers or reimbursements to the E-Government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the Committees on Appropriations of the House of Representatives and the Senate.

(b) The report in subsection (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 734. Notwithstanding section 1346 of title 31, United States Code, and section 708 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the Federal Aviation Administration, upon the direction of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal Aviation Administration, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational

agreement with the Department of the Interior for the entirety of fiscal year 2010 and any period thereafter that precedes the enactment of the Financial Services and General Government Appropriations Act, 2011. The Director of the Office of Management and Budget shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed $6,000,000 for any 12-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of the House of Representatives and the Senate of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

SEC. 735. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

SEC. 736. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 737. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) and regulations implementing that section.

SEC. 738. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91–508): Provided, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: Provided further, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 739. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms ''Great Lakes'' and ''Great Lakes State'' have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term ''Great Lakes restoration activities'' means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 740. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 741. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled ''Competitive Area'' published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 742. (a) Section 748 of the Financial Services and General Government Appropriations Act, 2009 (Public Law 111–8, division D) is repealed.

(b) Hereafter, the President may modify or replace Executive Order No. 13423 if the President determines that a revised or new executive order will achieve equal or better environmental or energy efficiency results.

SEC. 743. (a) SERVICE CONTRACT INVENTORY REQUIREMENT.—

(1) GUIDANCE.—Not later than March 1, 2010, the Director of the Office of Management and Budget shall develop and disseminate guidance to aid executive agencies in establishing systems for the collection of information required to meet the requirements of this section and to ensure consistency of inventories across agencies.

(2) REPORT.—Not later than July 31, 2010, the Director of the Office of Management and Budget shall submit a report to Congress on the status of efforts to enable executive agencies to prepare the inventories required under paragraph (3), including the development, as appropriate, of guidance, methodologies, and technical tools.

(3) INVENTORY CONTENTS.—Not later than December 31, 2010, and annually thereafter, the head of each executive agency required to submit an inventory in accordance with the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note), other than the Department of Defense, shall submit to the Office of Management and Budget an annual inventory of service contracts awarded or extended through the exercise of an option on or after April 1, 2010, for or on behalf of such agency. For each service contract, the entry for an inventory under this section shall include, for the preceding fiscal year, the following:

(A) A description of the services purchased by the executive agency and the role the services played in achieving agency objectives, regardless of whether such a purchase was made through a contract or task order.

(B) The organizational component of the executive agency administering the contract, and the organizational component of the agency whose requirements are being met through contractor performance of the service.

(C) The total dollar amount obligated for services under the contract and the funding source for the contract.

(D) The total dollar amount invoiced for services under the contract.

(E) The contract type and date of award.

(F) The name of the contractor and place of performance.

(G) The number and work location of contractor and subcontractor employees, expressed as full-time equivalents for direct labor, compensated under the contract.

(H) Whether the contract is a personal services contract.

(I) Whether the contract was awarded on a noncompetitive basis, regardless of date of award.

(b) FORM.—Reports required under this section shall be submitted in unclassified form, but may include a classified annex.

(c) PUBLICATION.—Not later than 30 days after the date on which the inventory under subsection (a)(3) is required to be submitted to the Office of Management and Budget, the head of each executive agency shall—

(1) make the inventory available to the public; and

(2) publish in the Federal Register a notice that the inventory is available to the public.

(d) GOVERNMENT-WIDE INVENTORY REPORT.—Not later than 90 days after the deadline for submitting inventories under subsection (a)(3), and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress and make publicly available on the Office of Management and Budget website a report on the inventories submitted. The report shall identify whether each agency required to submit an inventory under subsection (a)(3) has met such requirement and summarize the information submitted by each executive agency required to have a Chief Financial Officer pursuant to section 901 of title 31, United States Code.

(e) REVIEW AND PLANNING REQUIREMENTS.—Not later than 180 days after the deadline for submitting inventories under subsection (a)(3) for an executive agency, the head of the executive agency, or an official designated by the agency head shall—

(1) review the contracts and information in the inventory;

(2) ensure that—

(A) each contract in the inventory that is a personal services contract has been entered into,

and is being performed, in accordance with applicable laws and regulations;

(B) the agency is giving special management attention to functions that are closely associated with inherently governmental functions;

(C) the agency is not using contractor employees to perform inherently governmental functions;

(D) the agency has specific safeguards and monitoring systems in place to ensure that work being performed by contractors has not changed or expanded during performance to become an inherently governmental function;

(E) the agency is not using contractor employees to perform critical functions in such a way that could affect the ability of the agency to maintain control of its mission and operations; and

(F) there are sufficient internal agency resources to manage and oversee contracts effectively;

(3) identify contracts that have been poorly performed, as determined by a contracting officer, because of excessive costs or inferior quality; and

(4) identify contracts that should be considered for conversion to—

(A) performance by Federal employees of the executive agency in accordance with agency insourcing guidelines required under section 736 of the Financial Services and General Government Appropriations Act, 2009 (Public Law 111–8, division D); or

(B) an alternative acquisition approach that would better enable the agency to efficiently utilize its assets and achieve its public mission.

(f) REPORT ON ACTIONS TAKEN IN RESPONSE TO ANNUAL INVENTORY.—Not later than one year after submitting an annual inventory under subsection (a)(3), the head of each executive agency submitting such an inventory shall submit to the Office of Management and Budget a report summarizing the actions taken pursuant to subsection (e), including any actions taken to consider and convert functions from contractor to Federal employee performance. The report shall be included as an attachment to the next annual inventory and made publicly available in accordance with subsection (c).

(g) SUBMISSION OF SERVICE CONTRACT INVENTORY BEFORE PUBLIC-PRIVATE COMPETITION.—Notwithstanding any other provision of law, beginning in fiscal year 2011, if an executive agency has not submitted to the Office of Management and Budget the inventory required under subsection (a)(3) for the prior fiscal year, the agency may not begin, plan for, or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation or directive until such time as the inventory is submitted for the prior fiscal year.

(h) GAO REPORTS ON IMPLEMENTATION.—

(1) REPORT ON GUIDANCE.—Not later than 120 days after submission of the report by the Director of the Office of Management and Budget required under subsection (a)(2), the Comptroller General of the United States shall report on the guidance issued and actions taken by the Director. The report shall be submitted to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives.

(2) REPORTS ON INVENTORIES.—

(A) INITIAL INVENTORY.—Not later than September 30, 2011, the Comptroller General of the United States shall submit a report to the Committees named in the preceding paragraph on the initial implementation by executive agencies of the inventory requirement in subsection (a)(3) with respect to inventories required to be submitted by December 31, 2010.

(B) SECOND INVENTORY.—Not later than September 30, 2012, the Comptroller General shall submit a report to the same Committees on annual inventories required to be submitted by December 31, 2011.

(3) PERIODIC BRIEFINGS.—The Comptroller General shall provide periodic briefings, as may be requested by the Committees, on matters related to implementation of this section.

(i) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 744. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2010 under section 5303 of title 5, United States Code, shall be an increase of 1.5 percent, and the overall average percentage of the adjustments taking effect in such fiscal year under sections 5304–5304a of such title 5 shall be an increase of 0.5 percent (with comparability payments to be determined and allocated among pay localities by the President). Adjustments under the preceding sentence shall also apply to civilian employees in the Department of Homeland Security and in the Department of Defense. All adjustments under this subsection shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2010.

(b) Notwithstanding section 710, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2010 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentages in subsection (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304–5304a of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304–5304a of such title 5 and prevailing rate employees described in section 5343(a)(5) of such title 5 shall be considered to be located in the pay locality designated as ''Rest of U.S.'' pursuant to section 5304 of such title 5 for purposes of this subsection.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2010.

SEC. 745. (a) Section 5538 of title 5, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

''(1) during which such employee is entitled to re-employment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

''(2) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.''.

(b) The amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after the date of the enactment of this Act.

SEC. 746. Except as expressly provided otherwise, any reference to ''this Act'' contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

SEC. 747. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) The term ''covered manufacturer'' means—

(A) an automobile manufacturer in which the United States Government has an ownership interest, or to which the Government has provided financial assistance under title I of the Emergency Economic Stabilization Act of 2008; or

(B) an automobile manufacturer which acquired more than half of the assets of an automobile manufacturer in which the United States Government has an ownership interest, or to which the Government has provided financial assistance under title I of the Emergency Economic Stabilization Act of 2008.

(2) The term ''covered dealership'' means an automobile dealership that had a franchise agreement for the sale and service of vehicles of a brand or brands with a covered manufacturer in effect as of October 3, 2008, and such agreement was terminated, not assigned in the form existing on October 3, 2008 to another covered manufacturer in connection with an acquisition of assets related to the manufacture of that vehicle brand or brands, not renewed, or not continued during the period beginning on October 3, 2008, and ending on December 31, 2010.

(b) A covered dealership that was not lawfully terminated under applicable State law on or before April 29, 2009, shall have the right to seek, through binding arbitration, continuation, or reinstatement of a franchise agreement, or to be added as a franchisee to the dealer network of the covered manufacturer in the geographical area where the covered dealership was located when its franchise agreement was terminated, not assigned, not renewed, or not continued. Such continuation, reinstatement, or addition shall be limited to each brand owned and manufactured by the covered manufacturer at the time the arbitration commences, to the extent that the covered dealership had been a dealer for such brand at the time such dealer's franchise agreement was terminated, not assigned, not renewed, or not continued.

(c) Before the end of the 30-day period beginning on the date of the enactment of this Act, a covered manufacturer shall provide to each covered dealership related to such covered manufacturer a summary of the terms and the rights accorded under this section to a covered dealership and the specific criteria pursuant to which such dealer was terminated, was not renewed, or was not assumed and assigned to a covered manufacturer.

(d) A covered dealership may elect to pursue the right to binding arbitration with the appropriate covered manufacturer. Such election must occur within 40 days of the date of enactment. The arbitration process must commence as soon as practicable thereafter with the selection of the arbitrator and conclude with the case being submitted to the arbitrator for deliberation within 180 days of the date of enactment of this Act. The arbitrator may extend the time periods in this subsection for up to 30 days for good cause. The covered manufacturer and the covered dealership may present any relevant information during the arbitration. The arbitrator shall balance the economic interest of the covered dealership, the economic interest of the covered manufacturer, and the economic interest of the public at large and shall decide, based on that balancing, whether or not the covered dealership should be added to the dealer network of the covered manufacturer. The factors considered by the arbitrator shall include (1) the covered dealership's profitability in 2006, 2007, 2008, and 2009, (2) the covered manufacturer's overall business plan, (3) the covered dealership's current economic viability, (4) the covered dealership's satisfaction of the performance objectives established pursuant to the applicable franchise agreement, (5) the demographic and geographic characteristics of the covered dealership's market territory, (6) the covered dealership's performance in relation to the criteria used by the covered manufacturer to terminate, not renew, not assume or not assign the covered dealership's franchise agreement, and (7) the length of experience of the covered dealership. The arbitrator shall issue a written determination no later than 7 business days after the arbitrator determines that case has been fully submitted. At a minimum, the written determination shall include (1) a description of the covered dealership, (2) a clear statement indicating whether the franchise agreement at issue is to be renewed, continued, assigned or assumed by the covered manufacturer, (3) the key facts relied upon by the arbitrator in making the determination, and (4) an explanation of how the balance of economic interests supports the arbitrator's determination.

(e) The arbitrator shall be selected from the list of qualified arbitrators maintained by the Regional Office of the American Arbitration Association (AAA), in the Region where the dealership is located, by mutual agreement of the covered dealership and covered manufacturer. If agreement cannot be reached on a suitable arbitrator, the parties shall request AAA to select the arbitrator. There will be no depositions in the proceedings, and discovery shall be limited to requests for documents specific to the covered dealership. The parties shall be responsible for their own expenses, fees, and costs, and shall share equally all other costs associated with the arbitration, such as arbitrator fees, meeting room charges, and administrative costs. The arbitration shall be conducted in the State where the covered dealership is located. Parties will have the option of conducting arbitration electronically and telephonically, by mutual agreement of both parties. The arbitrator shall not award compensatory, punitive, or exemplary damages to any party. If the arbitrator finds in favor of a covered dealership, the covered manufacturer shall as soon as practicable, but not later than 7 business days after receipt of the arbitrator's determination, provide the dealer a customary and usual letter of intent to enter into a sales and service agreement. After executing the sales and service agreement and successfully completing the operational prerequisites set forth therein, a covered dealership shall return to the covered manufacturer any financial compensation provided by the covered manufacturer in consideration of the covered manufacturer's initial determination to terminate, not renew, not assign or not assume the covered dealership's applicable franchise agreement.

(f) Any legally binding agreement resulting from a voluntary negotiation between a covered manufacturer and covered dealership(s) shall not be considered inconsistent with this provision and any covered dealership that is a party to such agreement shall forfeit the right to arbitration established by this provision.

(g) Notwithstanding the requirements of this provision, nothing herein shall prevent a covered manufacturer from lawfully terminating a covered dealership in accordance with applicable State law.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

SEC. 801. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 802. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 803. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 804. (a) None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter.

SEC. 805. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) re-establishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and the Senate are notified in writing 15 days in advance of the reprogramming.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 1, 2010.

SEC. 806. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 807. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 808. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

SEC. 809. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 810. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 811. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

SEC. 812. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate annual reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs, the retention rates in treatment programs, and the recidivism/re-arrest rates for treatment participants;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools, repeated grade rates, high school graduation rates, post-secondary education attendance rates, and teen pregnancy rates;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received;

(7) indicators of child and family well-being including child living arrangements by family structure, number of children aging out of foster care, poverty rates by family structure, crime by family structure, marriage rates by income quintile, and out-of-wedlock births; and

(8) employment, including job status and participation in assistance programs by income, education and family structure.

SEC. 813. None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

SEC. 814. None of the Federal funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 815. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of

the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2010 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 816. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, Sec. 1–204.42).

SEC. 817. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

SEC. 818. Except as expressly provided otherwise, any reference to ''this Act'' contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the ''Financial Services and General Government Appropriations Act, 2010''.

DIVISION D—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Workforce Investment Act of 1998 (''WIA''), the Second Chance Act of 2007, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; $3,828,530,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,969,449,000 as follows:

(A) $861,540,000 for adult employment and training activities, of which $149,540,000 shall be available for the period July 1, 2010, through June 30, 2011, and of which $712,000,000 shall be available for the period October 1, 2010 through June 30, 2011;

(B) $924,069,000 for youth activities, which shall be available for the period April 1, 2010 through June 30, 2011; and

(C) $1,183,840,000 for dislocated worker employment and training activities, of which $323,840,000 shall be available for the period July 1, 2010 through June 30, 2011, and of which $860,000,000 shall be available for the period October 1, 2010 through June 30, 2011:

Provided, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: Provided further, That a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice;

(2) for federally administered programs, $470,038,000 as follows:

(A) $229,160,000 for the dislocated workers assistance national reserve, of which $29,160,000 shall be available for the period July 1, 2010 through June 30, 2011, and of which $200,000,000 shall be available for the period October 1, 2010 through June 30, 2011: Provided, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That none of the funds shall be obligated to carry out section 173(e) of the WIA;

(B) $52,758,000 for Native American programs, which shall be available for the period July 1, 2010 through June 30, 2011;

(C) $84,620,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including $78,410,000 for formula grants (of which not less than 70 percent shall be for employment and training services), $5,700,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $510,000 for other discretionary purposes, which shall be available for the period July 1, 2010 through June 30, 2011: Provided, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2010 through June 30, 2011; and

(E) $102,500,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2010 through June 30, 2011: Provided, That for program year 2010 and each program year thereafter, the YouthBuild program may serve an individual who has dropped out of high school and re-enrolled in an alternative school, if that re-enrollment is part of a sequential service strategy;

(3) for national activities, $389,043,000, as follows:

(A) $93,450,000 for Pilots, Demonstrations, and Research, which shall be available for the period April 1, 2010 through June 30, 2011, of which $30,000,000 shall be for Transitional Jobs activities, and shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA, and that up to 10 percent of the amount available for Transitional Jobs activities may be used for evaluation of such projects or transferred to the Department of Health and Human Services and/or the Department of Justice for support of Transitional Jobs activities; and of which $5,500,000 shall be for competitive grants to address the employment and training needs of young parents, and shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA; and of which $48,889,000 shall be used for the projects, and in the amounts, specified under the heading ''Training and Employment Services'' in the statement of the managers on the conference report accompanying this Act: Provided, That funding provided to carry out such projects shall not be subject to the requirements of sections 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) $108,493,000 for ex-offender activities, under the authority of section 171 of the WIA and section 212 of the Second Chance Act of 2007, which shall be available for the period April 1, 2010 through June 30, 2011, notwithstanding the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA, of which $15,000,000 shall be for competitive grants to provide Transitional Job activities for ex-offenders;

(C) $9,600,000 for Evaluation, which shall be available for the period July 1, 2010 through June 30, 2011;

(D) $40,000,000 for activities that prepare workers for careers in energy efficiency and renewable energy as described in section 171(e)(1)(B) of the WIA, under the authority of section 171 of the WIA, which shall be available for the period July 1, 2010 through June 30, 2011, and which shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D);

(E) $125,000,000 for Career Pathways Innovation Fund, under the authority of section 171 of the WIA, which shall be available for the period July 1, 2010 through June 30, 2011, of which not less than $65,000,000 shall be dedicated to activities that prepare workers for careers in the health care sector, and which shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D); and

(F) $12,500,000 for the Workforce Data Quality Initiative, under the authority of section 171(c)(2) of the WIA, which shall be available for the period July 1, 2010 through June 30, 2011, and which shall not be subject to the requirements of section 171(c)(4)(D).

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (''OAA''), $825,425,000, of which $600,425,000 shall be available for the period July 1, 2010 through June 30, 2011 and of which $225,000,000 shall be available on the date of the enactment of this Act and remain available through December 31, 2011: Provided, That notwithstanding sections 506 and 514 of the OAA, $225,000,000 shall be allotted within 45 days of the date of the enactment of this Act to current grantees that the Secretary of Labor determines can effectively utilize additional funding: Provided further, That within 15 days of the enactment of this Act, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the procedure for allotting such funds: Provided further, That funds made available under this heading may, in accordance with section 517(c) of the OAA, be recaptured and reobligated.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2010 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, including benefit payments, allowances, training, and related State administration provided pursuant to paragraphs (1) and (2) of section 1891(b) of the Trade and Globalization Adjustment Assistance Act of 2009, $1,818,400,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2010.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $86,403,000, together with not to exceed

$3,977,278,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (''the Trust Fund''), of which:

(1) $3,195,645,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $10,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 1891(b) of the Trade and Globalization Adjustment Assistance Act of 2009, and shall be available for obligation by the States through December 31, 2010, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2012, and funds used for unemployment insurance workloads experienced by the States through September 30, 2010, shall be available for Federal obligation through December 31, 2010;

(2) $11,310,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $680,893,000 from the Trust Fund, together with $22,683,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2010 through June 30, 2011;

(4) $20,994,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $68,436,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which $53,307,000 shall be available for the Federal administration of such activities, and $15,129,000 shall be available for grants to States for the administration of such activities; and

(6) $63,720,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and section 171 (e)(2)(C) of the Workforce Investment Act of 1998 and shall be available for Federal obligation for the period July 1, 2010 through June 30, 2011:

Provided, That to the extent that the Average Weekly Insured Unemployment (''AWIU'') for fiscal year 2010 is projected by the Department of Labor to exceed 5,059,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: Provided further, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided further, That the Secretary of Labor may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87: Provided further, That the Secretary, at the request of a State participating in a consortium with other States, may reallot funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request.

In addition, $50,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the ''Federal Unemployment Benefits and Allowances'' account, such sums as may be necessary, which shall be available for obligation through September 30, 2011.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $97,516,000, together with not to exceed $50,140,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $154,861,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation (''Corporation'') is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2010, for the Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2010 shall be available for obligations for administrative expenses in excess of $464,067,000: Provided further, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2010, an amount not to exceed an additional $9,200,000 shall be available through September 30, 2011 for obligation for administrative expenses for every 20,000 additional terminated participants: Provided further, That an additional $50,000 shall be made available through September 30, 2011, for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations or asset growth, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pretermination expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $491,382,000, together with $2,124,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act: Provided further, That funds identified in the table contained in the statement of the managers on the conference report accompanying this Act for Program Direction and Support may be allocated among the agencies included in this account and may be transferred to any other account within the Department of Labor for such purposes.

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, $50,000,000 are rescinded as of September 30, 2010.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $187,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under 5 U.S.C. 8104, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2009, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2010: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $58,120,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $19,968,000;

(2) For automated workload processing operations, including document imaging, centralized

mail intake, and medical bill processing, $23,323,000;

(3) For periodic roll management and medical review, $14,829,000; and

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $169,180,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2011, $45,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $51,900,000, to remain available until expended: Provided, That the Secretary of Labor may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2010, such sums as may be necessary from the Black Lung Disability Trust Fund (''Fund''), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1986; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2010 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $32,720,000 for transfer to the Employment Standards Administration ''Salaries and Expenses''; not to exceed $25,091,000 for transfer to Departmental Management, ''Salaries and Expenses''; not to exceed $327,000 for transfer to Departmental Management, ''Office of Inspector General''; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $558,620,000, including not to exceed $104,393,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $200,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2010, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That $10,750,000 shall be available for Susan Harwood training grants.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $357,293,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities, and $1,450,000 to continue the project with the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $533,183,000, together with not to exceed $78,264,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $1,500,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act: Provided, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $39,031,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three sedans, $354,827,000, together with not to exceed $327,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: Provided, That $66,500,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2010: Provided further, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: Provided further, That $40,000,000 shall be for the United States' contribution to the International Labour Organization's International Program on the Elimination of Child Labor: Provided further, That not less than $6,500,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has trade preference programs: Provided further, That funds available for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, may be allocated to agencies of the Department by the Department's Chief Information Officer: Provided further, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose.

OFFICE OF JOB CORPS

To carry out subtitle C of title I of the Workforce Investment Act of 1998, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,708,205,000, plus reimbursements, as follows:

(1) $1,574,015,000 for Job Corps Operations, of which $983,015,000 shall be available for obligation for the period July 1, 2010 through June 30, 2011 and of which $591,000,000 shall be available for obligation for the period October 1, 2010 through June 30, 2011;

(2) $105,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which $5,000,000 shall be available for the period July 1, 2010 through June 30, 2013 and $100,000,000 shall be available for the period October 1, 2010 through June 30, 2013; and

(3) $29,190,000 for necessary expenses of the Office of Job Corps shall be available for obligation for the period October 1, 2009 through September 30, 2010:

Provided, That the Office of Job Corps shall have contracting authority: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $210,156,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2010, of which $2,449,000 is for the National Veterans' Employment and Training Services Institute.

In addition, to carry out Department of Labor programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act, $45,971,000, of which $9,641,000 shall be available for obligation for the period July 1, 2010 through June 30, 2011.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $78,093,000, together with not to exceed $5,921,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. None of the funds appropriated in this title for grants under section 171 of the Workforce Investment Act of 1998 may be obligated prior to the preparation and submission of a report by the Secretary of Labor to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 105. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than training in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training: Provided, That the preceding limitation shall not apply to multi-year grants awarded prior to June 30, 2007.

SEC. 106. None of the funds available in this Act or available to the Secretary of Labor from other sources for grants under the Career Pathways Innovation Fund and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a noncompetitive basis.

SEC. 107. None of the funds appropriated in this Act under the heading ''Employment and Training Administration'' shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

(INCLUDING TRANSFER OF FUNDS)

SEC. 108. The Secretary of Labor shall submit to the Committees on Appropriations of the House of Representatives and the Senate a plan for the transfer of the administration of the Job Corps program authorized under title I–C of the Workforce Investment Act of 1998 from the Office of the Secretary to the Employment and Training Administration. As of the date that is 30 days after the date of submission of such plan, the Secretary may transfer the administration and appropriated funds of the program from the Office of the Secretary and the provisions of section 102 of Public Law 109–149 shall no longer be applicable.

SEC. 109. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in section 667.220 of title 20 of the Code of Federal Regulations for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

This title may be cited as the ''Department of Labor Appropriations Act, 2010''.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XI, XII, XIX, and XXVI of the Public Health Service Act (''PHS Act''), section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 711, 1128E, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, section 712 of the American Jobs Creation Act of 2004, and the Stem Cell Therapeutic and Research Act of 2005, $7,473,522,000, of which $41,200,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: Provided, That of the funds made available under this heading, $1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act: Provided further, That amounts provided for such grants shall be available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs through the use of the VISTA-Electronic Health Record: Provided further, That of the funds made available under this heading, $129,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than $40,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act including associated administrative expenses and relevant evaluations: Provided further, That no more than $44,055,000 shall be available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services (''HHS'') pertaining to administrative claims made under such law: Provided further, That of the funds made available under this heading, $317,491,000 shall be for the program under title X of the PHS Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That of the funds available under this heading, $1,932,865,000 shall remain available to the Secretary of HHS through September 30, 2012, for parts A and B of title XXVI of the PHS Act: Provided further, That within the amounts provided for part A of title XXVI of the PHS Act, $6,021,000 shall be available to the Secretary through September 30, 2012, and shall be available to qualifying jurisdictions, within 30 days of enactment, for increasing supplemental grants for fiscal year 2010 to metropolitan and transitional areas that received grant funding in fiscal year 2009 under subparts I and II of

part A of title XXVI of the PHS Act to ensure that an area's total funding under subparts I and II of part A for fiscal year 2009, together with the amount of this additional funding, is not less than 92.4 percent of the amount of such area's total funding under part A for fiscal year 2006: Provided further, That notwithstanding section 2603(c)(1) of the PHS Act, the additional funding to areas under the immediately preceding proviso, which may be used for costs incurred during fiscal year 2009, shall be available to the area for obligation from the date of the award through the end of the grant year for the award: Provided further, That $835,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the PHS Act: Provided further, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund section 2691 Special Projects of National Significance: Provided further, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $92,551,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,400,000 shall be available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: Provided further, That notwithstanding section 747(e)(2) of the PHS Act, not less than $29,025,000 shall be for family medicine programs, not less than $7,575,000 shall be for general dentistry programs, and not less than $7,575,000 shall be for pediatric dentistry programs including faculty loan repayments for service as a full-time faculty member in dentistry: Provided further, That dentistry faculty loan repayments shall be made using the same terms and conditions as the Nursing Faculty Loan Repayment program authorized under section 738 of the PHS Act unless otherwise authorized: Provided further, That of the funds provided, $10,000,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106–113: Provided further, That of the funds provided, $35,000,000 shall be provided for the Delta Health Initiative as authorized in section 219 of division G of Public Law 110–161 and associated administrative expenses: Provided further, That funds provided under section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under these sections: Provided further, That notwithstanding section 340A(d)(3)(B) of the PHS Act, $5,000,000 shall be available for 3 year grant periods under the Patient Navigator Act: Provided further, That of the amount appropriated in this paragraph, $338,002,000 shall be used for the projects financing the construction and renovation (including equipment) of health care and other facilities and for other health-related activities, and in the amounts, specified under the heading ''Health Resources and Services'' in the statement of the managers on the conference report accompanying this Act, and of which up to one percent of the amount for each project may be used for related agency administrative expenses: Provided further, That notwithstanding section 338J(k) of the PHS Act, $10,075,000 shall be available for State Offices of Rural Health: Provided further, That of the funds provided, $15,000,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology: Provided further, That $75,000,000 shall be available for State Health Access Grants to expand access to affordable health care coverage for the uninsured populations in such States.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act (''PHS Act''). For administrative expenses to carry out the guaranteed loan program, including section 709 of the PHS Act, $2,847,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (''Trust Fund''), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $6,502,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act (''PHS Act''), sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $6,390,387,000, of which $69,150,000 shall remain available until expended for acquisition of real property, equipment, construction and renovation of facilities; of which $595,749,000 shall remain available until expended for the Strategic National Stockpile under section 319F–2 of the PHS Act; of which $20,620,000 shall be used for the projects, and in the amounts, specified under the heading ''Disease Control, Research, and Training'' in the statement of the managers on the conference report accompanying this Act; of which $118,979,000 for international HIV/AIDS shall remain available through September 30, 2011; and of which $70,723,000 shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center: Provided, That in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided further, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program shall be available through September 30, 2011: Provided further, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the PHS Act: (1) $12,864,000 to carry out the National Immunization Surveys; (2) $138,683,000 to carry out the National Center for Health Statistics surveys; (3) $30,880,000 for Public Health Informatics; (4) $47,036,000 for Health Marketing; (5) $31,170,000 to carry out Public Health Research; and (6) $91,724,000 to carry out research activities within the National Occupational Research Agenda: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That of the funds made available under this heading, up to $1,000 per eligible employee of the Centers for Disease Control and Prevention shall be made available until expended for Individual Learning Accounts: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such redirection: Provided further, That not to exceed $20,787,000 may be available for making grants under section 1509 of the PHS Act to not less than 21 States, tribes, or tribal organizations: Provided further, That notwithstanding any other provision of law, the Centers for Disease Control and Prevention shall award a single contract or related contracts for development and construction of the next building or facility designated in the Buildings and Facilities Master Plan that collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18: Provided further, That of the funds appropriated, $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

In addition, for necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000, to remain available until expended, of which $4,500,000 shall be for use by or in support of the Advisory Board on Radiation and Worker Health (''the Board'') to carry out its statutory responsibilities, including obtaining audits, technical assistance, and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports: Provided, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $5,103,388,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the National Cancer Institute-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,096,916,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $413,236,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,808,100,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,636,371,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,818,275,000, of

which $304,000,000 shall be derived by transfer from funds appropriated under the heading ''Biodefense Countermeasures'' in the Department of Homeland Security Appropriations Act, 2004: Provided, That $300,000,000 may be made available to International Assistance Programs ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis'', to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $2,051,798,000.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,329,528,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $707,036,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to environmental health sciences, $689,781,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,110,229,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $539,082,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $418,833,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $145,660,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $462,346,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,059,848,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,489,372,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $516,028,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $316,582,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,268,896,000.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $128,844,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $211,572,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the Public Health Service Act), $70,051,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act (''PHS Act'') with respect to health information communications, $339,716,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2010, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the PHS Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the PHS Act and related health services.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health (''NIH''), $1,177,300,000, of which up to $25,000,000 shall be used to carry out section 214 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the NIH is authorized to collect third party payments for the cost of clinical services that are incurred in NIH research facilities and that such payments shall be credited to the NIH Management Fund: Provided further, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to $193,880,000 shall be available for continuation of the National Children's Study: Provided further, That $544,109,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act (''PHS Act''): Provided further, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: Provided further, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $100,000,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles III, V, and XIX of the Public Health Service Act (''PHS Act'') with respect to substance abuse and mental health services and the Protection and Advocacy for Individuals with Mental Illness Act, $3,431,624,000, of which $14,518,000 shall be used for the projects, and in the amounts, specified under the heading ''Substance Abuse and Mental Health Services'' in the statement of the managers on the conference report accompanying this Act: Provided, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: Provided further, That $795,000 shall be available until expended for reimbursing the General Services Administration for environmental testing and remediation on the federally owned facilities at St. Elizabeths Hospital, including but not limited to testing and remediation conducted prior to fiscal year 2010: Provided further, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,039,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $22,750,000 to carry out national surveys on drug abuse and mental health; and (4) $8,596,000 to collect and analyze data and evaluate substance abuse treatment programs: Provided further, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this Act for fiscal year 2010.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act (''PHS Act''), part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 937(c) of the PHS Act shall not exceed $397,053,000.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $220,962,473,000, to remain available until expended.

For making, after May 31, 2010, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2010 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2011, $86,789,382,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $207,286,070,000.

In addition, for making matching payments under section 1844, and benefit payments under section 1860D–16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act (''PHS Act''), and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,470,242,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary of Health and Human Services pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $35,681,000, to remain available through September 30, 2011, shall be for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That $65,600,000, to remain available through September 30, 2011, shall be for the Centers for Medicare and Medicaid Services (''CMS'') Medicare contracting reform activities: Provided further, That $55,000,000 shall be available for the State high risk health insurance pool program as authorized by the State High Risk Pool Funding Extension Act of 2006: Provided further, That the Secretary is directed to collect fees in fiscal year 2010 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That $3,100,000 shall be used for the projects, and in the amounts, specified under the heading ''Program Management'' in the statement of the managers on the conference report accompanying this Act.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $311,000,000, to remain available through September 30, 2011, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $220,320,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act and for activities listed in section 1893 of such Act; of which $29,790,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act; of which $31,100,000 shall be for the Medicaid and Children's Health Insurance Program (''CHIP'') program integrity activities; and of which $29,790,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: Provided, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2010 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $3,571,509,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2011, $1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b), (d), and (e) of section 2602 of the Low Income Home Energy Assistance Act of 1981, $5,100,000,000, of which $4,509,672,000 shall be for payments under subsections (b) and (d) of such section; and of which $590,328,000 shall be for payments under subsection (e) of such section, to be made notwithstanding the designation requirements of such subsection: Provided, That all but $839,792,000 of the amount provided in this Act for subsections (b) and (d) shall be allocated as though the total appropriation for such payments for fiscal year 2010 was less than $1,975,000,000: Provided further, That notwithstanding section 2605(b)(2)(B)(ii) of such Act, a State may use any amount of an allotment from prior appropriations Acts that is available to that State for providing assistance in fiscal year 2010, and any allotment from funds appropriated in this Act or any other appropriations Act for fiscal year 2010, to provide assistance to households whose income does not exceed 75 percent of the State median income.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000, for costs associated with the care and placement of unaccompanied alien children, and for carrying out the Torture Victims Relief Act of 1998, $730,928,000, of which up to $9,814,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act, section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000 for fiscal year 2010 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2012.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, $2,127,081,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That $18,960,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll-free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $271,401,000 shall be reserved by the States for activities authorized under section 658G, of which $99,534,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $9,910,000 shall be for use by the Secretary of Health and Human Services for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act (''PHS Act''), the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B–1 of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act (''CSBG Act''), sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act; and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960, the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, $9,314,532,000, of which $39,500,000, to remain available through September 30, 2011, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2010: Provided, That $7,234,783,000 shall be for making payments under the Head Start Act: Provided further, That of funds appropriated in the American Recovery and Reinvestment Act of 2009 for Head Start and Early Head Start, only the amount provided to a Head Start grantee under section 640(a)(3)(A)(i)(I) of the Head Start Act as a cost of living adjustment may be considered to be part of the fiscal year 2009 base grant for such grantee for purposes of section 640(a)(2)(B)(i) through (v) of the Head Start Act: Provided further, That $746,000,000 shall be for making payments under the CSBG Act: Provided further, That not less than $10,000,000 shall be for section 680(a)(3)(B) of the CSBG Act: Provided further, That in addition to amounts provided herein, $5,762,000 shall be available from amounts available under section 241 of the PHS Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the CSBG Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and

program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That these procedures shall apply to such grant funds made available after November 29, 1999: Provided further, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $17,410,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $12,154,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,256,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: Provided further, That $2,000,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: Provided further, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: Provided further, That of the funds appropriated under this heading, $1,000,000 shall be transferred to the National Commission on Children and Disasters to carry out title VI of division G of Public Law 110–161: Provided further, That $20,785,000 shall be used for the projects, and in the amounts, specified under the heading ''Children and Families Services Programs'' in the statement of the managers on the conference report accompanying this Act.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $345,000,000 and section 437 of such Act, $63,311,000.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,532,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2011, $1,850,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, section 398 and title XXIX of the Public Health Service Act, and section 119 of the Medicare Improvements for Patients and Providers Act of 2008, $1,516,297,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: Provided, That $5,974,000 shall be used for the projects, and in the amounts, specified under the heading ''Aging Services Programs'' in the statement of the managers on the conference report accompanying this Act.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, IV, XVII, XX, and XXI of the Public Health Service Act (''PHS Act''), the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $493,377,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, and $65,211,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: Provided, That of this amount, $53,891,000 shall be for minority AIDS prevention and treatment activities; $5,789,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; and $1,000,000 shall be transferred, not later than 30 days after enactment of this Act, to the National Institute of Mental Health to administer the Interagency Autism Coordinating Committee: Provided further, That all of the funds made available under this heading for carrying out title XX of the PHS Act shall be for activities specified under section 2003(b)(1) of such title XX: Provided further, That of the funds made available under this heading, $110,000,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not less than $75,000,000 shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, of which not less than $25,000,000 shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy, and of which any remaining amounts shall be available for training and technical assistance, evaluation, outreach, and additional program support activities: Provided further, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, $4,455,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: Provided further, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: Provided further, That such services shall be provided consistent with 42 CFR 59.5(a)(4): Provided further, That $1,650,000 shall be used for the projects, and in the amounts, specified under the heading ''General Departmental Management'' in the statement of the managers on the conference report accompanying this Act.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $71,147,000, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $42,331,000: Provided, That in addition to amounts provided herein, $19,011,000 shall be available from amounts available under section 241 of the Public Health Service Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $50,279,000: Provided, That of such amount, necessary sums shall be available for providing protective services to the Secretary of Health and Human Services and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: Provided further, That at least forty percent of the funds provided in this Act for the Office of Inspector General shall be used only for investigations, audits, and evaluations pertaining to the discretionary programs funded in this Act.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $37,785,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies and to pay the costs described in section 319F–2(c)(7)(B) of the Public Health Service Act (''PHS Act''), $617,942,000; of which $33,065,000 shall be to support preparedness and emergency operations, of which $5,000,000 shall remain available through September 30, 2011; and of which $10,000,000, to remain available through September 30, 2011, shall be to support the delivery of medical countermeasures: Provided, That of the amount made available herein for the delivery of medical countermeasures, up to $8,000,000 may be transferred to the U.S. Postal Service to support delivery of medical countermeasures.

For expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act, $305,000,000, to be derived by transfer from funds appropriated under the heading ''Biodefense Countermeasures'' in the Department of Homeland Security Appropriations Act, 2004, to remain available through September 30, 2011.

For expenses necessary to prepare for and respond to an influenza pandemic, $354,167,000, of which $276,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: Provided, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2(a) of the PHS Act: Provided further, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics: Provided further, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this paragraph.

All remaining balances from funds appropriated under the heading ''Biodefense Countermeasures'' in the Department of Homeland Security Appropriations Act, 2004, shall be transferred to this account, and shall remain available for obligation through September 30, 2013, for the procurement of medical countermeasures pursuant to section 319F–2(c) of the PHS Act: Provided, That products purchased with these funds shall be deposited in the Strategic National Stockpile under section 319F–2(a) of the PHS Act.

For expenses necessary for fit-out and other costs related to a competitive lease procurement to renovate or replace the existing headquarters building for Public Health Service agencies and other components of the Department of Health and Human Services, $69,585,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary of Health and Human Services.

SEC. 202. The Secretary of Health and Human Services shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 204. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the preparation and submission of a report by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 205. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary of Health and Human Services shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research Office'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary of Health and Human Services that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary of Health and Human Services denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. (a) Except as provided by subsection (e) none of the funds appropriated for fiscal year 2010 or any subsequent fiscal year by this or any subsequent appropriations Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (''PHS Act'') if such State certifies to the Secretary of Health and Human Services by May 1 of the fiscal year for which the funds are appropriated, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary under section 1926 of such Act.

(c) The State is to maintain State expenditures in such fiscal year for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for the preceding fiscal year, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all State obligations of funds for such fiscal year and all State expenditures for the preceding fiscal year for tobacco prevention and compliance activities by program activity by July 31 of such fiscal year.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31 of such fiscal year.

(e) None of the funds appropriated by this or any subsequent appropriations Act may be used to withhold substance abuse funding pursuant to section 1926 of the PHS Act from a territory that receives less than $1,000,000.

SEC. 213. In order for the Department of Health and Human Services to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2010:

(1) The Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary of Health and Human Services is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

(3) The Secretary of Health and Human Services is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

SEC. 214. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health (''Director'') may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act (''PHS Act'') to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the

Common Fund) or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

SEC. 215. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention (''CDC'') and the Agency for Toxic Substances and Disease Registry (''ATSDR'') may be transferred to ''Disease Control, Research, and Training'', to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 216. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.

SEC. 217. Not to exceed $35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 218. Of the amounts made available for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards (''NRSA'') shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 219. By May 1, 2010, the Secretary of the Department of Health and Human Services shall amend regulations at 42 CFR Part 50 Subpart F for the purpose of strengthening Federal and institutional oversight and identifying enhancements, including requirements for financial disclosure to institutions, governing financial conflicts of interest among extramural investigators receiving grant support from the National Institutes of Health.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2010''.

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (''ESEA'') and section 418A of the Higher Education Act of 1965, $15,914,666,000, of which $4,954,510,000 shall become available on July 1, 2010, and shall remain available through September 30, 2011, and of which $10,841,176,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011, for academic year 2010–2011: Provided, That $6,597,946,000 shall be for basic grants under section 1124 of the ESEA: Provided further, That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2009, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,365,031,000 shall be for concentration grants under section 1124A of the ESEA: Provided further, That $3,264,712,000 shall be for targeted grants under section 1125 of the ESEA: Provided further, That $3,264,712,000 shall be for education finance incentive grants under section 1125A of the ESEA: Provided further, That $9,167,000 shall be to carry out sections 1501 and 1503 of the ESEA: Provided further, That $545,633,000 shall be available for school improvement grants under section 1003(g) of the ESEA, which shall be allocated by the Secretary through the formula described in section 1003(g)(2) and shall be used consistent with the requirements of section 1003(g), except that State and local educational agencies may use such funds (and funds appropriated for section 1003(g) under the American Recovery and Reinvestment Act) to serve any school eligible to receive assistance under part A of title I that has not made adequate yearly progress for at least 2 years or is in the State's lowest quintile of performance based on proficiency rates and, in the case of secondary schools, priority shall be given to those schools with graduation rates below 60 percent: Provided further, That notwithstanding section 1003(g)(5)(A), each State educational agency may establish a maximum subgrant size of not more than $2,000,000 for each participating school applicable to such funds and to the funds appropriated for section 1003(g) under the American Recovery and Reinvestment Act: Provided further, That the ESEA title I, part A funds awarded to local educational agencies under the American Recovery and Reinvestment Act of 2009 for fiscal year 2009 shall not be considered for the purpose of calculating hold-harmless amounts under subsections 1122(c) and 1125A(g)(3) in making allocations under title I, part A for fiscal year 2010 and succeeding years and, notwithstanding section 1003(e), shall not be considered for the purpose of reserving funds under section 1003(a): Provided further, That $250,000,000 shall be available under section 1502 of the ESEA for a comprehensive literacy development and education program to advance literacy skills, including pre-literacy skills, reading, and writing, for students from birth through grade 12, including limited-English-proficient students and students with disabilities, of which one-half of 1 percent shall be reserved for the Secretary of the Interior for such a program at schools funded by the Bureau of Indian Education, one-half of 1 percent shall be reserved for grants to the outlying areas for such a program, $10,000,000 shall be reserved for formula grants to States based on each State's relative share of funds under part A of title I of the ESEA for fiscal year 2009 (excluding funds awarded under the American Recovery and Reinvestment Act of 2009), except that no State shall receive less than $150,000, to establish or support a State Literacy Team with expertise in literacy development and education for children from birth through grade 12 to assist the State in developing a comprehensive literacy plan, up to 5 percent may be reserved for national activities, and the remainder shall be used to award competitive grants to State educational agencies for such a program, of which a State educational agency may reserve up to 5 percent for State leadership activities, including technical assistance and training, data collection, reporting, and administration, and shall subgrant not less than 95 percent to local educational agencies or, in the case of early literacy, to local educational agencies or other nonprofit providers of early childhood education that partner with a public or private nonprofit organization or agency with a demonstrated record of effectiveness in improving the early literacy development of children from birth through kindergarten entry and in providing professional development in early literacy, giving priority to such agencies or other entities serving greater numbers or percentages of disadvantaged children: Provided further, That the State educational agency shall ensure that at least 15 percent of the subgranted funds are used to serve children from birth through age 5, 40 percent are used to serve students in kindergarten through grade 5, and 40 percent are used to serve students in middle and high school including an equitable distribution of funds between middle and high schools: Provided further, That eligible entities receiving subgrants from State educational agencies shall use such funds for services and activities that have the characteristics of effective literacy instruction through professional development, screening and assessment, targeted interventions for students reading below grade level and other research-based methods of improving classroom instruction and practice.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,276,183,000, of which $1,138,000,000 shall be for basic support payments under section 8003(b), $48,602,000 shall be for payments for children with disabilities under section 8003(d), $17,509,000 shall be for construction under section 8007(a), $67,208,000 shall be for Federal property payments under section 8002, and $4,864,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2009–2010, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by parts A, B, and D of title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (''ESEA''); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; part Z of title VIII of the Higher Education Act (''HEA''); and the Civil Rights Act of 1964, $5,228,444,000, of which $3,363,993,000 shall become available on July 1, 2010, and remain available through September 30, 2011, and of which $1,681,441,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011, for academic year 2010–2011: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That from the funds referred to in the preceding proviso, not less than $1,500,000 shall be for the activities described in such proviso and $1,500,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: Provided further, That from the funds referred to in the second preceding proviso, $500,000 shall be for part Z of title VIII of the HEA: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for construction: Provided further, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: Provided further, That funds made

available under this heading for section 2421 of the ESEA may be used for activities authorized under section 802 of the Higher Education Opportunity Act: Provided further, That $56,313,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That $34,391,000 shall be available to carry out part D of title V of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: Provided further, That $17,687,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: Provided further, That $9,729,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages: Provided further, That of the funds available for section 2103(a) of the ESEA, $5,000,000 shall be available to continue a national school leadership partnership initiative as described in the statement of the managers on the conference report accompanying this Act.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $127,282,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 (''ESEA''), and by part F of title VIII of the Higher Education Act of 1965, $1,389,065,000: Provided, That $10,649,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: Provided further, That from funds for subpart 4, part C of title II of the ESEA, up to 3 percent shall be available to the Secretary of Education for technical assistance and dissemination of information: Provided further, That $671,570,000 shall be available to carry out part D of title V of the ESEA: Provided further, That $88,791,000 shall be used for the projects, and in the amounts, specified in the statement of the managers on the conference report accompanying this Act: Provided further, That $1,000,000 shall be for a national clearinghouse that will collect and disseminate information on effective educational practices and the latest research regarding the planning, design, financing, construction, improvement, operation, and maintenance of safe, healthy, high-performance public facilities for nursery and pre-kindergarten, kindergarten through grade 12, and higher education: Provided further, That $400,000,000 of the funds for subpart 1 of part D of title V of the ESEA shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based compensation systems for teachers, principals, and other personnel in high-need schools: Provided further, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: Provided further, That recipients of such grants shall demonstrate that such performance-based systems are developed with the input of teachers and school leaders in the schools and local educational agencies to be served by the grant: Provided further, That recipients of such grants may use such funds to develop or improve systems and tools (which may be developed and used for the entire local educational agency or only for schools served under the grant) that would enhance the quality and success of the compensation system, such as high-quality teacher evaluations and tools to measure growth in student achievement: Provided further, That applications for such grants shall include a plan to sustain financially the activities conducted and systems developed under the grant once the grant period has expired: Provided further, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: Provided further, That of the funds available for part B of title V of the ESEA, the Secretary shall use up to $23,082,000 to carry out activities under section 5205(b) and under subpart 2: Provided further, That of the funds available for subpart 1 of part B of title V of the ESEA, and notwithstanding section 5205(a), the Secretary may reserve up to $50,000,000 to make multiple awards to non-profit charter management organizations and other entities that are not for-profit entities for the replication and expansion of successful charter school models and shall reserve $10,000,000 to carry out the activities described in section 5205(a), including by providing technical assistance to authorized public chartering agencies in order to increase the number of high-performing charter schools: Provided further, That the funds referenced in the preceding proviso shall not be obligated prior to submission of a report to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds: Provided further, That each application submitted pursuant to section 5203(a) shall describe a plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program, which may include planning, training and systems development for staff of authorized public chartering agencies to improve the capacity of such agencies in the State to authorize, monitor, and hold accountable charter schools: Provided further, That each application submitted pursuant to section 5203(a) shall contain assurances that State law, regulations, or other policies require that: (1) each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and demonstrate improved student academic achievement; and (2) authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school's charter: Provided further, That from the funds for subpart 1 of part D of title V of the ESEA, $12,000,000 shall be for competitive awards to local educational agencies located in counties in Louisiana, Mississippi, and Texas that were designated by the Federal Emergency Management Agency as counties eligible for individual assistance due to damage caused by Hurricanes Katrina, Ike, or Gustav: Provided further, That such awards shall be used to improve education in areas affected by such hurricanes and shall be for such activities as replacing instructional materials and equipment; paying teacher incentives; modernizing or renovating or repairing school buildings; beginning or expanding Advanced Placement or other rigorous courses; supporting the expansion of charter schools; and supporting after-school or extended learning time activities.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965, $393,053,000: Provided, That $224,053,000 shall be available for subpart 2 of part A of title IV, of which $8,212,000 shall be used for activities authorized under subpart 3 of part D of title V: Provided further, That $134,000,000 shall be available to carry out part D of title V: Provided further, That of the funds available to carry out subpart 3 of part C of title II, up to $13,383,000 may be used to carry out section 2345 and $2,957,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, $750,000,000, which shall become available on July 1, 2010, and shall remain available through September 30, 2011, except that 6.5 percent of such amount shall be available on October 1, 2009, and shall remain available through September 30, 2011, to carry out activities under section 3111(c)(1)(C): Provided, That the Secretary of Education shall use estimates of the American Community Survey child counts for the most recent 3-year period available to calculate allocations under such part.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (''IDEA'') and the Special Olympics Sport and Empowerment Act of 2004, $12,587,035,000, of which $3,726,354,000 shall become available on July 1, 2010, and shall remain available through September 30, 2011, and of which $8,592,383,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011, for academic year 2010–2011: Provided, That $13,250,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of accessible educational materials: Provided further, That $737,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2009, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2009: Provided further, That the part B and C funds awarded to States under the American Recovery and Reinvestment Act of 2009 for fiscal year 2009 shall not be considered for the purposes of calculating State allocations under sections 611, 619, and 643 for fiscal year 2010 and succeeding years: Provided further, That funds made available for the Special Olympics Sport and Empowerment Act of 2004 may be used to support expenses associated with the Special Olympics National and World games.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $3,506,861,000: Provided, That for purposes of determining whether a State may administer the Centers for Independent Living program under section 723 of the Rehabilitation Act, for fiscal year 2010, the Secretary shall exclude American Recovery and Reinvestment Act of 2009 funds awarded in fiscal year 2009 from the calculation of Federal funding allotted under section 721(c) and (d) of the Rehabilitation Act: Provided further, That $5,095,000 shall be used for the projects, and in the amounts, specified under the heading ''Rehabilitation Services and Disability Research'' in the statement of the managers on the conference report accompanying this Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, $24,600,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $68,437,000, of which $5,400,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $123,000,000, of which $5,000,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act (''AEFLA''), subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA'') and title VIII–D of the Higher Education Amendments of 1998, $2,016,447,000, of which $4,400,000 shall become available on October 1, 2009, and remain available through September 30, 2011, of which $1,221,047,000 shall become available on July 1, 2010, and shall remain available through September 30, 2011, and of which $791,000,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011: Provided, That in allocating AEFLA State grants, the Secretary of Education shall first distribute up to $45,907,000 to those States and Outlying Areas that, due to administrative error, were underpaid for fiscal years 2003 through 2008 in the amounts such States and Outlying Areas were underpaid: Provided further, That the Secretary shall not reduce the allocations for those years to the States and Outlying Areas that were overpaid through such error, or take other corrective action with respect to those overpayments: Provided further, That the additional funds provided to States and Outlying Areas to correct the administrative error shall not be considered in determining the ''hold harmless'' amounts under section 211(f) of the AEFLA for fiscal year 2011 or subsequent fiscal years: Provided further, That of the amount provided for Adult Education State Grants, $75,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the AEFLA, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for AEFLA, $11,346,000 shall be for national leadership activities under section 243: Provided further, That $88,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available on October 1, 2009, and shall remain available through September 30, 2011, for evaluation, technical assistance, school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2010, and remain available through September 30, 2011, for grants to local educational agencies: Provided further, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools: Provided further, That the Secretary of Education may use amounts available under this heading for the necessary costs of any closeout of the National Institute for Literacy.

STUDENT FINANCIAL ASSISTANCE

(INCLUDING DEFERRAL OF FUNDS)

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, $19,296,809,000, which shall remain available through September 30, 2011.

The maximum Pell Grant for which a student shall be eligible during award year 2010–2011 shall be $4,860.

Of the funds made available under section 401A(e)(1)(D) of the Higher Education Act of 1965, $561,000,000 shall not be available until October 1, 2010.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 4, and 9 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, $870,402,000, which shall remain available until expended.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, VII, and VIII of the Higher Education Act of 1965 (''HEA''), section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, part I of subtitle A of title VI of the America COMPETES Act, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,255,665,000: Provided, That $9,687,000, to remain available through September 30, 2011, shall be available to fund fellowships for academic year 2011–2012 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: Provided further, That $609,000 shall be for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That notwithstanding any other provision of law, a recipient of a multi-year award under section 316 of the HEA, as that section was in effect prior to the date of enactment of the Higher Education Opportunity Act (''HEOA''), that would have otherwise received a continuation award for fiscal year 2010 under that section, shall receive under section 316, as amended by the HEOA, not less than the amount that such recipient would have received under such a continuation award: Provided further, That the portion of the funds received under section 316 by a recipient described in the preceding proviso that is equal to the amount of such continuation award shall be used in accordance with the terms of such continuation award: Provided further, That $1,500,000, to remain available until expended, shall be available to carry out a scholarship program for the purpose of increasing the skilled workforce for industrial health and safety occupations, including mine safety: Provided further, That the Secretary of Education shall identify these scholarships as ''Erma Byrd Scholarships'': Provided further, That such scholarships shall be awarded without regard to an applicant's prior work experience, but the Secretary shall, notwithstanding section 437 of the General Education Provisions Act and 5 U.S.C. 553, by notice in the Federal Register, establish the eligibility requirements, service obligations, payback requirements, and other program requirements similar to those specified in section 515 of the Federal Mine Safety and Health Act as are necessary to implement such a program: Provided further, That such scholarship funds may be used to replace a student's expected family contribution, but institutions accepting such scholarship funds may not use these funds to supplant existing institutional aid: Provided further, That the Secretary shall be authorized to accept contributions for such scholarships from private sources: Provided further, That these funds shall be used for scholarships for academic year 2010–2011 and may be available for scholarships in academic year 2011–2012: Provided further, That $101,507,000 shall be used for the projects, and in the amounts, specified under the heading ''Higher Education'' in the statement of the managers on the conference report accompanying this Act: Provided further, That $17,750,000 shall be used for the programs specified under the ''Fund for the Improvement of Postsecondary Education'' in the statement of the managers in accordance with the specified sections.

HOWARD UNIVERSITY

For partial support of Howard University, $234,977,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, $461,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, $20,228,000, as authorized pursuant to part D of title III of the Higher Education Act of 1965 (''HEA''): Provided, That such costs, including the cost of

modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $178,221,000.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, $354,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $659,006,000, of which $588,356,000 shall be available through September 30, 2011: Provided, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used for Statewide data systems that include postsecondary and workforce information and information on children of all ages: Provided further, That up to $10,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for State data coordinators and for awards to public or private organizations or agencies to improve data coordination, quality, and use.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $456,200,000, of which $8,200,000, to remain available until expended, shall be for relocation of, and renovation of buildings occupied by, Department staff.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $103,024,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $60,053,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 305. The Outlying Areas may consolidate funds received under this Act, pursuant to 48 U.S.C. 1469a, under part A of title V of the Elementary and Secondary Education Act.

SEC. 306. None of the funds made available in the sixth proviso under the heading ''Innovation and Improvement'' in this Act shall be made available for new awards under the Teacher Incentive Fund prior to the submission of an impact evaluation plan to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 307. Section 14007 of division A of the American Recovery and Reinvestment Act of 2009 is amended—

(1) by amending subsection (a)(3) to read as follows:

''(3) PURPOSE OF AWARDS.—The Secretary shall make awards to eligible entities in order to identify, document, and bring to scale innovative best practices based on demonstrated success, to allow such eligible entities to—

''(A) expand their work and serve as models for best practices; and

''(B) work in partnership with the private sector and the philanthropic community.'';

(2) in subsection (b)—

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

(B) in paragraph (1)(A), as so redesignated, by inserting ''or'' after the semicolon;

(C) by amending paragraph (1)(B), as so redesignated, to read as follows:

''(B) have demonstrated success in significantly increasing student academic achievement for all groups of students described in such section;''; and

(D) in paragraph (3), as so redesignated, by striking ''they have established partnerships'' and inserting ''it has established one or more partnerships'';

(3) in subsection (c), by striking ''paragraphs'' and all that follows through ''such requirements'' and inserting ''paragraphs (1)(A) or (1)(B) and (2) of subsection (b) if the nonprofit organization has a record of significantly improving student achievement, attainment, or retention and shall be considered to have met the requirements of subsection (b)(3) if it demonstrates that it will meet the requirement relating to private-sector matching''; and

(4) by adding at the end a new subsection (d) to read as follows:

''(d) SUBGRANTS.—In the case of an eligible entity that is a partnership described in subsection (a)(1)(B), the partner serving as the fiscal agent may make subgrants to one or more of the other entities in the partnership.''.

SEC. 308. Section 307 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 is amended by striking ''and 2009'' each place the term occurs and inserting ''through 2011''.

SEC. 309. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting ''2010'' for ''2009''.

SEC. 310. Section 14006(c) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''Each State''; and

(2) by adding a new paragraph (2) at the end to read as follows:

''(2) EXCEPTION.—Paragraph (1) does not apply to grants made by the Secretary to consortia of States to develop academic assessments that are aligned with academic standards.''.

This title may be cited as the ''Department of Education Appropriations Act, 2010''.

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $5,396,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (''the Corporation'') to carry out the Domestic Volunteer Service Act of 1973 (''1973 Act'') and the National and Community Service Act of 1990 (''1990 Act''), $857,021,000, of which $319,974,000 shall be to carry out the 1973 Act and $537,047,000 shall be to carry out the 1990 Act and notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: Provided, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) $50,000,000 shall be available for expenses authorized under section 501(a)(4)(E) of the 1990 Act; (3) $7,500,000 shall be available for expenses to carry out sections 112(e), 179A, and 198O and subtitle J of title I of the 1990 Act, notwithstanding section 501(a)(6) of the 1990 Act; (4) $5,000,000 shall be available for grants to public or private nonprofit institutions to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose, notwithstanding section 129(k)(1) of the 1990 Act; (5) $17,000,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (6) $29,000,000 shall be available to carry out subtitle E of the 1990 Act; and (7) $4,000,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by the Corporation on a competitive basis to State commissions.

NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the National Service Trust established under subtitle D of title I of the National and Community Service Act of 1990 (''1990 Act''), $197,000,000, to remain available until expended: Provided, That the Corporation for National and Community Service may transfer additional funds from the amount provided within ''Operating Expenses'' allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the National and Community Service Act of 1990 and under

section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $88,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $7,700,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. The Corporation for National and Community Service (''the Corporation'') shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2010, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

SEC. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the National and Community Service Act of 1990, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 403. Donations made to the Corporation for National and Community Service under section 196 of the National and Community Service Act of 1990 (''1990 Act'') for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting (''Corporation''), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2012, $445,000,000: Provided, That none of the funds made available to the Corporation by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds made available to the Corporation by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That none of the funds made available to the Corporation by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: Provided further, That none of the funds made available to the Corporation by this Act shall be used to support the Television Future Fund or any similar purpose. In addition, for payment to the Corporation for fiscal year 2010, $86,000,000 as follows:

(1) $25,000,000 shall be for fiscal stabilization grants to public radio and television licensees, with no deduction for administrative or other costs of the Corporation, to maintain local programming and services and preserve jobs threatened by declines in non-Federal revenues due to the downturn in the economy, to be awarded no later than 45 days after enactment of this Act;

(2) $36,000,000 shall be for costs related to digital program production, development, and distribution associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives; and

(3) $25,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service (''Service'') to carry out the functions vested in it by the Labor Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $46,652,000, including $349,000 for activities authorized by the Labor-Management Cooperation Act of 1978: Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $10,358,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $282,251,000, of which $16,382,000 shall be used for the projects, and in the amounts, specified under the heading ''Office of Museum and Library Services: Grants and Administration'' in the statement of the managers on the conference report accompanying this Act.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $11,800,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,271,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $283,400,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $13,463,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $11,712,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $64,000,000, which shall include amounts becoming available in fiscal year 2010 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2011, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board (''Board'') for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $109,073,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $8,186,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,404,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $34,742,000,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2011, $16,000,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $45,000 for official reception and representation expenses, not more than $10,800,500,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $2,300,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2010 not needed for fiscal year 2010 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $273,000,000 shall be available for the cost associated with conducting continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act.

In addition to the amounts made available above, and subject to the same terms and conditions, $485,000,000, for additional continuing disability reviews and redeterminations of eligibility, of which, upon a determination by the Office of the Chief Actuary that such initiative would be at least as cost effective as redeterminations of eligibility, up to $34,000,000 shall be available for one or more initiatives to improve asset verification: Provided, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these additional amounts, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

In addition, $160,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2010 exceed $160,000,000, the amounts shall be available in fiscal year 2011 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $29,000,000, together with not to exceed $73,682,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.

TITLE V

GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $22,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for ''Federal Mediation and Conciliation Service, Salaries and expenses''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for ''National Mediation Board, Salaries and expenses''.

SEC. 505. None of the funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term ''health care entity'' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier

for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 518. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2010 that are different than those specified in this Act, the accompanying detailed table in the statement of the managers on the conference report accompanying this Act, or the fiscal year 2010 budget request.

SEC. 519. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2010, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 520. Section 8103(b) of Public Law 110–28 is amended—

(1) in paragraph (1)(B), by inserting before the semicolon the following: '', except that, beginning in 2010 and each year thereafter, such increase shall occur on September 30''; and

(2) in paragraph (2)(C), by inserting before the period the following: '', except that, beginning in 2010 and each year thereafter, such increase shall occur on September 30''.

SEC. 521. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 522. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 523. None of the funds made available in this Act may be used in contravention of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611 et seq.).

SEC. 524. (a) IN GENERAL.—Strike subparagraphs (B) and (C) that appear within section 426(b) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447) and insert the following:

''(B) SECRETARY OF HOMELAND SECURITY.—One-third of the amounts deposited into the Fraud Prevention and Detection Account shall remain available to the Secretary of Homeland Security until expended for programs and activities to prevent and detect immigration benefit fraud, including fraud with respect to petitions filed under paragraph (1) or (2)(A) of section 214(c) to grant an alien nonimmigrant status described in subparagraph (H) or (L) of section 101(a)(15).

''(C) SECRETARY OF LABOR.—One-third of the amounts deposited into the Fraud Prevention and Detection Account shall remain available to the Secretary of Labor until expended for wage and hour enforcement programs and activities otherwise authorized to be conducted by the Secretary of Labor that focus on industries likely to employ nonimmigrants, including enforcement programs and activities described in section 212(n) and enforcement programs and activities related to section 214(c)(14)(A)(i).''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 525. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.124 of title 41, Code of Federal Regulations.

SEC. 526. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–220) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

This division may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010''.

DIVISION E—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $3,719,419,000, to remain available until September 30, 2014, of which $350,000,000 shall be for trainee troop housing facilities: Provided, That of this amount, not to exceed $200,519,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of

both Houses of Congress of the determination and the reasons therefor: Provided further, That, not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for trainee troop housing facilities: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Army'' and under the headings ''Army'' in the table entitled ''Military Construction'' in the explanatory statement of managers to accompany this Act.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $3,769,003,000, to remain available until September 30, 2014: Provided, That of this amount, not to exceed $179,652,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Navy and Marine Corps'' and under the headings ''Navy'' in the table entitled ''Military Construction'' in the explanatory statement of managers to accompany this Act.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,450,426,000, to remain available until September 30, 2014: Provided, That of this amount, not to exceed $103,562,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Air Force'' and under the headings ''Air Force'' in the table entitled ''Military Construction'' in the explanatory statement of managers to accompany this Act: Provided further, That of the funds appropriated for ''Military Construction, Air Force'' under Public Law 110–329, $37,500,000 are hereby rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $3,093,679,000, to remain available until September 30, 2014: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $131,942,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the amount appropriated, notwithstanding any other provision of law, not to exceed $41,400,000 shall be available for payments to the North Atlantic Treaty Organization for the planning, design, and construction of a new North Atlantic Treaty Organization headquarters: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Defense-Wide'' and under the headings ''Defense-Wide'' in the table entitled ''Military Construction'' in the explanatory statement of managers to accompany this Act: Provided further, That of the funds appropriated for ''Military Construction, Defense-Wide'' under Public Law 110–329, $151,160,000 are hereby rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $582,056,000, to remain available until September 30, 2014, of which $30,000,000 shall be for critical unfunded requirements: Provided, That of the amount appropriated, not to exceed $47,429,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That, not later than 30 days after the date of the enactment of this Act, the Director of the Army National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Army National Guard'' and under the headings ''Army National Guard'' in the table entitled ''Military Construction'' in the explanatory statement of managers to accompany this Act.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $371,226,000, to remain available until September 30, 2014, of which $30,000,000 shall be for critical unfunded requirements: Provided, That of the amount appropriated, not to exceed $20,021,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That, not later than 30 days after the date of the enactment of this Act, the Director of the Air National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Air National Guard'' and under the headings ''Air National Guard'' in the table entitled ''Military Construction'' in the explanatory statement of managers to accompany this Act.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $431,566,000, to remain available until September 30, 2014, of which $30,000,000 shall be for critical unfunded requirements: Provided, That of the amount appropriated, not to exceed $22,716,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That, not later than 30 days after the date of the enactment of this Act, the Chief of Army Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Army Reserve'' and under the headings ''Army Reserve'' in the table entitled ''Military Construction'' in the explanatory statement of managers to accompany this Act.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $125,874,000, to remain available until September 30, 2014, of which $20,000,000 shall be for critical unfunded requirements of the Navy Reserve and $35,000,000 shall be for critical unfunded requirements of the Marine Forces Reserve: Provided, That of the amount appropriated, not to exceed $2,951,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That, not later than 30 days after the date of the enactment of this Act, the Chief of Navy Reserve and the Commander, Marine Forces Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Navy Reserve'' and under the headings ''Navy Reserve'' in the table entitled ''Military Construction'' in the explanatory statement of managers to accompany this Act.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $112,269,000, to remain available until September 30, 2014, of which $55,000,000 shall be for critical unfunded requirements: Provided, That of the amount appropriated, not to exceed $3,869,000 shall be available for study, planning, design, and architect and engineer services, as authorized by

law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That, not later than 30 days after the date of the enactment of this Act, the Chief of Air Force Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Air Force Reserve'' and under the headings ''Air Force Reserve'' in the table entitled ''Military Construction'' in the explanatory statement of managers to accompany this Act.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $197,414,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $273,236,000, to remain available until September 30, 2014: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Family Housing Construction, Army'' in the table entitled ''Military Construction'' in the explanatory statement of managers to accompany this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $523,418,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $146,569,000, to remain available until September 30, 2014: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Family Housing Construction, Navy and Marine Corps'' in the table entitled ''Military Construction'' in the explanatory statement of managers to accompany this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $368,540,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $66,101,000, to remain available until September 30, 2014: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Family Housing Construction, Air Force'' in the table entitled ''Military Construction'' in the explanatory statement of managers to accompany this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $502,936,000.

FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $2,859,000, to remain available until September 30, 2014: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Family Housing Construction, Defense-Wide'' in the table entitled ''Military Construction'' in the explanatory statement of managers to accompany this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $49,214,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,600,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), as amended by section 1001 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 194), $323,225,000, to remain available until expended.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $151,541,000, to remain available until September 30, 2014, which shall be only for the Assembled Chemical Weapons Alternatives program: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings ''Chemical Demilitarization Construction, Defense-Wide'' in the table entitled ''Military Construction'' in the explanatory statement of managers to accompany this Act.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $496,768,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $7,455,498,000, to remain available until expended: Provided, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or $2,000,000, whichever is less: Provided further, That the previous proviso shall not apply to projects costing less than $5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under section 2805 of title 10, United States Code.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United

States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. (a) The Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress, by February 15 of each year, an annual report in unclassified and, if necessary, classified form, on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries to assume a greater share of the common defense burden of such countries and the United States.

(b) The report under subsection (a) shall include a description of—

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and

(5) for host countries that are members of the North Atlantic Treaty Organization (NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.

(c) In this section, the term ''host country'' means other member countries of NATO, Japan, South Korea, and United States allies bordering the Arabian Sea.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883, of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 123. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 126. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and

family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'', to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 127. None of the funds appropriated or otherwise made available in this title may be used for any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

SEC. 128. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in the explanatory statement of managers to accompany this Act and in the guidance for military construction reprogrammings and notifications contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of December 1996, as in effect on the date of enactment of this Act.

SEC. 129. Of the funds made available in this title, the following accounts are hereby reduced in the following amounts to reflect adjusted inflation and bid savings projections: ''Military Construction, Army'', $230,000,000; ''Military Construction, Navy and Marine Corps'', $235,000,000; and ''Military Construction, Air Force'', $64,091,000.

SEC. 130. Of the funds made available under the following headings in Public Law 110–329, the following amounts associated with unobligated balances are hereby rescinded: ''Military Construction, Army'', $33,000,000; ''Military Construction, Navy and Marine Corps'', $51,468,000; ''Military Construction, Defense-Wide'', $93,268,000; ''Military Construction, Army National Guard'', $33,000,000; and ''Military Construction, Air National Guard'', $7,000,000.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $47,396,106,000, to remain available until expended: Provided, That not to exceed $29,283,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses'', ''Medical support and compliance'', and ''Information technology systems'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical care collections fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, $9,232,369,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapters 19 and 21, $49,288,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2010, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $165,082,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $29,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,298,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $328,000, which may be paid to the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $664,000.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 20 of title 38, United States Code, not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical support and compliance'' may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $71,843,500,000, plus reimbursements, of which $37,136,000,000 shall become available on October 1, 2010, and shall remain available until September 30, 2011: Provided, That, of the amount made available under this heading for fiscal year 2010, not to exceed $1,015,000,000 shall remain available until September 30, 2011: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of $15,000,000 shall remain available until expended for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $10,237,000,000, plus reimbursements, of which $5,307,000,000 shall become available on October 1, 2010, and shall remain available until September 30, 2011: Provided, That, of the amount made available under this heading for fiscal year 2010, not to exceed $145,000,000 shall remain available until September 30, 2011.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $10,599,000,000, plus reimbursements, of which $5,740,000,000 shall become available on October 1, 2010, and shall remain available until September 30, 2011: Provided, That, of the amount made available under this heading for fiscal year 2010, not to exceed $145,000,000 shall remain available until September 30, 2011: Provided further, That, of the amount available for fiscal year 2010, $130,000,000 for non-recurring maintenance shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title

38, United States Code, $581,000,000, plus reimbursements, shall remain available until September 30, 2011.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $250,000,000, of which not to exceed $24,200,000 shall remain available until September 30, 2011.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $2,086,707,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than $1,689,207,000: Provided further, That of the funds made available under this heading, not to exceed $111,000,000 shall remain available until September 30, 2011: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $3,307,000,000, plus reimbursements, shall remain available until September 30, 2011: Provided, That none of the funds made available under this heading may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided further, That not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which sets forth, by project, the operations and maintenance costs, with salary expenses separately designated, and development costs to be carried out utilizing amounts made available under this heading: Provided further, That of the amounts made available under this heading, $800,485,000 may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $109,000,000, of which $6,000,000 shall remain available until September 30, 2011.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $1,194,000,000, to remain available until expended, of which $16,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds made available under this heading for fiscal year 2010, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2010; and (2) by the awarding of a construction contract by September 30, 2011: Provided further, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: Provided further, That of the funds made available under this heading, $933,030,000 shall be for the projects and activities, and in the amounts, specified under this heading in the explanatory statement of managers to accompany this Act.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $703,000,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: Provided, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $100,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $46,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2010 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2010, in this Act or any other Act, under the ''Medical services'', ''Medical support and compliance'', and ''Medical facilities'' accounts may be transferred among the accounts: Provided, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: Provided further, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That any transfers to or from the ''Medical facilities'' account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized

by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for ''Construction, major projects'', and ''Construction, minor projects'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the ''Medical services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2009.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from ''Compensation and pensions''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2010, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the ''General operating expenses'' and ''Information technology systems'' accounts for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2010 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2010 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed $35,257,000 for the Office of Resolution Management and $3,287,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to the ''General operating expenses'' and ''Information technology systems'' accounts for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental cost is more than $1,000,000, unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, major projects'' and ''Construction, minor projects'' accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, major projects'' and ''Construction, minor projects''.

SEC. 214. Amounts made available under ''Medical services'' are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to ''Medical services'', to remain available until expended for the purposes of that account.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term ''rural Alaska'' shall mean those lands sited within the external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the ''Construction, major projects'' and ''Construction, minor projects'' accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the ''Medical services'', ''Medical support and compliance'', ''Medical facilities'', ''General operating expenses'', and ''National Cemetery Administration'' accounts for fiscal year 2010, may be transferred to or from the ''Information technology systems'' account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 221. Amounts made available for the ''Information technology systems'' account may be transferred between projects: Provided, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 222. (a) Upon a determination by the Secretary of Veterans Affairs that such action is in the national interest, and will have a direct benefit for veterans through increased access to treatment, the Secretary of Veterans Affairs may transfer not more than $5,000,000 to the Secretary of Health and Human Services for the Graduate Psychology Education Program, which includes treatment of veterans, to support increased training of psychologists skilled in the treatment of post-traumatic stress disorder, traumatic brain injury, and related disorders.

(b) The Secretary of Health and Human Services may only use funds transferred under this section for the purposes described in subsection (a).

(c) The Secretary of Veterans Affairs shall notify Congress of any such transfer of funds under this section.

SEC. 223. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with—

(1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or

(2) section 8110(a)(5) of title 38, United States Code.

SEC. 224. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2010, in this Act or any other Act, under the ''Medical facilities'' account for non-recurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of that fiscal year: Provided, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

SEC. 225. Section 1925(d)(3) of title 38, United States Code, is amended by striking ''appropriation 'General Operating Expenses, Department

of Veterans Affairs' '' and inserting ''appropriations for 'General Operating Expenses and Information Technology Systems, Department of Veterans Affairs' ''.

SEC. 226. Section 1922(a) of title 38, United States Code, is amended by striking ''administrative costs to the Government for the costs of'' and inserting ''administrative support financed by the appropriations for 'General Operating Expenses, Department of Veterans Affairs' and 'Information Technology Systems, Department of Veterans Affairs' for''.

SEC. 227. (a) Effective October 1, 2010, the North Chicago Veterans Affairs Medical Center located in Lake County, Illinois, shall be known and designated as the ''Captain James A. Lovell Federal Health Care Center''.

(b) Any reference to the medical center referred to in subsection (a) in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Captain James A. Lovell Federal Health Care Center.

SEC. 228. Section 315(b) of title 38, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 229. Section 1714(c) of title 38, United States Code is amended—

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

(2) in paragraph (2), by striking the period and inserting ''; and''; and

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

''(3) service dogs trained for the aid of persons with mental illnesses, including post-traumatic stress disorder, to veterans with such illnesses who are enrolled under section 1705 of this title.''.

SEC. 230. (a) The Department of Veterans Affairs Medical Center in Louisville, Kentucky, and any successor to such medical center, shall after the date of the enactment of this Act be known and designated as the ''Robley Rex Department of Veterans Affairs Medical Center''.

(b) Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Robley Rex Department of Veterans Affairs Medical Center.

SEC. 231. (a) Section 2703(b) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 469), as amended by section 231 of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2009 (division E of Public Law 110–329; 122 Stat. 3713), is further amended by inserting after ''the City of Gulfport'' the following: '', or its urban renewal agency,''.

(b) The Secretary of Veterans Affairs shall take appropriate actions to modify the quitclaim deeds executed to effectuate the conveyance authorized by section 2703 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, in order to accurately reflect and memorialize the amendment made by subsection (a).

SEC. 232. Of the amounts appropriated or otherwise made available by this title, the Secretary may execute $5,000,000 for cooperative agreements with State and local government entities or their designees with a demonstrated record of serving veterans to conduct outreach to ensure that veterans in underserved areas receive the care and benefits for which they are eligible.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $62,675,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $27,115,000, of which $1,820,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $39,850,000, to remain available until expended: Provided, That none of the funds available under this heading shall be for construction of a perimeter wall at Arlington National Cemetery. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally-owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $134,000,000, of which $72,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $924,484,000, to remain available until September 30, 2012: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings ''Army'' in the table entitled ''Overseas Contingency Operations'' in the explanatory statement of managers to accompany this Act.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $474,500,000, to remain available until September 30, 2012: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings ''Air Force'' in the table entitled ''Overseas Contingency Operations'' in the explanatory statement of managers to accompany this Act.

ADMINISTRATIVE PROVISION

SEC. 401. Amounts appropriated or otherwise made available by this title are designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Such sums as may be necessary for fiscal year 2010 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 503. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 504. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 505. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 506. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 507. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 508. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 509. None of the funds made available in this Act may be used for the processing of new enhanced-use leases at the National Homes for Disabled Volunteer Soldiers located in Milwaukee, Wisconsin.

SEC. 510. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 511. None of the funds made available in this division or any other division in this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

This division may be cited as the ''Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010''.

DIVISION F—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, $8,227,000,000, of which $1,586,214,000 is for Worldwide Security Protection (to remain available until expended): Provided, That the Secretary of State may transfer up to $137,600,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: Provided further, That funds made available under this heading shall be allocated as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed $700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, $2,667,130,000 to remain available until September 30, 2011, of which not less than $138,075,000 shall be available only for public diplomacy American salaries, and $220,840,000 is for Worldwide Security Protection and shall remain available until expended: Provided, That the Secretary of State shall submit to the Committees on Appropriations, concurrent with the fiscal year 2011 congressional budget justification materials, a strategy described in the joint explanatory statement of the committee of conference (hereafter ''joint explanatory statement'') accompanying this Act for projected personnel requirements for the United States Department of State over the next 3 fiscal years.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, $2,495,158,000, to remain available until September 30, 2011, of which not less than $381,800,000 shall be available only for public diplomacy international information programs.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, $892,012,000, to remain available until September 30, 2011.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, $2,172,700,000, to remain available until September 30, 2011, of which $1,365,374,000 is for Worldwide Security Protection and shall remain available until expended.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) not to exceed $1,653,305 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed $15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

(6) TRANSFER, REPROGRAMMING, AND SPENDING PLAN.—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed $10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading ''Emergencies in the Diplomatic and Consular Service'', to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

(D) Not later than 45 days after the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under this heading.

CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to support, maintain, mobilize, and deploy a civilian response corps in coordination with the United States Agency for International Development (USAID), and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, $120,000,000, to remain available until expended: Provided, That funds made available under this heading may be made available in fiscal year 2010 to provide administrative expenses for the Office of the Coordinator for Reconstruction and Stabilization: Provided further, That notwithstanding any other provision of law and following consultation with the Committees on Appropriations, the President may exercise transfer authorities contained in the Foreign Assistance Act of 1961 for reconstruction and stabilization assistance managed by the Office of the Coordinator for Reconstruction and Stabilization only to support an actively deployed Civilian Response Corps, subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, $10,000,000 shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations that the Department of State has signed a memorandum of understanding with the Department of Defense relating to the provision of airlift for deployment of Civilian Response Corps personnel and equipment: Provided further, That not later than 45 days after enactment of this Act, the Secretary of State and the USAID Administrator shall submit a coordinated joint spending plan for funds made available under this heading and under the heading ''Civilian Stabilization Initiative'' in title II of this Act.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $139,000,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $100,000,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections, of which $23,000,000 shall be for the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and $23,000,000 shall be for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $635,000,000, to remain available until expended: Provided, That not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,175,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $28,000,000, to remain available until September 30, 2011.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $876,850,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $847,300,000, to remain available until expended: Provided, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales for all projects in fiscal year 2010.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $10,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading ''Repatriation Loans Program Account'', subject to the same terms and conditions.

BUYING POWER MAINTENANCE ACCOUNT

To offset adverse fluctuations in foreign currency exchange rates and/or overseas wage and price changes, as authorized by section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)), $8,500,000, to remain available until expended.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $739,000, as authorized: Provided, That such costs, including

the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses necessary to carry out the direct loan program, $711,000, which may be transferred to, and merged with, funds made available under the heading ''Diplomatic and Consular Programs''.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $21,174,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, $158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,682,500,000: Provided, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: Provided further, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: Provided further, That any payment of arrearages under this heading shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $2,125,000,000, of which 15 percent shall remain available until September 30, 2011: Provided, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations are notified of the estimated cost and length of the mission, the national interest that will be served, the planned exit strategy, and that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in the mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission, including the prosecution in their home countries of such individuals in connection with such acts; and (2) notification pursuant to section 7015 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that American manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $33,000,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $43,250,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by Public Law 103–182, $12,608,000: Provided, That of the amount provided under this heading for the International Joint Commission, $9,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $53,976,000: Provided, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324: Provided further, That in addition to other funds available for such purposes, funds available under this heading may be used to make payments necessary to fulfill the United States' obligations under the Pacific Salmon Treaty.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase, lease, and installation of necessary equipment for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, $733,788,000, of which not more than $5,500,000 may be made available for non-salary and benefits expenses for TV Marti broadcasts to Cuba: Provided, That of the total amount in this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty: Provided further, That the authority provided by section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 6206 note) shall remain in effect through September 30, 2010: Provided further, That not later than 45 days after enactment of this Act, the BBG shall report to the Committees on Appropriations that all BBG language services and grantees, including the broadcasters to the Middle East, Afghanistan, and Pakistan, have processes and policies, including appropriate management and editorial controls, to require that programming abide by the standards and principles set forth in the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b)) and the relevant journalistic code of ethics, and not provide an open platform for terrorists or those who support terrorists: Provided further, That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the Board that any of its broadcast entities, including its grantee organizations, was found to be in violation of the principles, standards, or journalistic code of ethics referenced in the previous proviso: Provided further, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to $2,000,000 in receipts from advertising and revenue from business ventures, up to $500,000 in receipts from cooperating international organizations, and up to $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $12,622,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), $19,000,000, to remain available until expended, as authorized.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act, $49,220,000, to remain available until September 30, 2011, of which up to $15,000,000 may be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2010, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2010, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2010, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for

Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $23,000,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, $118,000,000, to remain available until expended, of which $100,000,000 shall be allocated in the traditional and customary manner, including for the core institutes, and $18,000,000 shall be for democracy, human rights, and rule of law programs: Provided, That the President of the National Endowment for Democracy shall provide to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, $635,000, as authorized by section 1303 of Public Law 99–83.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $4,300,000, to remain available until September 30, 2011: Provided, That notwithstanding the expenditure limitation specified in section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)), the Commission may expend up to $250,000 of the funds made available under this heading to procure temporary and intermittent services under the authority of section 3109(b) of title 5, United States Code.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,610,000, to remain available until September 30, 2011.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $2,000,000, including not more than $3,000 for the purpose of official representation, to remain available until September 30, 2011.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $3,500,000, including not more than $4,000 for the purpose of official representation, to remain available until September 30, 2011: Provided, That the Commission shall provide to the Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by the Commission during any previous fiscal year: Provided further, That section 308(e) of the United States-China Relations Act of 2000 (22 U.S.C. 6918(e)) (relating to the treatment of employees as Congressional employees), and section 309 of such Act (22 U.S.C. 6919) (relating to printing and binding costs), shall apply to the Commission in the same manner as such section applies to the Congressional-Executive Commission on the People's Republic of China: Provided further, That the Commission shall comply with chapter 43 of title 5, United States Code, regarding the establishment and regular review of employee performance appraisals: Provided further, That the Commission shall comply with section 4505a of title 5, United States Code, with respect to limitations on payment of performance-based cash awards: Provided further, That compensation for the executive director of the Commission may not exceed the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code: Provided further, That travel by members and staff of the Commission shall be arranged and conducted under the rules and procedures applying to travel by members and staff of the House of Representatives.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $1,388,800,000, of which up to $105,000,000 may remain available until September 30, 2011: Provided, That none of the funds appropriated under this heading and under the heading ''Capital Investment Fund'' in this Act may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: Provided further, That the previous proviso shall not apply when the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed $1,000,000: Provided further, That of the funds appropriated under this heading that are available for capital investments related to the Development Leadership Initiative, up to $245,000,000 may remain available until September 30, 2014: Provided further, That the USAID Administrator shall submit to the Committees on Appropriations, concurrent with the fiscal year 2011 congressional budget justification materials, a strategy described in the joint explanatory statement accompanying this Act for projected personnel requirements for USAID over the next 3 fiscal years: Provided further, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: Provided further, That any decision to open a new USAID overseas mission or office or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to ''Operating Expenses'' in accordance with the provisions of those sections: Provided further, That of the funds appropriated or made available under this heading, not to exceed $250,000 may be available for representation and entertainment allowances, of which not to exceed $5,000 may be available for entertainment allowances, for USAID during the current fiscal year: Provided further, That no such entertainment funds may be used for the purposes listed in section 7020 of this Act: Provided further, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to carry out section 667 of the Foreign Assistance Act of 1961 for the United States Agency for International Development (USAID) to support, maintain, mobilize, and deploy a Civilian Response Corps in coordination with the Department of State, and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, $30,000,000, to remain available until expended: Provided, That not later than 45 days after enactment of this Act, the Secretary of State and the USAID Administrator shall submit a coordinated joint spending plan for funds made available under this heading and under the heading ''Civilian Stabilization Initiative'' in title I of this Act.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $185,000,000, to remain available until expended, of which not more than $134,500,000 may be made available for the purpose of implementing the Capital Security Cost-Sharing Program: Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $46,500,000, to remain available until September 30, 2011, which sum shall be available for the Office of Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2010, unless otherwise specified herein, as follows:

GLOBAL HEALTH AND CHILD SURVIVAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $2,420,000,000, to remain available until September 30, 2011, and which shall be apportioned directly to the United States Agency for International Development (USAID): Provided, That this amount shall be made available for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this paragraph may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: Provided further,

That of the funds appropriated under this paragraph, $78,000,000 should be made available for a United States contribution to the GAVI Alliance: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That any determination made under the previous proviso must be made no later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the USAID Administrator determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That to the maximum extent practicable, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement should be made available for the procurement of condoms manufactured in the United States: Provided further, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $5,359,000,000, to remain available until expended, and which shall be apportioned directly to the Department of State: Provided, That of the funds appropriated under this paragraph, not less than $750,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2010 may be made available to USAID for technical assistance related to the activities of the Global Fund: Provided further, That of the funds appropriated under this paragraph, up to $14,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $2,520,000,000, to remain available until September 30, 2011: Provided, That of the funds appropriated by this Act, not less than $265,000,000 shall be made available for microenterprise and microfinance development programs for the poor, especially women: Provided further, That of the funds appropriated under this heading, not less than $23,500,000 shall be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated under this heading, $10,000,000 shall be made available for cooperative development programs within the Office of Private and Voluntary Cooperation, United States Agency for International Development (USAID): Provided further, That of the funds appropriated by this Act, not less than $315,000,000 shall be made available for water and sanitation supply projects pursuant to the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121): Provided further, That the relevant bureaus and offices of USAID that support cross-cutting development programs shall coordinate such programs on a regular basis: Provided further, That of the funds appropriated by title III of this Act, not less than $1,169,833,000 should be made available for food security and agricultural development programs, which may be made available notwithstanding any other provision of law to address critical food shortages, of which $31,500,000 shall be made available for Collaborative Research Support Programs: Provided further, That prior to the obligation of funds pursuant to the previous proviso and after consultation with other relevant Federal departments and agencies, the Committees on Appropriations, and relevant nongovernmental organizations, the USAID Administrator shall submit to the Committees on Appropriations a strategy for achieving food security and agricultural development program goals: Provided further, That of the funds appropriated under this heading for food security and agricultural development programs, $10,000,000 shall be made available for a United States contribution to the endowment of the Global Crop Diversity Trust pursuant to section 3202 of Public Law 110–246: Provided further, That of the funds appropriated under this heading, not less than $20,000,000 shall be made available for programs to improve women's leadership capacity in recipient countries.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $845,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $55,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: Provided further, That if the Secretary of State determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to enable the Administrator of the United States Agency for International Development (USAID), in consultation with the Secretary of State, to support programs and activities to prevent or respond to emerging or unforeseen complex crises overseas, $50,000,000, to remain available until expended: Provided, That funds appropriated under this heading may be made available on such terms and conditions as the USAID Administrator may determine, in consultation with the Committees on Appropriations, for the purposes of preventing or responding to such crises, except that no funds shall be made available to respond to natural disasters: Provided further, That funds appropriated under this heading shall be made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That the USAID Administrator may furnish assistance under this heading notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620J of the Foreign Assistance Act of 1961: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days in advance of the obligation of funds: Provided further, That the requirements of the previous proviso may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such

waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any such notification provided pursuant to such waiver shall contain an explanation of the emergency circumstances.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $25,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading ''Assistance for Europe, Eurasia and Central Asia'': Provided, That funds provided under this paragraph and funds provided as a gift pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: Provided further, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: Provided further, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $700,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,600,000, which may be transferred to, and merged with, funds made available under the heading ''Operating Expenses'' in title II of this Act: Provided, That funds made available under this heading shall remain available until September 30, 2012.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $6,337,000,000, to remain available until September 30, 2011: Provided, That of the funds appropriated under this heading, $250,000,000 shall be available only for assistance for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic and democratic reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That of the funds appropriated under this heading for assistance for Egypt, not less than $25,000,000 shall be made available for democracy, human rights and governance programs, and not less than $35,000,000 shall be made available for education programs, of which not less than $10,000,000 is for scholarships for Egyptian students with high financial need: Provided further, That $11,000,000 of the funds appropriated under this heading should be made available for assistance for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That $12,000,000 of the funds made available for assistance for Lebanon under this heading shall be made available for educational scholarships for students in Lebanon with high financial need: Provided further, That of the funds appropriated under this heading, not less than $363,000,000 shall be made available only for assistance for Jordan: Provided further, That of the funds appropriated under this heading not more than $400,400,000 may be made available for assistance for the West Bank and Gaza, of which not to exceed $2,000,000 may be used for administrative expenses of the United States Agency for International Development (USAID), in addition to funds otherwise available for such purposes: Provided further, That not more than $150,000,000 of the funds provided for the West Bank and Gaza shall be for cash transfer assistance: Provided further, That funds appropriated under this heading that are made available for assistance for infrastructure projects in Pakistan shall be implemented in a manner consistent with section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)): Provided further, That of the funds appropriated under this heading for assistance for Afghanistan and Pakistan, assistance may be provided notwithstanding any provision of law that restricts assistance to foreign countries for cross border stabilization and development programs between Afghanistan and Pakistan or between either country and the Central Asian republics: Provided further, That funds appropriated by this Act for assistance for Afghanistan and Pakistan may be made available for government-to-government assistance only if the Secretary of State certifies to the Committees on Appropriations that the Government of the United States and the government of the recipient country have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended: Provided further, That any such cash transfer assistance shall be subject to prior consultation with the Committees on Appropriations: Provided further, That the Secretary of State should suspend any such cash transfer assistance to an implementing agency if the Secretary has credible evidence of misuse of such funds by any such agency: Provided further, That any decision to significantly modify the scope, objectives or implementation mechanisms of United States assistance programs in Afghanistan or Pakistan shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived if it is determined that failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such consultation requirement was applicable: Provided further, That of the funds made available under this heading for assistance for Pakistan, $2,000,000 shall be transferred to, and merged with, funds available under the heading ''Administration of Foreign Affairs, Office of Inspector General'' for oversight of programs in Pakistan: Provided further, That of the funds appropriated under this heading, $209,790,000 shall be apportioned directly to USAID for alternative development/institution building programs in Colombia: Provided further, That of the funds appropriated under this heading that are available for assistance for Colombia, not less than $8,000,000 shall be transferred to, and merged with, funds appropriated under the heading ''Migration and Refugee Assistance'' and shall be made available only for assistance to nongovernmental and international organizations that provide assistance to Colombian refugees in neighboring countries.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, $120,000,000, to remain available until September 30, 2011, of which $70,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and $50,000,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $17,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 2011.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, $741,632,000, to remain available until September 30, 2011, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for countries identified in section 3 of the FREEDOM Support Act and section 3(c) of the SEED Act: Provided, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: Provided further, That notwithstanding any provision of this or any other Act, funds appropriated in prior years under the headings ''Independent States of the Former Soviet Union'' and similar headings and ''Assistance for Eastern Europe and the Baltic States'' and similar headings, and currencies generated by or converted from such funds, shall be available for use in any country for which funds are made available under this heading without regard to the geographic limitations of the heading under which such funds were originally appropriated: Provided further, That funds made available for the Southern Caucasus region may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of conflicts, including in Nagorno-Karabakh: Provided further, That of the funds appropriated under this heading that are available for assistance for the Kyrgyz Republic, up to $11,500,000 shall be made available for the Joint Development Fund.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses, not otherwise provided for, to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $1,685,000,000, to remain available until expended, of which $25,000,000 shall be made available for refugees resettling in Israel, and

not less than $35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements of international and nongovernmental partners.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $45,000,000, to remain available until expended.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501–2523), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $400,000,000, to remain available until September 30, 2011: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed $5,000,000: Provided further, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: Provided further, That of the funds appropriated under this heading, not to exceed $4,000 may be made available for entertainment expenses: Provided further, That any decision to open, close, significantly reduce, or suspend a domestic or overseas office or country program shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that prior consultation and regular notification procedures may be waived when there is a substantial security risk to volunteers or other Peace Corps personnel, pursuant to section 7015(e) of this Act: Provided further, That not later than 45 days after enactment of this Act, the Director shall submit a spending plan to the Committees on Appropriations on the proposed uses of funds under this heading: Provided further, That not later than 180 days after enactment of this Act, the Director shall, after consultation with the Committees on Appropriations, submit a report to the Committees that includes the findings of a comprehensive assessment of the current program model of the Peace Corps and a strategy for reforming and improving operations.

MILLENNIUM CHALLENGE CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, $1,105,000,000 to remain available until expended: Provided, That of the funds appropriated under this heading, up to $95,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): Provided further, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for fiscal year 2010: Provided further, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: Provided further, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: Provided further, That the Corporation should reimburse the United States Agency for International Development (USAID) for all expenses incurred by USAID with funds appropriated under this heading in assisting the Corporation in carrying out such Act, including administrative costs for compact development, negotiation, and implementation: Provided further, That the Chief Executive Officer of the Millennium Challenge Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program: Provided further, That funds appropriated by this Act or any prior Act appropriating funds for the Department of State, foreign operations, and related programs that are made available for a Millennium Challenge Compact and that are suspended or terminated by the Chief Executive Officer of the Corporation shall be subject to the regular notification procedures of the Committees on Appropriations prior to re-obligation: Provided further, That none of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under this heading may be used for military assistance or military training, including for assistance for military or paramilitary purposes and for assistance to military forces: Provided further, That the terms and conditions of section 1105(c) of Public Law 111–32 shall apply to funds appropriated under this heading: Provided further, That a Millennium Challenge Corporation candidate country selected as an eligible country in fiscal year 2009 in accordance with section 607(c) of the Millennium Challenge Act of 2003 that is transitioning out of one of the income categories identified in subsections 606(a) and (b) shall retain its candidacy status at the lower income category for purposes of setting compact funding levels for the fiscal year of its transition and the two subsequent fiscal years: Provided further, That of the funds appropriated under this heading, not to exceed $100,000 may be available for representation and entertainment allowances, of which not to exceed $5,000 may be available for entertainment allowances.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $23,000,000, to remain available until September 30, 2011: Provided, That of the funds appropriated under this heading, not to exceed $2,000 may be available for entertainment and representation allowances.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533), $30,000,000, to remain available until September 30, 2011: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to $10,000 if the increase is due solely to foreign currency fluctuation: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $25,000,000, to remain available until September 30, 2012, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $60,000,000, to remain available until September 30, 2012: Provided, That not less than $20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: Provided further, That amounts paid to the Heavily Indebted Poor Countries (HIPC) Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the central government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided further, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, That the Secretary of the Treasury shall notify the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as ''enclave'' loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the

funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $1,597,000,000, to remain available until September 30, 2011: Provided, That during fiscal year 2010, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country or international organization under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, $5,000,000 should be made available to combat piracy of United States copyrighted materials, consistent with the requirements of section 688(a) and (b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161): Provided further, That none of the funds appropriated under this heading for assistance for Afghanistan may be made available for eradication programs through the aerial spraying of herbicides unless the Secretary of State determines and reports to the Committees on Appropriations that the President of Afghanistan has requested assistance for such aerial spraying programs for counternarcotics purposes: Provided further, That in the event the Secretary of State makes a determination pursuant to the previous proviso, the Secretary shall consult with the Committees on Appropriations prior to the obligation of funds for such eradication programs: Provided further, That none of the funds appropriated under this heading for assistance for Colombia shall be made available for budget support or as cash payments: Provided further, That none of the funds appropriated under this heading shall be made available for assistance for the Bolivian military and police unless the Secretary of State determines and reports to the Committees on Appropriations that the Government of Bolivia is investigating, prosecuting, and punishing military and police personnel who have been credibly alleged to have violated internationally recognized human rights.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $754,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That of this amount not to exceed $75,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation, disarmament and weapons destruction: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That funds made available for the Nonproliferation and Disarmament Fund shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, not more than $500,000 may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract: Provided further, That of the funds made available for demining and related activities, not to exceed $700,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That funds appropriated under this heading that are available for ''Anti-terrorism Assistance'' and ''Export Control and Border Security'' shall remain available until September 30, 2011.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $331,500,000: Provided, That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: Provided further, That of the funds appropriated under this heading, up to $102,000,000 may be made available for assistance for Somalia, of which up to $55,000,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia: Provided further, That of the funds appropriated under this heading, not less than $26,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: Provided further, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $108,000,000, of which up to $4,000,000 may remain available until expended and may only be provided through the regular notification procedures of the Committees on Appropriations: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds made available under this heading for assistance for Angola, Bangladesh, Cameroon, Central African Republic, Chad, Cote d'Ivoire, Democratic Republic of the Congo, Ethiopia, Guatemala, Guinea, Haiti, Kenya, Libya, Nepal, Nigeria, and Sri Lanka may only be provided through the regular notification procedures of the Committees on Appropriations and any such notification shall include a detailed description of proposed activities: Provided further, That of the funds appropriated under this heading, not to exceed $55,000 may be available for entertainment allowances.

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,195,000,000: Provided, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: Provided further, That of the funds appropriated under this heading, not less than $2,220,000,000 shall be available for grants only for Israel, and not less than $1,040,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: Provided further, That the funds appropriated under this heading for assistance for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than $583,860,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That funds appropriated under this heading estimated to be outlayed for Egypt during fiscal year 2010 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act: Provided further, That of the funds appropriated under this heading, $150,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, not more than $55,000,000 shall be available for assistance for Colombia, of which up to $12,500,000 is available to support maritime interdiction and riverine operations: Provided further, That of the funds appropriated under this heading, not less than $238,000,000 should be made available for assistance for Pakistan: Provided further, That in addition to the funds made available in the previous proviso, up to $60,000,000 of the funds appropriated under the heading ''Economic Support Fund'' in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, may be transferred to, and merged with, funds appropriated under this heading and made available for assistance for Pakistan, subject to the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) unless the Secretary of State, in coordination with the Secretary of Defense, has justified such program to the Committees on Appropriations: Provided further, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the

Arms Export Control Act: Provided further, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: Provided further, That none of the funds appropriated under this heading may be made available for assistance for Nepal, Sri Lanka, Pakistan, Bangladesh, Philippines, Indonesia, Bosnia and Herzegovina, Haiti, Guatemala, Ethiopia, Cambodia, Kenya, Chad, and the Democratic Republic of the Congo except pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $54,464,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading for general costs of administering military assistance and sales, not to exceed $4,000 may be available for entertainment expenses and not to exceed $130,000 may be available for representation allowances: Provided further, That not more than $550,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2010 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $394,000,000: Provided, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $86,500,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,262,500,000, to remain available until expended.

CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For contributions to the multilateral Clean Technology Fund, $300,000,000, to remain available until expended.

CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

For contributions to the multilateral Strategic Climate Fund, $75,000,000, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, $4,670,000, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $105,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $155,000,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $30,000,000, to remain available until expended.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $2,500,000, to remain available until September 30, 2011.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2010: Provided further, That not less than 10 percent of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank under this Act should be used for renewable energy technologies or end-use energy efficiency technologies.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed $58,000,000: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such funds shall remain available until September 30, 2025, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2010, 2011, 2012, and 2013: Provided further, That none of the funds appropriated by this Act or any prior Acts appropriating funds for the Department of State, foreign operations, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed $83,880,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2010.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: Provided, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0: Provided further, That amounts collected in fiscal year 2010 in excess of obligations shall become available on September 1, 2010 and shall remain available until September 30, 2013.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $52,310,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to

section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $29,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2010, 2011, and 2012: Provided further, That funds so obligated in fiscal year 2010 remain available for disbursement through 2018; funds obligated in fiscal year 2011 remain available for disbursement through 2019; and funds obligated in fiscal year 2012 remain available for disbursement through 2020: Provided further, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: Provided further, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $55,200,000, to remain available until September 30, 2011: Provided, That of the funds appropriated under this heading, not more than $4,000 may be available for representation and entertainment allowances.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative balances by program, project, and activity of the funds received by such department or agency in this fiscal year or any previous fiscal year that remain unobligated and unexpended.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

EMBASSY CONSTRUCTION

SEC. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (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–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

(c) Funds appropriated by this Act, and any prior Act making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property for diplomatic facilities in Kabul, Afghanistan, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

LOCAL GUARD CONTRACTS

SEC. 7006. In evaluating proposals for local guard contracts, the Secretary of State shall award contracts in accordance with section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864), except that the Secretary may grant authorization to award such contracts on the basis of best value as determined by a cost-technical tradeoff analysis (as described in Federal Acquisition Regulation part 15.101) in Iraq, Afghanistan, and Pakistan, notwithstanding subsection (c)(3) of such section: Provided, That the authority in this section shall apply to any options for renewal that may be exercised under such contracts that are awarded during the current fiscal year: Provided further, That prior to issuing a solicitation for a contract to be awarded pursuant to the authority under this section, the Secretary of State shall consult with the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) EXPORT FINANCING TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2010, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—

(1) None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(3) Any agreement entered into by the United States Agency for International Development (USAID) or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Global Health and Child Survival'', ''Development Assistance'', and ''Economic Support Fund'' shall be subject to the regular notification procedures of the Committees on Appropriations: Provided, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through

V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: Provided, That funds transferred under such authority may be made available for the cost of such audits.

REPORTING REQUIREMENT

SEC. 7010. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2010, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings ''Foreign Military Financing Program'', ''International Military Education and Training'', and ''Peacekeeping Operations'': Provided, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 661, section 667, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings ''Assistance for Europe, Eurasia and Central Asia'' and ''Development Credit Authority'', shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2010 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2011 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms ''taxes'' and ''taxation'' refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term ''bilateral agreement'' refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

RESERVATIONS OF FUNDS

SEC. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development (USAID) that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the USAID Administrator determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: Provided, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: Provided, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) closes or opens a mission or post; (6) reorganizes or renames offices; (7) reorganizes programs or activities; or (8) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agency or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency or department funded by title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under titles II through V in this Act under the headings ''Global Health and Child Survival'', ''Development Assistance'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Assistance for Europe, Eurasia and Central Asia'', ''Economic Support

Fund'', ''Democracy Fund'', ''Peacekeeping Operations'', ''Capital Investment Fund'', ''Operating Expenses'', ''Civilian Stabilization Initiative'', ''Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Millennium Challenge Corporation'', ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peace Corps'', ''Complex Crises Fund'', and ''Migration and Refugee Assistance'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That requirements of this subsection or any similar provision of any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

(d) Notwithstanding any other provision of law, with the exception of funds transferred to, and merged with, funds appropriated under title I of this Act, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations, and funds made available for programs authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) None of the funds appropriated under titles III through VI of this Act shall be obligated or expended for assistance for Serbia, Sudan, Zimbabwe, Pakistan, Dominican Republic, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Colombia, Mexico, Kazakhstan, Somalia, Sri Lanka, or Cambodia and countries listed in section 7045(c)(2) and (f)(2) of this Act except as provided through the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles III through VI of this Act or any previously enacted Act making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2011.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

ALLOCATIONS

SEC. 7019. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the joint explanatory statement accompanying this Act:

''American Sections, International Commissions''.

''Civilian Stabilization Initiative''.

''Diplomatic and Consular Programs''.

''Educational and Cultural Exchange Programs''.

''International Boundary and Water Commission, United States and Mexico''.

''International Fisheries Commissions''.

''International Broadcasting Operations''.

''Global Health and Child Survival''.

''Democracy Fund''.

''Economic Support Fund''.

''Assistance for Europe, Eurasia and Central Asia''.

''International Narcotics Control and Law Enforcement''.

''Nonproliferation, Anti-terrorism, Demining and Related Programs''.

''Foreign Military Financing Program''.

''Peacekeeping Operations''.

''International Organizations and Programs''.

(b) For the purposes of implementing this section and only with respect to the tables included in the joint explanatory statement accompanying this Act, the Secretary of State, the Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations.

(c) The requirements contained in subsection (a) shall apply to the tables under the headings ''Bilateral Economic Assistance'' and ''General Provisions'' in the joint explanatory statement.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act under the headings ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Global Health and Child Survival'', ''Development Assistance'', and ''Economic Support Fund'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) None of the funds appropriated or otherwise made available by titles III through VI of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a government that supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979: Provided, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: Provided further, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interests of the United States.

(c) Whenever the President makes a determination pursuant to subsection (b), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 7022. (a) Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver: Provided, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

SEC. 7023. Funds appropriated by this Act, except funds appropriated under the heading ''Trade and Development Agency'', may be obligated and expended notwithstanding section 10 of Public Law 91–672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7024. For the purpose of titles II through VI of this Act ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: ''Economic Support Fund'' and ''Foreign Military Financing Program'', ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development ''program, project, and activity'' shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 7025. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: Provided, That the agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7026. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to titles III through VI of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEPARATE ACCOUNTS

SEC. 7027. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development (USAID) shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The USAID Administrator shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7028. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'': Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2010, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7029. None of the funds appropriated under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7030. (a) None of the funds appropriated in title V of this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution to oppose any loan, grant, strategy or policy of such institution that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal health, in connection with the institutions' financing programs.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (the Fund) to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on health care or education; and to promote government spending on health care, education, food aid, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

(d) For purposes of this section ''international financial institutions'' are the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

DEBT-FOR-DEVELOPMENT

SEC. 7031. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 7032. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section: Provided, That such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 7033. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as ''Paris Club Agreed Minutes''.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading ''Debt Restructuring''.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country: Provided, That the authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

SPECIAL AUTHORITIES

SEC. 7034. (a) AFGHANISTAN, IRAQ, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated under titles III through VI of this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles III and VI of this Act that are made available for Iraq, Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to

assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) WAIVER.—

(1) The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(c) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(d) AUTHORITY REPEALED.—Section 7034(d) of Public Law 111–8 is hereby repealed.

(e) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(f) EXTENSION OF AUTHORITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 2009'' and inserting ''2009, and 2010''; and

(B) in subsection (e), by striking ''2009'' each place it appears and inserting ''2010''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''2009'' and inserting ''2010''.

(g) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development, from this or any other Act, not less than $10,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(h) DISARMAMENT, DEMOBILIZATION AND REINTEGRATION.—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'', ''Peacekeeping Operations'', ''International Disaster Assistance'', and ''Transition Initiatives'' should be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: Provided, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: Provided further, That for the purposes of this subsection the term ''foreign terrorist organization'' means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(i) MIDDLE EAST FOUNDATION.—Funds appropriated by this Act and prior Acts for a Middle East Foundation shall be subject to the regular notification procedures of the Committees on Appropriations.

(j) CONTINGENCIES.—During fiscal year 2010, the President may use up to $50,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(k) PROGRAM FOR RESEARCH AND TRAINING ON EASTERN EUROPE AND THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—Of the funds appropriated by this Act under the heading, ''Economic Support Fund'', not less than $5,000,000 shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union (title VIII) as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501–4508, as amended).

(l) INTERPARLIAMENTARY EXCHANGES.—Of the unobligated funds in the ''Educational and Cultural Exchange Programs'' appropriation account, $411,687 shall be transferred to the permanent appropriation for delegation expenses provided under section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988, as enacted into law by section 101(a) of Public Law 100–202 (22 USC 276e note), for the purpose of conducting Interparliamentary Exchanges and shall remain available until expended.

(m) DEMOCRACY PROMOTION.—

(1) Funds made available by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy, any regulation.

(2) For the purposes of funds appropriated by this Act, the term ''promotion of democracy'' means programs that support good governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

(3) Any contract, grant, or cooperative agreement (or any amendment to any contract, grant or cooperative agreement) in excess of $1,000,000 of funds under the heading ''Democracy Fund'', and in excess of $2,500,000 under other headings in this Act for the promotion of democracy, with the exception of programs and activities of the National Endowment for Democracy, shall be subject to the regular notification procedures of the Committees on Appropriations.

(4) With respect to the provision of assistance for democracy, human rights and governance activities in this Act, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

(5) Of the funds appropriated under title III of this Act that are made available for the promotion of democracy, not less than $30,000,000 shall be made available to expand access to information and communications through the Internet, and shall be used for programs that provide unmonitored and uncensored access to the Internet for large numbers of users living in closed societies that have acutely hostile Internet environments.

(n) PERSONNEL.—The authority provided by section 1113 of Public Law 111–32 shall remain in effect through fiscal year 2010.

(o) PARTNER VETTING.—None of the funds appropriated by this Act or any prior Act may be used by the Secretary of State or the Administrator of the United States Agency for International Development (USAID) to implement a Partner Vetting System (PVS): Provided, That notwithstanding the previous sentence, funds appropriated by this Act may be used to implement a PVS pilot program, including necessary rulemaking: Provided further, That any such PVS pilot program shall apply equally to the programs and activities of the Department of State and USAID: Provided further, That the Secretary of State and the USAID Administrator shall jointly consult with the Committees on Appropriations not later than 90 days after enactment of this Act and prior to the implementation of such a PVS pilot program, and such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(p) SPENDING PLANS.—The Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds for assistance for Afghanistan, Pakistan, and Iraq, detailed spending plans for funds appropriated for such purposes.

(q) TECHNICAL CORRECTIONS.—

(1)(A) Section 67 of the Bretton Woods Agreements Act, as added by section 1402 of the Supplemental Appropriations Act, 2009 (Public Law 111–32), is amended by striking ''resolution numbered 54–4'' and inserting ''resolution numbered 52–4''.

(B) The amendment made by subparagraph (A) shall take effect as if included in the enactment of section 1402 of Public Law 111–32.

(2) Section 302(l) of the Foreign Assistance Act of 1961 is amended by striking ''Vaccine Fund'' and inserting ''GAVI Alliance''.

(r) ACCOUNTABILITY REVIEW BOARDS.—The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect through September 30, 2010.

(s) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—The Secretary of State shall promptly and fully implement section 203(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457): Provided, That in determining whether to suspend the issuance of A–3 or G–5 visas to applicants seeking to work for officials of a diplomatic mission or international organization, the Secretary shall consider whether a final court judgment has been issued against a current or former employee of such mission or organization (and the time period for a final appeal has expired): Provided further, That the Secretary should assist in obtaining payment of final court judgments awarded to A–3 and G–5 visa holders: Provided further, That the Secretary should include all trafficking cases involving A–3 or G–5 visa holders in the Trafficking in Persons annual report where a final civil judgment has been issued (and the time period for final appeal has expired) or the Department of Justice has determined that the United States Government would seek to indict the diplomat or a family member but for diplomatic immunity.

(t) INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—Section 1342(c)(3) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) is amended by adding '', as amended'' after ''signed at The Hague, October 5, 1994''.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to

enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is important to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act (''Limitation on Assistance to the Palestinian Authority'').

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem: Provided further, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2010, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading ''Economic Support Fund'' for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: Provided, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations Acts, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to $500,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection: Provided, That such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2010 under the heading ''Economic Support Fund'', and such audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109–13.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: Provided, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas or any power-sharing government of which Hamas is a member.

(2) Notwithstanding the limitation of subsection (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(l)(A) and (B) of the Foreign Assistance Act of 1961, as amended: Provided, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

SAUDI ARABIA

SEC. 7041. None of the funds made available in this Act may be obligated or expended to finance any assistance to Saudi Arabia: Provided, That the Secretary of State may waive this section if the Secretary determines that to do so is in the national interest of the United States.

NEAR EAST

SEC. 7042. (a) EGYPT.—

(1) Of the funds appropriated by titles III and IV of this Act, not less than $1,295,200,000 shall be made available for assistance for Egypt.

(2) Of the funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for Egypt, up to $50,000,000 may be made available for an endowment to further the shared interests of the United States and Egypt, consistent with the purposes and requirements for which such funds are requested in the fiscal year 2010 congressional budget justification materials and appropriated under such heading: Provided, That the Secretary of State shall consult with the Committees on Appropriations on the establishment of such an endowment, and any funds to be used for such an endowment shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) IRAQ.—

(1) Of the funds appropriated by titles III and IV of this Act, up to $466,800,000 may be made available for assistance for Iraq.

(2) The terms and conditions of section 1106(a) and (b) of Public Law 111–32 shall apply to assistance for Iraq in fiscal year 2010.

(3) None of the funds made available in this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(c) JORDAN.—Of the funds appropriated by titles III and IV of this Act, not less than $542,950,000 shall be made available for assistance for Jordan.

(d) LEBANON.—

(1) Of the funds appropriated by titles III and IV of this Act, not less than $238,300,000 shall be made available for assistance for Lebanon.

(2) Funds appropriated under the heading ''Foreign Military Financing Program'' in this Act for assistance for Lebanon shall be made available only to professionalize the Lebanese Armed Forces and to strengthen border security and combat terrorism, including training and equipping the Lebanese Armed Forces to secure Lebanon's borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups and implementing United Nations Security Council Resolution 1701: Provided, That funds may not be made available for obligation until the Secretary of State provides the Committees on Appropriations a detailed spending plan.

(e) MIDDLE EAST PEACE.—Funds appropriated by this Act should be made available in a manner to further peace in the Middle East between Israelis and Palestinians.

(f) WEST BANK AND GAZA.—

(1) Of the funds appropriated by titles III and IV of this Act, $502,900,000 shall be made available for assistance for the West Bank and Gaza.

(2) The reporting requirements contained in section 1404 of Public Law 110–242 shall apply to funds made available by this Act, including a description of modifications, if any, to the security strategy of the Palestinian Authority.

(3) The reporting requirements regarding the United Nations Relief and Works Agency contained in the joint explanatory statement accompanying the Supplemental Appropriations Act, 2009 (Public Law 111–32, House Report 111–151) under the heading ''Migration and Refugee Assistance'' in title XI shall apply to funds made available by this Act under such heading.

IRAN SANCTIONS

SEC. 7043. (a) USE OF FUNDS.—It is the policy of the United States to seek to prevent Iran from achieving the capability to produce or otherwise manufacture nuclear weapons, including by supporting international diplomatic efforts to halt Iran's uranium enrichment program, and the President should fully implement and enforce the Iran Sanctions Act of 1996, as amended (Public Law 104–172) as a means of encouraging foreign governments to require state-owned and private entities to cease all investment in, and support of, Iran's energy sector and all exports of refined petroleum products to Iran.

(b) LIMITATION.—

(1) None of the funds made available in title VI of this Act under the heading ''Program Account'' or ''Subsidy Appropriation'' may be used by the Export-Import Bank of the United States to authorize any new guarantee, insurance, or extension of credit for any project controlled by an energy producer or refiner that continues to:

(A) provide Iran with significant refined petroleum resources;

(B) materially contribute to Iran's capability to import refined petroleum resources; or

(C) allow Iran to maintain or expand, in any material respect, its domestic production of refined petroleum resources, including any assistance in refinery construction, modernization, or repair.

(2) If the Secretary of State determines and reports to the Committees on Appropriations that a country is closely cooperating with efforts of the United States related to Iran, such as through the imposition of sanctions, the Secretary may exempt private entities from such country from the limitation under paragraph (1).

(3) The President may waive the limitation under paragraph (1) if the President determines and reports to the Committees on Appropriations that to do so is important to the national security interest of the United States.

(c) REPORTS.—

(1) The Secretary of State shall submit to the Committees on Appropriations, not later than 90 days after the date of enactment of this Act and the end of each 90-day period thereafter until September 30, 2010, a report on the status of the bilateral and multilateral efforts aimed at curtailing the pursuit by Iran of nuclear weapons technology.

(2) The Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the Committees on Appropriations, not later than 180 days after the date of enactment of this Act, a report on the status of bilateral United States and multilateral sanctions against Iran and actions taken by the United States and the international community to enforce sanctions against Iran: Provided, That such report may be submitted in classified form if necessary and shall include the following:

(A) a list of all current United States bilateral and multilateral sanctions against Iran;

(B) a list of all United States and foreign entities that the Secretary of State has reason to believe may be in violation of existing United States bilateral and multilateral sanctions;

(C) a detailed description of United States efforts to enforce sanctions, including a list of all investigations initiated in the 12 months preceding the date of enactment of this Act that have resulted in a determination that a sanctions violation has occurred, and actions taken by the United States Government pursuant to the determination;

(D) any case in which sanctions were waived or otherwise not imposed against an entity which was determined to have engaged in activities for which sanctions should be imposed and the reason why action was not taken to sanction the entity; and

(E) a description of United States diplomatic efforts to expand bilateral and multilateral sanctions against Iran and strengthen international efforts to enforce existing sanctions.

AIRCRAFT TRANSFER AND COORDINATION

SEC. 7044. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Diplomatic and Consular Programs'', ''International Narcotics Control and Law Enforcement'', and ''Andean Counterdrug Programs'' may be used for any other program and in any region, including for the transportation of active and standby Civilian Response Corps personnel and equipment during a deployment: Provided, That the responsibility for policy decisions and justification for the use of such transfer authority shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after a determination by the Secretary of State to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: Provided, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) AIRCRAFT COORDINATION.—

(1) The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development (USAID) with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: Provided, That such aircraft may be used to transport Federal and non-Federal personnel supporting the Department of State and USAID programs and activities: Provided further, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

(2) The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

(d) AIR FLEETS.—Not later than September 30, 2010, the Secretary of State, in consultation with the USAID Administrator, shall submit a report to the Committees on Appropriations detailing the total inventory of aircraft procured, leased, or contracted by the Department of State and USAID, the contractors operating such aircraft, and the annual costs of such contracts: Provided, That such report shall also include a best value analysis of the tradeoffs between the purchase or lease of aircraft, including all aspects of the costs and risks associated with air operations such as repair, maintenance, air safety and daily operations.

WESTERN HEMISPHERE

SEC. 7045. (a) TRADE CAPACITY.—Of the funds appropriated by this Act, not less than $10,000,000 under the heading ''Development Assistance'' and not less than $10,000,000 under the heading ''Economic Support Fund'' shall be made available for labor and environmental capacity building activities relating to the free

trade agreements with countries of Central America, Peru and the Dominican Republic.

(b) ASSISTANCE FOR HAITI.—

(1) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(2) Of the funds appropriated by this Act under titles III and IV, not less than $295,530,000 shall be made available for assistance for Haiti.

(3) None of the funds made available by this Act under the heading ''International Narcotics Control and Law Enforcement'' may be used to transfer excess weapons, ammunition or other lethal property of an agency of the United States Government to the Government of Haiti for use by the Haitian National Police until the Secretary of State reports to the Committees on Appropriations that any members of the Haitian National Police who have been credibly alleged to have committed serious crimes, including drug trafficking and violations of internationally recognized human rights, have been suspended.

(c) CARIBBEAN BASIN SECURITY INITIATIVE.—Of the funds appropriated under the headings ''Development Assistance'', ''Economic Support Fund'', ''International Narcotics Control and Law Enforcement'', and ''Foreign Military Financing Program'' in this Act, not less than $37,000,000 should be made available for assistance for the countries of the Caribbean Basin, to provide equipment and training to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, education, anti-corruption, rule of law activities, and maritime security, of which not less than $21,100,000 should be made available for social justice and education programs to include vocational training, workforce development and juvenile justice activities: Provided, That none of the funds made available under this subsection shall be made available for budget support or as cash payments.

(1) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of the Caribbean Basin by this Act, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(2) DEFINITION.—For the purposes of this subsection, the term ''countries of the Caribbean Basin'' means Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

(d) ASSISTANCE FOR GUATEMALA.—

(1) Of the funds appropriated by this Act under the heading ''International Narcotics Control and Law Enforcement'' not less than $4,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala (CICIG).

(2) Funds appropriated by this Act under the heading ''International Military Education and Training'' (IMET) that are available for assistance for Guatemala, other than for expanded IMET, may be made available only for the Guatemalan Air Force, Navy and Army Corps of Engineers: Provided, That assistance for the Army Corps of Engineers shall only be available for training to improve disaster response capabilities and to participate in international peacekeeping operations: Provided further, That such funds may be made available only if the Secretary of State certifies that the Air Force, Navy and Army Corps of Engineers are respecting internationally recognized human rights and cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of such rights, and with the CICIG by granting access to CICIG personnel, providing evidence to CICIG, and allowing witness testimony.

(3) Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', not more than $1,000,000 may be made available for the Guatemalan Air Force, Navy and Army Corps of Engineers: Provided, That assistance for the Army Corps of Engineers shall only be available for training to improve disaster response capabilities and to participate in international peacekeeping operations: Provided further, That such funds may be made available only if the Secretary of State certifies that the Air Force, Navy and Army Corps of Engineers are respecting internationally recognized human rights and cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of such rights, including protecting and providing to the Attorney General's office all military archives pertaining to the internal armed conflict, and cooperating with the CICIG by granting access to CICIG personnel, providing evidence to CICIG, and allowing witness testimony: Provided further, That funds made available in this Act for regional naval cooperation and maritime security assistance programs shall not be subject to the funding limitation of this subsection.

(e) ASSISTANCE FOR MEXICO.—

(1) ASSISTANCE.—Of the funds appropriated under the headings ''International Narcotics Control and Law Enforcement'', ''Foreign Military Financing Program'', and ''Economic Support Fund'' in this Act, not more than $210,250,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, and rule of law activities: Provided, That none of the funds made available under this subsection shall be made available for budget support or as cash payments.

(2) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—The provisions of paragraphs (1) through (3) of section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated or otherwise made available by this Act for assistance for Mexico to the same extent and in the same manner as such provisions of law applied to funds appropriated or otherwise made available by such other Act for assistance for Mexico.

(f) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated under the headings ''International Narcotics Control and Law Enforcement'', ''Economic Support Fund'', and ''Foreign Military Financing Program'', up to $83,000,000 may be made available for assistance for the countries of Central America only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, rule of law activities, and maritime security: Provided, That funds appropriated under the heading ''Economic Support Fund'' shall be made available through the United States Agency for International Development for continued support of an Economic and Social Development Fund for Central America: Provided further, That none of the funds made available under this subsection shall be made available for budget support or as cash payments.

(1) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—The provisions of paragraphs (1) through (3) of section 7045(f) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated or otherwise made available by this Act for assistance for countries of Central America to the same extent and in the same manner as such provisions of law applied to funds appropriated or otherwise made available by such other Act for assistance for the countries of Central America.

(2) DEFINITION.—For the purposes of this subsection, the term ''countries of Central America'' means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

(g) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act should be borne by the recipient country.

(h) PILOT PROJECT.—Not later than June 30, 2011, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report to the Committees on Appropriations on the feasibility of extending the use of passport cards as proof of identity and citizenship for the purposes of international travel by nationals of the United States, Canada, and Mexico to air ports of entry between the United States and Canada and between the United States and Mexico: Provided, That the report shall detail all relevant security, infrastructure, budget, policy, or diplomatic implications that may arise from extending such use of passport cards: Provided further, That the Secretary shall use up to $100,000 of the funds made available under the heading ''Diplomatic and Consular Programs'' in this Act for a pilot project to test the feasibility of such use of passport cards at selected air ports of entry between the United States and Canada.

COLOMBIA

SEC. 7046. (a) ASSISTANCE.—Of the funds appropriated under the headings ''Economic Support Fund'', ''International Narcotics Control and Law Enforcement'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''International Military Education and Training'', and ''Foreign Military Financing Program'' in this Act, not more than $521,880,000 shall be made available for assistance for Colombia.

Funds appropriated by this Act and made available to the Department of State for assistance to the Government of Colombia may be used to support a unified campaign against narcotics trafficking and organizations designated as Foreign Terrorist Organizations and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided, That assistance made available in prior Acts for the Government of Colombia to protect the Cano-Limon pipeline may also be used for purposes for which funds are made available under the heading ''International Narcotics Control and Law Enforcement'' in this Act: Provided further, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: Provided further, That rotary and fixed wing aircraft supported with funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' for assistance for Colombia may be used for aerial or manual drug eradication and interdiction including to transport personnel and supplies and to provide security for such operations, and to provide transport in support of alternative development programs and investigations of cases under the jurisdiction of the Attorney General, the Procuraduria General de la Nacion, and the Defensoria del Pueblo: Provided further, That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, is used to aid or abet the operations of any illegal self-defense group, paramilitary organization, illegal security cooperative or successor organizations in Colombia, such helicopter shall be immediately returned to the United States: Provided further, That none of the funds appropriated by this Act or prior Acts making appropriations for the Department

of State, foreign operations, and related programs may be made available for assistance for the Colombian Departamento Administrativo de Seguridad.

Of the funds available under the heading ''International Narcotics Control and Law Enforcement'' for the Colombian national police for the procurement of chemicals for aerial coca and poppy eradication programs, not more than 20 percent of such funds may be made available for such eradication programs unless the Secretary of State certifies to the Committees on Appropriations that: (1) the herbicide is being used in accordance with Environmental Protection Agency label requirements for comparable use in the United States and with Colombian laws; and (2) the herbicide, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment, including endemic species: Provided, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that any complaints of harm to health or licit crops caused by such aerial eradication are thoroughly investigated and evaluated, and fair compensation is being paid in a timely manner for meritorious claims: Provided further, That such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication: Provided further, That none of the funds appropriated by this Act for assistance for Colombia shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people: Provided further, That funds appropriated by this Act may not be used for aerial eradication in Colombia's national parks or reserves unless the Secretary of State certifies to the Committees on Appropriations on a case-by-case basis that there are no effective alternatives and the eradication is conducted in accordance with Colombian laws.

(b) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of subsections (b) through (f) of section 7046 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia to the same extent and in the same manner as such provisions of law applied to funds appropriated or otherwise made available by such other Act for assistance for Colombia.

(2) EXCEPTIONS.—The following provisions of section 7046 of division H of Public Law 111–8 shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia as follows:

(A) Subsection (b)(1)(B) is amended by striking clause (iv) and inserting the following:

''(iv) That the Government of Colombia is respecting the rights of human rights defenders, journalists, trade unionists, political opposition and religious leaders, and indigenous and Afro-Colombian communities, and the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants in their operations.''.

(B) Subsection (b)(2) is amended by striking ''July 31, 2009'' and inserting ''July 31, 2010''.

(C) Subsection (b)(3) is amended by striking ''Andean Counterdrug Programs'' and inserting ''International Narcotics Control and Law Enforcement''.

(D) Subsection (c) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

(E) Subsection (d)(1) is amended—

(i) by striking ''$16,769,000'' and inserting ''$18,606,000''; and

(ii) by striking ''fiscal year 2009'' and inserting ''fiscal year 2010''.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7047. (a) AUTHORITY.—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7048. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 7049. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING MISSIONS

SEC. 7050. None of the funds made available under title I of this Act may be used for any United Nations activity when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations activity is a peacekeeping mission; (2) such activity will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has not submitted to the Congress such a recommendation.

PEACEKEEPING ASSESSMENT

SEC. 7051. Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding the following:

''(vi) For assessments made during calendar year 2010, 27.3 percent.''.

UNITED NATIONS HUMAN RIGHTS COUNCIL

SEC. 7052. The Secretary of State shall report to the Committees on Appropriations not later than 30 days after the date of enactment of this Act, and every 180 days thereafter until September 30, 2010, on the resolutions adopted in the United Nations Human Rights Council.

ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 7053. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations that such attendance is in the national interest: Provided, That for purposes of this section the term ''international conference'' shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 7054. None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7055. (a) Subject to subsection (c), of the funds appropriated under titles III through VI by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the Committees on Appropriations stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the Committees on Appropriations, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) In this section:

(1) The term ''fully adjudicated'' includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(2) The term ''parking fines and penalties'' means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997, through September 30, 2009.

(3) The term ''unpaid property taxes'' means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

LANDMINES AND CLUSTER MUNITIONS

SEC. 7056. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

(b) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments; and

(2) the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7057. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $25,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

LIMITATION ON RESIDENCE EXPENSES

SEC. 7058. Of the funds appropriated or made available pursuant to title II of this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 7059. (a) AUTHORITY.—Up to $93,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2011.

(c) CONDITIONS.—The authority of subsection (a) may only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', are eliminated.

(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other non-direct hire personnel.

(e) CONSULTATIONS.—The USAID Administrator shall consult with the Committees on Appropriations on a quarterly basis concerning the implementation of this section.

(f) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate: Provided, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading ''Operating Expenses''.

(g) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(h) JUNIOR OFFICER PLACEMENT AUTHORITY.—Of the funds made available in subsection (a), USAID may use, in addition to funds otherwise available for such purposes, up to $15,000,000 to fund overseas support costs of members of the Foreign Service with a Foreign Service rank of four or below: Provided, That such authority is only used to reduce USAID's reliance on overseas personal services contractors or other non-direct hire employees compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia''.

(i) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters.

(j) TECHNICAL ADVISORS.—Up to $13,500,000 of the funds made available by this Act in title III for assistance under the heading ''Global Health and Child Survival'', may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, USAID for the purpose of carrying out activities under that heading: Provided, That up to $3,500,000 of the funds made available by this Act for assistance under the heading ''Development Assistance'' may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities.

(k) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That not more than 15 of such contractors shall be for activities related to USAID's Afghanistan program: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(l) HIRING AUTHORITY.—Notwithstanding section 307 of the Foreign Service Act of 1980, the USAID Administrator may hire up to 30 individuals under the Development Leadership Initiative: Provided, That the authority contained in this subsection shall expire on September 30, 2011.

(m) RECRUITMENT STRATEGY.—Funds made available under the heading ''Operating Expenses'' in title II of this Act may be made available to implement the strategy described in section 7059(1) of Public Law 111–8, subject to the regular notification procedures of the Committees on Appropriations.

(n) LOCALLY EMPLOYED STAFF.—Of the funds appropriated under title II of this Act, up to $1,000,000, in addition to funds otherwise made available for such purposes, may be made available for special compensation for overseas, locally employed staff.

(o) SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.—Pursuant to the authority of section 309 of the Foreign Service Act of 1980, and notwithstanding the limitation set forth in section 305 of the Foreign Service Act of 1980, as amended, USAID may appoint into the Senior Foreign Service and employ up to 10 individuals to be assigned to or support programs in Iraq, Afghanistan, or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

GLOBAL HEALTH ACTIVITIES

SEC. 7060. Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading ''Global Health and Child Survival'' and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: Provided, That of the funds appropriated under title III of this Act, not less than $648,457,000 should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

DEVELOPMENT GRANTS PROGRAM

SEC. 7061. Of the funds appropriated in title III of this Act, not less than $40,000,000 shall be made available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), to support grants of not more than $2,000,000 to small nongovernmental organizations: Provided, That funds made available under this section are in addition to other funds available for such purposes including funds designated by this Act by section 7065.

WOMEN IN DEVELOPMENT

SEC. 7062. (a) Programs funded under title III of this Act shall include, where appropriate, gender considerations in the planning, assessment, implementation, monitoring and evaluation of such programs.

(b) Funds made available under title III of this Act shall be made available to support programs to enhance economic opportunities for poor women in developing countries, including increasing the number and capacity of women-owned enterprises, improving property rights for women, increasing access to financial services, and improving women's ability to participate in the global economy.

(c) Funds made available under title III of this Act for food security and agricultural development shall take into consideration the unique needs of women, and technical assistance for women farmers should be a priority.

GENDER-BASED VIOLENCE

SEC. 7063. (a) Funds appropriated under the headings ''Development Assistance'', ''Economic Support Fund'', and ''International Narcotics Control and Law Enforcement'' in this Act shall be made available for programs to address sexual and gender-based violence.

(b) Programs and activities funded under titles III and IV of this Act that provide training for foreign police, judicial, and military officials shall address, where appropriate, gender-based violence.

EDUCATION

SEC. 7064. (a) BASIC EDUCATION.—

(1) Of the funds appropriated by title III of this Act, not less than $925,000,000 should be made available for assistance for basic education, of which not less than $365,000,000 shall be made available under the heading ''Development Assistance''.

(2) There shall continue to be a Coordinator of United States Government Actions to Provide Basic Education Assistance in developing countries as established in section 664 of division J of Public Law 110–161.

(3) The United States Agency for International Development shall ensure that programs supported with funds appropriated for basic education in this Act and prior Acts are integrated, when appropriate, with health, agriculture, governance, and economic development activities to address the economic and social needs of the broader community.

(b) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act, not less than $200,000,000 shall be made available for assistance for higher education, of which not less than $25,000,000 shall be made available for such assistance for Africa including not less than $15,000,000 to support partnerships between African and United States institutions of higher education.

RECONCILIATION PROGRAMS

SEC. 7065. Of the funds appropriated by title III of this Act under the headings ''Economic Support Fund'' and ''Development Assistance'', $26,000,000 shall be made available for such people to people reconciliation programs which bring together individuals of different ethnic, religious and political backgrounds from areas of civil strife and war, of which $10,000,000 shall be made available for such programs in the Middle East: Provided, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the most effective uses of such funds.

COMPREHENSIVE EXPENDITURES REPORT

SEC. 7066. Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the total amount of United States Government expenditures in fiscal years 2008 and 2009, by Federal agency, for assistance programs and activities in each foreign country, identifying the line item as presented in the President's Budget Appendix and the purpose for which the funds were provided: Provided, That if required, information may be submitted in classified form.

REQUESTS FOR DOCUMENTS

SEC. 7067. None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

SENIOR POLICY OPERATING GROUP

SEC. 7068. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)) to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided under title I of this or any other Act making appropriations for the Department of State, foreign operations, and related programs shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 105(f).

PROHIBITION ON USE OF TORTURE

SEC. 7069. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

AFRICA

SEC. 7070. (a) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) Funds appropriated under the heading ''International Military Education and Training'' in this Act that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Guinea and Zimbabwe may be made available only for training related to international peacekeeping operations and expanded international military education and training: Provided, That the limitation included in this paragraph shall not apply to courses that support training in maritime security for Angola and Cameroon.

(2) None of the funds appropriated under the heading ''International Military Education and Training'' in this Act may be made available for assistance for Equatorial Guinea or Somalia.

(b) COUNTERTERRORISM PROGRAMS.—Funds appropriated by this Act under the headings ''Development Assistance'', ''Economic Support Fund'', ''International Narcotics Control and Law Enforcement'', ''Nonproliferation, Anti-terrorism, Demining, and Related Programs'', and ''Peacekeeping Operations'' shall be made available as follows:

(1) Not less than $24,735,000 shall be made available for the East Africa Regional Strategic Initiative;

(2) Not less than $3,600,000 shall be made available for Africa Conflict Stabilization and Border Security;

(3) Not less than $81,315,000 shall be made available for Trans-Sahara Counterterrorism Partnership; and

(4) Not less than $10,000,000 shall be made available for a Horn of Africa and Pan Sahel Program, in addition to funds otherwise made available for such purposes, to be administered by the United States Agency for International Development.

(c) ETHIOPIA.—

(1) None of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for Ethiopia may be made available unless the Secretary of State—

(A) determines that the Government of Ethiopia is taking effective measures to guarantee the rights of its citizens to peaceful expression, association and assembly, and to document violations of internationally recognized human rights without harassment or criminal penalty, and provides such determination in writing to the Committees on Appropriations; and

(B) submits a report to such Committees on the types and amounts of United States training and equipment provided to the Ethiopian military including steps being taken to ensure that such assistance is not provided to Ethiopian military units or personnel with records of violations of internationally recognized human rights.

(2) The restriction in paragraph (1) shall not apply to assistance to support the deployment of members of the Ethiopian military in international peacekeeping operations.

(d) RWANDA.—

(1) None of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Rwanda if the Secretary of State has credible evidence that the Government of Rwanda is providing political, military or financial support to armed groups in the Democratic Republic of the Congo that have committed violations of internationally recognized human rights, including rape.

(2) The restriction in paragraph (1) shall not apply to assistance to improve border controls to prevent the importation of minerals into Rwanda by such groups, or to support the deployment of members of the Rwandan military in international peacekeeping operations.

(e) NATURAL RESOURCE TRANSPARENCY.—Funds appropriated by this Act that are available for assistance for Liberia, Sierra Leone, Nigeria, Côte d'Ivoire, and the countries participating in the Congo Basin Forest Partnership shall be made available to promote and support transparency and accountability in relation to the extraction of timber, oil and gas, cacao and other natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative and the Kimberley Process Certification Scheme.

(f) SUDAN LIMITATION ON ASSISTANCE.—

(1) Subject to subsection (2):

(A) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(B) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(2) Subsection (f)(1) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that:

(A) The Government of Sudan honors its pledges to cease attacks upon civilians and disarms and demobilizes the Janjaweed and other government-supported militias;

(B) The Government of Sudan and all government-supported militia groups are honoring their commitments made in all previous ceasefire agreements; and

(C) The Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and has the support of the United States.

(3) The provisions of subsection (f)(1) shall not apply to—

(A) humanitarian assistance;

(B) assistance for the Darfur region, Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei; and

(C) assistance to support implementation of the Comprehensive Peace Agreement and the Darfur Peace Agreement or any other internationally-recognized viable peace agreement in Sudan.

(4) For the purposes of this Act, the term ''Government of Sudan'' shall not include the Government of Southern Sudan.

(5) Notwithstanding any other provision of law, assistance in this Act may be made available to the Government of Southern Sudan to provide non-lethal military assistance, military education and training, and defense services controlled under the International Traffic in Arms Regulations (22 CFR 120.1 et seq.) if the Secretary of State—

(A) determines that the provision of such items is in the national interest of the United States; and

(B) not later than 15 days before the provision of any such assistance, notifies the Committees on Appropriations of such determination.

(g) SOUTHERN SUDAN.—The Secretary of State shall seek to obtain regular audits of the financial accounts of the Government of Southern Sudan to ensure transparency and accountability of funds, including revenues from the extraction of oil and gas, and the public disclosure of such audits in a timely manner: Provided, That in determining amounts and types of United States assistance to make available to the Government of Southern Sudan, the Secretary shall consider the extent to which such government is ensuring transparency and accountability of funds: Provided further, That the Secretary shall, as appropriate, assist the Government of Southern Sudan in conducting such audits, and shall submit a report not later than 90 days after enactment of this Act to the Committees on Appropriations detailing the steps that will be taken by the Government of Southern Sudan to improve resource management and ensure transparency and accountability of funds.

(h) WAR CRIMES IN AFRICA.—

(1) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance for the central government of a country in which individuals indicted by ICTR and SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees in a timely manner: Provided, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title VI of this Act: Provided further, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(3) The prohibition in subsection (2) may be waived on a country-by-country basis if the President determines that doing so is in the national security interest of the United States: Provided, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

(A) the steps being taken to obtain the cooperation of the government in surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and

(C) the justification for exercising the waiver authority.

(i) ZIMBABWE.—

(1) The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central government of Zimbabwe, except for macroeconomic growth assistance, unless the Secretary of State makes the determination pursuant to paragraph (1).

ASIA

SEC. 7071. (a) TIBET.—

(1) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, not less than $7,400,000 of the funds appropriated by this Act under the heading ''Economic Support Fund'' should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(b) BURMA.—

(1) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose and vote against the extension by such institution of any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(2) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $36,500,000 shall be made available for assistance for Burma: Provided, That such assistance shall be made available only to support democracy and humanitarian programs and activities in Burma, programs and activities along the Burma-Thailand border, programs and activities involving Burmese student groups and other organizations located outside Burma, and humanitarian assistance for displaced Burmese along Burma's borders: Provided further, That such funds may be made available notwithstanding any other provision of law: Provided further, That in addition to assistance for Burmese refugees provided under the heading ''Migration and Refugee Assistance'' in this Act, not less than $4,000,000 shall be made available for community-based organizations operating in Thailand to provide food, medical and other humanitarian assistance to internally displaced persons in eastern Burma.

(3) Funds made available under paragraph (2) for any new program, project or activity shall be subject to prior consultation with the Committees on Appropriations and all such funds made available under paragraph (2) shall be subject to the regular notification procedures of such Committees: Provided, That when implementing activities with funds appropriated by this Act for assistance for Burma, the implementing agency shall only support activities that are consistent with the principles and goals of the National League for Democracy in Burma.

(c) CAMBODIA.—Funds made available in this Act for a United States contribution to a Khmer Rouge tribunal may only be made available if the Secretary of State certifies to the Committees on Appropriations that the United Nations and the Government of Cambodia are taking credible steps to address allegations of corruption and mismanagement within the tribunal.

(d) INDONESIA.—

(1) Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', not to exceed $20,000,000 shall be made available for assistance for Indonesia, of which $2,000,000 is withheld from obligation until the Secretary of State submits to the Committees on Appropriations the report on Indonesia detailed under such heading in the joint explanatory statement accompanying this Act.

(2) Of the funds appropriated by this Act under the heading ''Economic Support Fund'' that are available for assistance for Indonesia, not less than $400,000 should be made available for grants for capacity building of Indonesian human rights organizations, including in Papua.

(e) NEPAL.—

(1) Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Nepal if the Secretary of State certifies to the Committees on Appropriations that the Nepal Army is—

(A) cooperating fully with investigations and prosecutions by civilian judicial authorities of violations of internationally recognized human rights; and

(B) working constructively to redefine the Nepal Army's mission and adjust its size accordingly, implement reforms including strengthening the capacity of the civilian ministry of defense to improve budget transparency and accountability, and facilitate the integration of former rebel combatants into the security forces, including the Nepal Army, consistent with the goals of reconciliation, peace and stability.

(2) The conditions in paragraph (1) shall not apply to assistance to support the deployment of members of the Nepal Army in humanitarian relief and reconstruction operations in Nepal.

(f) NORTH KOREA.—

(1) Funds appropriated under the heading ''Migration and Refugee Assistance'' in this Act shall be made available for assistance for refugees from North Korea.

(2) Of the funds made available under the heading ''International Broadcasting Operations'' in title I of this Act, up to $8,000,000 should be made available for broadcasts into North Korea.

(3) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', $3,500,000 shall be made available for democracy, human rights, and governance programs for North Korea.

(4) None of the funds made available by this Act under the heading ''Economic Support Fund'' may be made available for energy-related assistance for North Korea.

(5) Funds made available by this Act under the heading ''Economic Support Fund'' for assistance for countries in the North Asia region may be made available for programs and activities pursuant to section 4 of Public Law 108–333, as amended, and subject to the regular notification procedures of the Committees on Appropriations: Provided, That for the purposes of this subsection, such programs and activities shall be considered democracy promotion.

(6) Not later than 45 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations the amount the Secretary determines the Government of North Korea owes the Government of the United States for the unsupervised distribution of food assistance provided by the United States: Provided, That the Secretary of State should reduce any assistance made available to the Government of North Korea by such amount, unless the Secretary reports to the Committees on Appropriations that the Government of North Korea provided such food assistance to eligible recipients as intended, or that North Korea has reimbursed the Government of the United States for the costs of such food assistance: Provided further, That the previous proviso shall not apply

to programs and activities that promote human rights, democracy, rule of law, and to humanitarian assistance.

(g) PEOPLE'S REPUBLIC OF CHINA.—

(1) None of the funds appropriated under the heading ''Diplomatic and Consular Programs'' in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the People's Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: Provided, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(3) Notwithstanding any other provision of law and subject to the regular notification procedures of the Committees on Appropriations, of the funds appropriated by this Act under the heading ''Development Assistance'', not less than $12,000,000 shall be made available to United States educational institutions and nongovernmental organizations for programs and activities in the People's Republic of China relating to the environment, governance, and the rule of law.

(h) PHILIPPINES.—Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', not to exceed $32,000,000 may be made available for assistance for the Philippines, of which $3,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on the Philippines detailed under such heading in the joint explanatory statement accompanying this Act.

(i) TIMOR-LESTE.—Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $1,000,000, in addition to funds otherwise made available for such purposes, shall be made available for democracy programs and activities in Timor-Leste, and not less than $2,000,000 shall be made available for higher education scholarships.

(j) VIETNAM.—Funds appropriated by this Act that are made available for assistance for Vietnam for remediation of dioxin contaminated sites and related health activities may be made available for assistance for the Government of Vietnam, including the military, for such purposes.

SERBIA

SEC. 7072. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2010, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2010, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia subject to the conditions in subsection (c).

(c) The determination and certification referred to in subsection (a) is a determination and a certification by the President to the Committees on Appropriations that the Government of Serbia is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, timely information on the location, movement, and sources of financial support of indictees, and the surrender and transfer of indictees or assistance in their apprehension, including Ratko Mladic;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) This section shall not apply to humanitarian assistance or assistance to promote democracy.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7073. (a) None of the funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b) Funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' for the Russian Federation, Armenia, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(c)(1) Of the funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(d) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

REPRESSION IN THE RUSSIAN FEDERATION

SEC. 7074. (a) None of the funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' in this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the Secretary of State certifies to the Committees on Appropriations that the Government of the Russian Federation:

(1) has implemented no statute, Executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party;

(2) is honoring its international obligations regarding freedom of expression, assembly, and press, as well as due process;

(3) is investigating and prosecuting law enforcement personnel credibly alleged to have committed human rights abuses against political leaders, activists and journalists; and

(4) is immediately releasing political leaders, activists and journalists who remain in detention.

(b) The Secretary of State may waive the requirements of subsection (a) if the Secretary determines that to do so is important to the national interests of the United States.

CENTRAL ASIA

SEC. 7075. The terms and conditions of sections 7075(a) and (b) and 7076(a) through (e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated by this Act: Provided, That for purposes of the application of section 7076(e) to this Act, the term ''assistance'' shall not include expanded international military education and training.

AFGHANISTAN

SEC. 7076. (a) IN GENERAL.—Funds appropriated by this Act that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, in a manner that utilizes Afghan entities and emphasizes the participation and leadership of Afghan women and directly improves the security, economic and social well-being, and political status of Afghan women and girls.

(b) ASSISTANCE FOR WOMEN AND GIRLS.—

(1) The terms and conditions of section 1102(b)(1) of Public Law 111–32 shall apply to assistance for Afghanistan in fiscal year 2010.

(2) Of the funds appropriated by this Act under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'', not less than $175,000,000 shall be made available to support programs that directly address the needs and protect the rights of Afghan women and girls, including for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and for women-led nongovernmental organizations.

(c) PROCUREMENT OF AFGHAN PRODUCTS AND SERVICES.—The terms and conditions of section 1102(c) of Public Law 111–32 shall apply to assistance for Afghanistan in fiscal year 2010.

(d) ANTICORRUPTION.—

(1) The terms and conditions of section 1102(d) of Public Law 111–32 shall apply to assistance for Afghanistan in fiscal year 2010.

(2) Of the funds appropriated by this Act under the heading ''Economic Support Fund'' that are available for assistance for the Government of Afghanistan, $200,000,000 may not be obligated for such assistance unless the Secretary of State certifies to the Committees on Appropriations that the Government of Afghanistan is cooperating fully with United States efforts against the Taliban and Al Qaeda and to reduce poppy cultivation and illicit drug trafficking: Provided, That the Secretary of State may waive the previous sentence if the Secretary reports to the Committees on Appropriations that to do so is vital to the national security interests of the United States.

(e) RECONSTRUCTION AND DEVELOPMENT ASSISTANCE.—

(1) Of the funds appropriated by this Act under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan, not less than $175,000,000 shall be made available for the National Solidarity Program.

(2) The Secretary of State, in consultation with the Administrator of the United States Agency for International Development and the Secretary of Defense, should enhance United States reconstruction efforts in Afghanistan by—

(A) emphasizing capacity building and support of Afghan entities and institutions at the provincial and sub-provincial levels; and

(B) requiring civilian Provincial Reconstruction Team (PRT) leaders to consult regularly with appropriate local Afghan leaders in their respective provinces and ensuring that PRT reconstruction and development activities support local needs in a sustainable manner and strengthen the authority and control of the Government of Afghanistan at the provincial and sub-provincial levels.

(f) RULE OF LAW PROGRAMS.—The Coordinator for Rule of Law at the United States Embassy in Kabul, Afghanistan shall be consulted on the use of all funds appropriated by this Act for rule of law programs and activities in Afghanistan.

(g) BASE RIGHTS.—None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

ENTERPRISE FUNDS

SEC. 7077. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles III through VI of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and shall be subject to the regular notification procedures of the Committees on Appropriations.

UNITED NATIONS POPULATION FUND

SEC. 7078. (a) CONTRIBUTION.—Of the funds made available under the heading ''International Organizations and Programs'' in this Act for fiscal year 2010, $55,000,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the ''Global Health and Child Survival'' account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

OPIC

(INCLUDING TRANSFER OF FUNDS)

SEC. 7079. (a) Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: Provided, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: Provided further, That designated funding levels in this Act shall not be transferred pursuant to this section: Provided further, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) The President of the Overseas Private Investment Corporation is hereby authorized and directed to issue, not later than 9 months after the date of enactment of this Act, a comprehensive set of environmental, transparency and internationally recognized worker rights and human rights guidelines with requirements binding on the Corporation and its investors that shall be consistently applied to all projects, funds and sub-projects supported by the Corporation: Provided, That these regulations shall be no less rigorous than the environmental and social guidelines that the Corporation has made publicly available as of June 3, 2009, and the environmental and social policies of the World Bank Group, and hereafter may be issued and further revised only following public notice and opportunity for comment: Provided further, That the Overseas Private Investment Corporation shall issue a report, not later than 180 days after enactment of this Act, highlighting its substantial commitment to invest in renewable and other clean energy technologies and plans to significantly reduce greenhouse gas emissions from its portfolio: Provided further, That such commitment shall include implementing a revised climate change mitigation plan to reduce greenhouse gas emissions associated with projects and sub-projects in the agency's portfolio as of June 30, 2008 by at least 30 percent over a 10-year period and by at least 50 percent over a 15-year period.

(c) Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect through September 30, 2010.

EXTRADITION

SEC. 7080. (a) None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings ''International Narcotics Control and Law Enforcement'', ''Migration and Refugee Assistance'', ''Emergency Migration and Refugee Assistance'', and ''Nonproliferation, Anti-terrorism, Demining and Related Assistance'') for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

CLIMATE CHANGE AND ENVIRONMENT PROGRAMS

SEC. 7081. (a) IN GENERAL.—Of the funds appropriated by this Act, up to $1,257,200,000 may be made available for programs and activities to—

(1) reduce, mitigate, and sequester greenhouse gases that contribute to global climate change;

(2) support climate change adaptation;

(3) protect forests and other critical landscapes; and

(4) protect biodiversity.

(b) CLEAN ENERGY PROGRAMS.—Funds appropriated by this Act under the headings ''Development Assistance'', ''Economic Support Fund'', and ''Assistance for Europe, Eurasia and Central Asia'' for clean energy programs and activities, may be made available only to promote the sustainable use of renewable energy technologies and end-use energy efficiency technologies, carbon sequestration, and carbon accounting: Provided, That of the funds made available for the United States Agency for International Development (USAID) for clean energy programs, not less than $10,000,000 shall be made available for microfinance renewable energy programs, including solar energy programs.

(c) ADAPTATION PROGRAMS.—Funds appropriated by this Act shall be made available for United States contributions to the Least Developed Countries Fund and the Special Climate Change Fund to support adaptation programs and activities, if the Global Environment Facility makes publicly available on its website the criteria used to determine which programs and activities receive funds, the manner in which such programs and activities meet such criteria, the extent of local involvement in such programs and activities, the amount of funds provided, and the results achieved.

(d) BIODIVERSITY.—Of the funds appropriated by title III of this Act, not less than $205,000,000 shall be made available for programs and activities which directly protect biodiversity, including tropical forests and wildlife, in developing countries, of which not less than $25,000,000 shall be made available for USAID's conservation programs in the Amazon Basin: Provided, That of the funds made available under this paragraph, not less than $20,500,000 shall be made available for the Congo Basin Forest Partnership only for programs which directly promote the conservation and sustainable management of natural resources in landscapes in the Congo Basin area, with a priority on protected area and landscape resource management to enable local communities to conserve the natural resource base, including programs to substantially reduce the impacts of industrial-scale resource extraction on local communities and the natural resource base: Provided further, That none of the funds appropriated by this Act may be made available, directly or indirectly, to support industrial-scale logging or other industrial-scale resource extraction or sector reform that would promote these activities: Provided further, That funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law and subject to the regular notification procedures of the Committees on Appropriations, for the purpose of supporting tropical forestry and biodiversity conservation activities, clean energy and climate change programs aimed at reducing greenhouse gas emissions, and programs to mitigate mercury pollution: Provided further, That funds appropriated under the heading ''Development Assistance'' may be made available as a contribution to the Galapagos Invasive Species Fund.

(e) CONSULTATION.—Funds made available pursuant to this section are subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: Provided, That prior to the obligation of funds

for a contribution to the Forest Carbon Partnership Facility, the Secretary of State and the Secretary of the Treasury, as appropriate, shall determine and report to the Committees on Appropriations that there have been thorough consultations by the World Bank with interested civil society and indigenous organizations.

(f) EXTRACTION OF NATURAL RESOURCES.—

(1) The Secretary of the Treasury shall inform the managements of the international financial institutions and the public that it is the policy of the United States to oppose any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of oil, gas, coal, timber, or other natural resource unless the government of the country has in place functioning systems for:

(A) accurately accounting for payments for companies involved in the extraction and export of natural resources;

(B) the independent auditing of accounts receiving such payments and the widespread public dissemination of the findings of such audits; and

(C) verifying government receipts against company payments including widespread dissemination of such payment information, and disclosing such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(2) Not later than 180 days after the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of oil, gas, coal, timber, or other natural resources in the preceding 12 months, and whether each institution considered, in its proposal for such assistance, the extent to which the country has functioning systems described in paragraph (1).

(g) AUTHORIZATION FOR THE CLEAN TECHNOLOGY FUND.—

(1) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2010, up to $300,000,000 is authorized to be appropriated for a United States contribution to the Clean Technology Fund (the Fund).

(2) LIMITS ON COUNTRY ACCESS.—The Secretary of the Treasury shall use the voice and vote of the United States to ensure that—

(A) The Fund does not provide more than 15 percent of Fund resources to any one country;

(B) Prior to the obligation of funds, recipient countries submit to the governing body of the Fund, and the governing body of the Fund appropriately reviews and considers, an investment plan that will achieve significant net reductions in national-level greenhouse gas emissions;

(C) The investment plan for a recipient country, which borrowing status is classified by the World Bank as 'International Development Association (IDA) blend', shall have at least 15 percent of its total cost for public sector activities contributed from the public funds of the recipient country, and any recipient country whose borrowing status is classified by the World Bank as 'International Bank for Reconstruction and Development (IBRD) Only' status, shall have at least 25 percent of its total cost for public sector activities contributed from public funds of the recipient country; and

(D) Assistance made available by the Fund is used exclusively to support the deployment of clean energy technologies in developing countries (including, where appropriate, through the provision of technical support or support for policy or institutional reforms) in a manner that achieves substantial net reductions in greenhouse gas emissions.

(3) REPORTING REQUIREMENT.—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Secretary of the Treasury shall submit to the Committees on Appropriations in the House and Senate, the Senate Foreign Relations Committee and the House Financial Services Committee, a report describing—

(A) the operations and governance of the Fund, and the purpose and progress of each project supported by the Fund, including the extent to which assistance made available by the Fund has reduced or will reduce greenhouse gas emissions in recipient countries; and

(B) how each project furthers the Fund's investment plan of the country or countries in which the project is implemented.

(4) DEFINITIONS.—For purposes of this subsection—

(A) NET REDUCTIONS.—The term 'net reductions' refers to the extent to which a project or program supported under this subsection results in lower greenhouse gas emissions than would be emitted by the same entity or sector in the same country in the absence of the Fund's project, taking into account, unless impracticable, effects beyond the physical boundaries of the project or program that result from project or program activities.

(B) PUBLIC SECTOR ACTIVITIES.—The term 'public sector activities' may include sovereign loans assumed by the recipient country to contribute to the financing of the investment plan.

(C) CLEAN ENERGY TECHNOLOGY.—The term 'clean energy technology' means a technology that, as compared with technologies being deployed at that time for widespread commercial use in the country involved—

(i) achieves substantial reductions in greenhouse gas emissions;

(ii) does not result in significant incremental adverse effects on public health or the environment; and

(iii) does one or more of the following:

(I) generates electricity or useful thermal energy from a renewable resource;

(II) substantially increases the energy efficiency of buildings, industrial, or agricultural processes, or of electricity transmission, distribution, or end-use consumption; or

(III) substantially increases the energy efficiency of the transportation system or increases utilization of transportation fuels that have lifecycle greenhouse gas emissions that are substantially lower than those attributable to fossil fuel-based alternatives.

PROHIBITION ON PROMOTION OF TOBACCO

SEC. 7082. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7083. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

ANTI-KLEPTOCRACY

SEC. 7084. (a) In furtherance of the National Strategy to Internationalize Efforts Against Kleptocracy and Presidential Proclamation 7750, the Secretary of State shall compile and maintain a list of officials of foreign governments and their immediate family members who the Secretary has credible evidence have been involved in corruption relating to the extraction of natural resources in their countries.

(b) Any individual on the list compiled under subsection (a) shall be ineligible for admission to the United States.

(c) The Secretary may waive the application of subsection (b) if the Secretary determines that admission to the United States is necessary to attend the United Nations or to further United States law enforcement objectives, or that the circumstances which caused the individual to be included on the list have changed sufficiently to justify the removal of the individual from the list.

(d) Not later than 90 days after enactment of this Act and 180 days thereafter, the Secretary of State shall report in writing, in classified form if necessary, to the Committees on Appropriations describing the evidence of corruption concerning each of the individuals listed pursuant to subsection (a).

INTERNATIONAL PRISON CONDITIONS

SEC. 7085. (a) Not later than 180 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report, which shall also be made publicly available including on the Department of State's website, describing the conditions in prisons and other detention facilities in countries receiving United States assistance where the Assistant Secretary of State for Democracy, Human Rights and Labor has determined, based on the Department of State's most recent Human Rights Report and any other relevant information, arbitrary detention and/or cruel, inhumane or degrading treatment of prisoners or detainees, or inhumane prison conditions, is common, and identifying those countries, if any, whose governments the Assistant Secretary determines are making significant efforts to eliminate inhumane conditions and those countries whose governments the Assistant Secretary determines are not making such efforts.

(b) For purposes of each determination made pursuant to subsection (a), the Assistant Secretary shall consider whether:

(1) the number of prisoners or detainees does not so exceed prison capacity such that per capita floor space is sufficient to allow for humane sleeping conditions and reasonable physical movement;

(2) human waste facilities are available and are located separately from the prison population at large, and human waste is disposed of regularly and in a sanitary manner;

(3) the lighting, ventilation, temperature and physical construction of prisons and other detention facilities do not seriously endanger health and safety;

(4) prisoners and detainees have access to adequate food and potable drinking water;

(5) prisoners and detainees have access to basic and emergency medical care;

(6) to the maximum extent practicable, prisoners and detainees are allowed reasonable contact with visitors and permitted religious observance;

(7) the government permits prisoners and detainees to submit complaints to judicial authorities without censorship, investigates credible allegations of inhumane conditions, and documents the results of such investigations in a manner that is publicly accessible;

(8) the government is investigating and monitoring the conditions of prisons and other detention facilities under its authority, including cooperation with international experts on eliminating inhumane conditions, and such information is available to the Secretary of State;

(9) the government is appointing ombudsmen to serve on behalf of prisoners and detainees, considering alternatives to incarceration for nonviolent offenders to alleviate inhumane overcrowding, making efforts to address the status and circumstances of confinement of juvenile offenders, making efforts to improve pre-trial detention, bail and recordkeeping procedures to

reduce pre-trial detention periods and to ensure that prisoners do not serve beyond the maximum sentence for the charged offense; and

(10) the government is increasing the amount of government resources to eliminate inhumane conditions.

(c) Funds appropriated by this Act to carry out the provisions of chapters 1 and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to help eliminate inhumane conditions in prisons and other detention facilities administered by foreign governments that the Assistant Secretary of State determines are making significant efforts to eliminate such conditions.

(d) The Secretary of State shall designate a Deputy Assistant Secretary of State in the Bureau of Democracy, Human Rights and Labor to have primary responsibility for diplomatic efforts related to international prison conditions.

TRANSPARENCY AND ACCOUNTABILITY

SEC. 7086. (a) UNITED NATIONS.—Funds appropriated by this Act shall be available to continue to support efforts to promote transparency and accountability at the United Nations, including access to audits and program information, as appropriate: Provided, That the Secretary of State, following consultation with the Committees on Appropriations, may withhold from obligation funds appropriated under the heading ''International Organizations and Programs'' for a United States contribution to a United Nations organization or agency if the Secretary determines that such organization or agency is not adequately implementing reforms to increase transparency and accountability.

(b) INTERNATIONAL MONETARY FUND.—

(1) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (the Fund) to promote standard public disclosure of documents of the Fund presented to the Executive Board of the Fund and summaries of the minutes of meetings of the Board, as recommended by the Independent Evaluation Office of the Fund, not later than 2 years after the date of the meeting at which the document was presented or the minutes were taken (as the case may be), unless the Executive Board—

(A) determines that it is appropriate to delay disclosure; and

(B) posts the reason for the delay on the website of the Fund.

(2) TRANSPARENCY AND ACCOUNTABILITY OF LOANS, AGREEMENTS, AND OTHER PROGRAMS OF THE INTERNATIONAL MONETARY FUND.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to promote—

(A) transparency and accountability in the policymaking and budgetary procedures of governments of members of the Fund;

(B) the participation of citizens and nongovernmental organizations in the economic policy choices of those governments; and

(C) the adoption by those governments of loans, agreements, or other programs of the Fund through a parliamentary process or another participatory and transparent process, as appropriate.

(3) EFFORTS TO REDUCE THE WORST FORMS OF CHILD LABOR.—

(A) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to promote policies and practices to reduce the worst forms of child labor (as defined in section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6))) through education and other means, such as promoting the need for members of the Fund to develop and implement national action plans to combat the worst forms of child labor.

(B) Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Financial Services of the House of Representatives a report describing efforts of the Fund to reduce the worst forms of child labor.

(c) NATIONAL BUDGET TRANSPARENCY.—

(1) None of the funds appropriated under titles III and IV of this Act may be made available for assistance for the central government of any country that fails to publicly disclose on an annual basis its national budget, to include income and expenditures.

(2) The Secretary of State may waive the requirements of paragraph (1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that to do so is important to the national interest of the United States.

(3) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', up to $1,500,000 may be made available for programs and activities to assist the central government of any country named in the reports required by paragraph (2) to improve national budget transparency: Provided, That such sums shall be in addition to funds otherwise made available for such purposes.

(d) ASIAN DEVELOPMENT BANK.—Ten percent of the funds appropriated by this Act under the heading ''Contribution to the Asian Development Fund'' shall be withheld from obligation until the Secretary of the Treasury reports to the Committees on Appropriations that the Asian Development Bank (the Bank) is taking steps to—

(1) implement an independent review, to include external specialists, of the operations and internal controls of the Office of Information Systems and Technology and any other offices considered vulnerable to fraud and corruption;

(2) strengthen internal controls to improve accountability by management and prevent cases of fraud and corruption; and

(3) ensure that restitution, including criminal prosecution if appropriate, is sought if the Bank experiences losses from fraud and corruption.

DISABILITY PROGRAMS

SEC. 7087. (a) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $5,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect and promote the rights of people with disabilities in developing countries, and for programs to disseminate information (including best practices and strategies) on independent living, advocacy, education, and transportation to people with disabilities and disability advocacy organizations in developing countries, including for the cost of translation.

(b) Funds appropriated under the heading ''Operating Expenses'' in title II of this Act shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the USAID Administrator shall seek to ensure that, where appropriate, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight, and technical support.

ORPHANS, DISPLACED, AND ABANDONED CHILDREN

SEC. 7088. Of the funds appropriated under title III of this Act, $3,000,000 should be made available for activities to improve the capacity of foreign government agencies and nongovernmental organizations to prevent child abandonment, address the needs of orphans, displaced and abandoned children and provide permanent homes through family reunification, guardianship and adoptions, consistent with the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoption.

SRI LANKA

SEC. 7089. (a) IN GENERAL.—Funds appropriated in title III of this Act that are available for assistance for Sri Lanka shall be made available for programs that promote reconciliation between ethnic Sinhalese and Tamil populations, support post-conflict reconstruction, and advance the participation of Tamils and other minorities in the political and economic life of the country, and shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) RESTRICTION ON MILITARY ASSISTANCE.—None of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Sri Lanka, no defense export license may be issued, and no military equipment or technology shall be sold or transferred to Sri Lanka pursuant to the authorities contained in this Act or any other Act, until the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka—

(1) is suspending and bringing to justice members of the military who have been credibly alleged to have violated internationally recognized human rights or international humanitarian law; and

(2) is respecting internationally recognized human rights, including the right of due process and freedoms of the press, association and assembly;

(3) is treating internally displaced persons in accordance with international standards, including by guaranteeing their freedom of movement, providing access to conflict-affected areas and populations by humanitarian organizations and journalists, and accounting for persons detained in the conflict; and

(4) is implementing policies to promote reconciliation and justice including devolution of power as provided for in the Constitution of Sri Lanka.

(c) EXCEPTION.—Subsection (b) shall not apply to assistance for humanitarian demining.

(d) USE OF FUNDS.—If the Secretary makes the certification required in subsection (b), funds appropriated under the heading ''Foreign Military Financing Program'' that are made available for assistance for Sri Lanka should be used to support the recruitment and training of Tamils into the Sri Lankan military, Tamil language training for Sinhalese military personnel, and human rights training for all military personnel.

(e) RESTRICTION ON MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Directors of the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2))) to vote against any loan, agreement, or other financial support for Sri Lanka except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is meeting the requirements in subsection (b)(3).

INTERNATIONAL MONETARY FUND PROVISIONS

SEC. 7090. (a) OPPOSITION TO HARD CURRENCY FOR SDRS RECEIVED BY TERRORIST COUNTRIES.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund (the Fund) to use the voice and vote of the United States to oppose the provision by the Fund of United States dollars, euros, or Japanese yen to any country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, or section 40 of the Arms Export Control Act, to be a government that has repeatedly provided support for acts of international terrorism,

in exchange for any Special Drawing Rights received by the country pursuant to the amendments to the Articles of Agreement of the Fund as described in section 64 of the Bretton Woods Agreements Act.

(b) CONDITIONAL SUNSET ON AUTHORITY TO MAKE LOANS TO FUND THE NEW ARRANGEMENTS TO BORROW.—Section 17(a) of the Bretton Woods Agreements Act (22 U.S.C. 286e–2(a)) is amended by adding at the end the following:

''(3) The authority to make loans under this section shall expire on the date that is 5 years after the date of the enactment of this paragraph unless the Secretary of the Treasury, not later than 60 days before such expiration date or 60 days prior to the renewal of the decision governing the New Arrangements to Borrow (NAB), whichever occurs first, certifies to the appropriate congressional committees, that—

''(A) no amendments made, or anticipated to be made, to the NAB to achieve an expanded and more flexible NAB, as described in paragraph 17 of the G20 Leaders' Statement at the 2009 London Summit, will impair the ability of the Secretary of the Treasury to consider a renewal of the NAB decision at intervals no greater than 5 years and to withdraw the adherence of the United States to the NAB decision as is currently provided under paragraph 19 of the New Arrangement to Borrow, adopted by the Executive Board of the International Monetary Fund (IMF) on January 27, 1997; and

''(B)(i) the IMF will borrow resources from members under the NAB only when quota resources need to be supplemented in order to forestall or cope with an impairment of the international monetary system or to deal with an exceptional situation that poses a threat to the stability of that system;

''(ii) the IMF has, prior to any activation of the NAB, fully explored other means of funding to supplement any potential shortfall in quota resources necessary to forestall or cope with an impairment of the international monetary system or to deal with an exceptional situation that poses a threat to the stability of that system; or

''(iii) it is in the United States' strategic economic interest to maintain the relative size or lower of the United States contribution to the NAB as in effect on the date of the certification.

''(4) Not later than 15 days before submitting the certification under paragraph (3), the Secretary of the Treasury shall consult with the appropriate congressional committees regarding such certification.''.

(c) LIMITATION ON PERCENTAGE OF NEW ARRANGEMENTS TO BORROW TO BE FUNDED BY THE UNITED STATES.—Section 17(a)(2) of the Bretton Woods Agreements Act (22 U.S.C. 286e–2(a)(2)) is amended by striking ''is representative of its share as of the date of the enactment of this Act'' and inserting ''remains not greater than 20 percent, which approximates the United States share as of the date of the enactment of the Supplemental Appropriations Act, 2009 (Public Law 111–32)''.

(d) REPORTING REQUIREMENTS.—Not later than 60 days after the enactment of this Act and annually thereafter until September 30, 2014, the Secretary of the Treasury, in consultation with other appropriate Federal agencies, shall submit to the Committees on Appropriations a report on the loans made and programs carried out using financing provided by or through the New Arrangements to Borrow: Provided, That each such report shall include the following:

(1) A description of the economies of countries requiring the assistance from the New Arrangements to Borrow, including the monetary, fiscal, and exchange rate policies of the countries.

(2) A description of the degree to which the countries requiring the assistance have implemented domestic reforms including—

(A) the enactment and implementation of appropriate financial reform legislation;

(B) strengthening the domestic financial system and improving transparency and supervision;

(C) opening domestic capital markets; and

(D) making nontransparent conglomerate practices more transparent through the application of internationally accepted accounting practices, independent external audits, full disclosure, and provision of consolidated statements.

(3) A detailed summary of the trade policies of the countries, including any unfair trade practices or adverse effects of the trade policies on the United States.

(4) The amount, rate of interest, and disbursement and repayment schedules of any funds disbursed by the International Monetary Fund pursuant to the New Arrangements to Borrow.

INTELLECTUAL PROPERTY RIGHTS PROTECTIONS

SEC. 7091. Not later than 60 days after enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall submit a report to the Committees on Appropriations detailing actions taken by the Secretary during negotiations on the United Nations Framework Convention on Climate Change, and subsequent international climate change negotiations, to promote compliance with and enforcement of existing international legal requirements concerning intellectual property rights and effective intellectual property rights protection and enforcement for energy and environmental technologies.

PROHIBITION ON CERTAIN FIRST-CLASS TRAVEL

SEC. 7092. None of the funds made available in this Act may be used for first-class travel by employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

LIMITATION ON USE OF FUNDS IN CONTRAVENTION OF CERTAIN LAWS

SEC. 7093. None of the funds made available in this Act or prior Acts may be used in contravention of any provision of, or amendment made by, this Act or sections 1110, 1112, 1403, or 1404 of the Supplemental Appropriations Act, 2009 (Public Law 111–32), unless such authority is expressly provided in statute: Provided, That if a determination is made on constitutional grounds by the Executive Branch that any provision of law covered by the preceding sentence shall not apply, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program and policy.

This division may be cited as the ''Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010''.

And the Senate agree to the same.

DAVID R. OBEY,
JOHN W. OLVER,
ED PASTOR,
NITA LOWEY,
MARCY KAPTUR,
DAVID E. PRICE,
LUCILLE ROYBAL-ALLARD,
MARION BERRY,
CAROLYN C. KILPATRICK,
Managers on the Part of the House.

PATTY MURRAY,
ROBERT C. BYRD,
BARBARA A. MIKULSKI,
HERB KOHL,
RICHARD J. DURBIN,
BYRON L. DORGAN,
PATRICK J. LEAHY,
TOM HARKIN,
DIANNE FEINSTEIN,
TIM JOHNSON,
FRANK R. LAUTENBERG,
DANIEL K. INOUYE,
CHRISTOPHER S. BOND,
(Except for D.C. Abortion)
ROBERT F. BENNETT,
(Except for D.C. Abortion)
SUSAN COLLINS,
THAD COCHRAN,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

Pursuant to House Resolution 961, the previous question was ordered on the conference report to its adoption or rejection.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. WEINER, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative .....

Yeas	221
Nays	202
Answered present	1

¶153.11 [Roll No. 949]

YEAS—221

Abercrombie	Green, Al	Miller, George
Ackerman	Green, Gene	Mollohan
Altmire	Griffith	Moore (KS)
Andrews	Grijalva	Moore (WI)
Arcuri	Gutierrez	Murphy (CT)
Baca	Hall (NY)	Murphy (NY)
Barrow	Halvorson	Murphy, Patrick
Bean	Hare	Nadler (NY)
Becerra	Harman	Napolitano
Berkley	Hastings (FL)	Neal (MA)
Berman	Heinrich	Nye
Berry	Herseth Sandlin	Oberstar
Bishop (GA)	Higgins	Obey
Bishop (NY)	Hill	Olver
Blumenauer	Himes	Ortiz
Boccieri	Hinchey	Pallone
Boswell	Hinojosa	Pascrell
Boucher	Hirono	Pastor (AZ)
Boyd	Hodes	Payne
Brady (PA)	Holden	Perlmutter
Braley (IA)	Holt	Perriello
Butterfield	Honda	Peters
Capps	Hoyer	Pingree (ME)
Capuano	Inslee	Pomeroy
Cardoza	Israel	Price (NC)
Carnahan	Jackson (IL)	Quigley
Carson (IN)	Jackson-Lee (TX)	Rahall
Castor (FL)	Johnson (GA)	Rangel
Chandler	Johnson, E. B.	Reyes
Chu	Kagen	Richardson
Clarke	Kanjorski	Rodriguez
Clay	Kaptur	Ross
Cleaver	Kennedy	Rothman (NJ)
Clyburn	Kildee	Roybal-Allard
Cohen	Kilpatrick (MI)	Ruppersberger
Connolly (VA)	Kilroy	Rush
Conyers	Kirkpatrick (AZ)	Ryan (OH)
Costa	Kissell	Salazar
Courtney	Klein (FL)	Sánchez, Linda T.
Crowley	Kosmas	Sanchez, Loretta
Cuellar	Langevin	Sarbanes
Cummings	Larsen (WA)	Schakowsky
Davis (AL)	Larson (CT)	Schauer
Davis (CA)	Lee (CA)	Schiff
Davis (IL)	Levin	Schrader
Davis (TN)	Lewis (GA)	Schwartz
DeFazio	Loebsack	Scott (GA)
DeGette	Lofgren, Zoe	Scott (VA)
Delahunt	Lowey	Serrano
DeLauro	Luján	Sestak
Dicks	Lynch	Shea-Porter
Dingell	Maffei	Sherman
Doggett	Maloney	Sires
Doyle	Markey (CO)	Slaughter
Edwards (MD)	Markey (MA)	Smith (WA)
Edwards (TX)	Massa	Snyder
Ellison	Matsui	Space
Engel	McCarthy (NY)	Spratt
Eshoo	McCollum	Stark
Etheridge	McDermott	Sutton
Farr	McGovern	Teague
Fattah	McIntyre	Thompson (CA)
Filner	McMahon	Thompson (MS)
Foster	McNerney	Tierney
Fudge	Meek (FL)	Titus
Garamendi	Meeks (NY)	Tonko
Giffords	Michaud	Towns
Gonzalez	Miller (NC)	Tsongas
Grayson		

Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—202

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
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
Costello
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Melancon
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Owens
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
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Brown, Corrine

NOT VOTING—10

Baldwin
Barrett (SC)
Buyer
Cooper
Frank (MA)
Mica
Moran (VA)
Murtha
Polis (CO)
Speier

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶153.12 H.R. 4017—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4017) to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the ''Ann Marie Blute Post Office''.

The question being put, viva voce

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WEINER, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Florida, demanded a recorded vote on the motion to suspend the rules and pass said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 Nays 0

¶153.13 [Roll No. 950]

AYES—419

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
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)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
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
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
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
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Baldwin
Barrett (SC)
Becerra
Buyer
Davis (KY)
Edwards (TX)
Linder
Meeks (NY)
Mica
Moran (VA)
Murtha
Obey
Schrader
Stark
Van Hollen

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶153.14 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. HASTINGS of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 962):

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of December 10, 2009, providing for further consideration or disposition of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.

When said resolution was considered.

After debate,

On motion of Mr. HASTINGS of Florida, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239 Nays 183

¶153.15 [Roll No. 951]

YEAS—239

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

NAYS—183

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

NOT VOTING—12

Baldwin	Hastings (FL)	Moran (VA)
Barrett (SC)	Hoyer	Murtha
Buyer	McHenry	Radanovich
Deal (GA)	Mica	Shea-Porter

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶153.16 PROVIDING FOR CONSIDERATION OF H.R. 4173

Mr. PERLMUTTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 964):

Resolved, That at any time after the adoption of this resolution the Speaker may, 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 further consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes. No further general debate shall be in order.

SEC. 2.(a) The bill, as amended, shall be considered for amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived.

(b) Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as specified in section 4 of this resolution), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chair of the Committee on Financial Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chair of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules accompanying this resolution out of the order printed, but not sooner than 30 minutes after the chair of the

Committee on Financial Services or his designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. 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.

SEC. 6. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Financial Services or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 7. During consideration of H.R. 4173, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

SEC. 8. In the engrossment of H.R. 4173, the Clerk is authorized to make technical and conforming changes to amendatory instructions.

When said resolution was considered.

After debate,

On motion of Mr. PERLMUTTER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 238 / Nays 186

¶153.17 [Roll No. 952]

YEAS—238

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

NAYS—186

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

NOT VOTING—10

Baldwin	Deal (GA)	Murtha
Barrett (SC)	Lofgren, Zoe	Radanovich
Buyer	Mica	
Cardoza	Moran (VA)	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶153.18 H. RES. 55—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 55) expressing support for the designation of a National Prader-Willi Syndrome Awareness Month to raise awareness of and promote research into this challenging disorder.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶153.19 WALL STREET REFORM AND CONSUMER PROTECTION

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to House Resolution 964 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.

Ms. Loretta SANCHEZ of California, Acting Chairman, assumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. SERRANO, assumed the Chair.

When Ms. EDWARDS of Maryland, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶153.20 ORDER OF BUSINESS—FURTHER CONSIDERATION OF H.R. 4173

On motion of Mr. FRANK of Massachusetts, by unanimous consent,

Ordered, That, during further consideration of the bill (H. R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes, pursuant to House Resolution 964, the amendments numbered 1 and 36 may be considered as modified by the respective forms at the desk.

¶153.21 WALL STREET REFORM AND CONSUMER PROTECTION

The SPEAKER pro tempore, Mr. SERRANO, pursuant to House Resolution 964 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.

Ms. EDWARDS of Maryland, Acting Chairman, assumed the chair; and after some time spent therein,

¶153.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, as modified, printed in House Report 111-370, submitted by Mr. FRANK of Massachusetts:

Page 1, line 4, strike ''The'' before ''Wall Street''.

Page 13, line 6, insert ''(hereafter in this title referred to as a 'foreign financial parent') after'' after ''United States''.

Page 13, beginning on line 14, strike ''of a company'' and all that follows through ''United States'' on line 16.

Page 15, after line 11, insert the following new clause (and redesignate subsequent clauses appropriately):

(iv) after the date on which the functions of the Office of Thrift Supervision are transferred under subtitle C, any savings and loan holding company (as defined in section 10(a)(1)(D) of the Home Owners' Loan Act) and any subsidiary (as such term is defined in the Bank Holding Company Act of 1956) of such company, other than a subsidiary that is described in any other subparagraph of this paragraph, to the extent that the subsidiary is engaged in an activity described in such subparagraph;

Page 15, line 25, strike ''a'' and insert ''any''.

Page 17, after line 6, insert the following new clause (and redesignate subsequent clauses appropriately):

(v) a securities-based swap execution facility that is registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);''

Page 21, line 11, strike ''to pursuant'' and insert ''pursuant''.

Page 21, after line 21, insert the following new subparagraph:

(J) The head of the Consumer Financial Protection Agency.

Page 21, after line 23, insert the following (and redesignate succeeding paragraphs accordingly):

(A) The Director of the Federal Insurance Office.

Page 23, line 4, strike ''plans'' and insert ''strategies''.

Page 23, line 5, strike ''plans'' and insert ''strategies''.

Page 23, line 6, insert after the period the following new sentence: ''In doing so, the Council shall collaborate with participants in the financial sector, financial sector coordinating councils, and any other parties the Council determines to be appropriate.''.

Page 24, beginning on line 23, strike ''another dispute mechanism specifically has been provided under Federal law'' and insert ''a dispute mechanism specifically has been provided under section 4204 or title III''.

Page 28, line 24, strike ''plans'' and insert ''strategies''.

Page 29, line 2, strike ''plans'' and insert ''strategies''.

Page 32, strike line 22 and all that follows through page 33, line 7.

Page 34, after line 22, insert the following new paragraph:

(3) MITIGATION REQUIREMENTS IN CASE OF FOREIGN FINANCIAL PARENTS.—Before requiring the submission of reports from a company that is a foreign financial parent, the Council or the Board shall, to the extent appropriate, coordinate with any appropriate foreign regulator of such company and any appropriate multilateral organization and, whenever possible, rely on information already being collected by such foreign regulator or multilateral organizational with English translation.

Page 35, line 1, insert after ''entities'' the following: ''(including the Federal Insurance Office)''.

Page 37, line 12, insert ''**; AGENCY AUTHORITY**'' before the period.

Page 37, strike lines 17 and 18, and insert the following:

(b) AGENCY AUTHORITY TO IMPLEMENT STANDARDS.—

(1) IN GENERAL.—A Federal financial regulatory agency specifically

Page 37, line 19, strike ''is authorized to'' and insert ''may, in response to a Council recommendation under this section or otherwise,''.

Page 38, after line 4, insert the following new paragraph:

(2) APPLYING STANDARDS TO FOREIGN FINANCIAL PARENTS.—In applying standards under paragraph (1) to any foreign financial parent, or to any branch of, subsidiary of, or other operating entity related to such foreign financial parent that operates within the United States, the Federal financial regulatory agency shall—

(A) give due regard to the principles of national treatment and equality of competitive opportunity; and

(B) take into account the extent to which the foreign financial parent is subject to comparable standards on a consolidated basis in the home country of such foreign financial parent that are administered by a comparable foreign supervisory authority.

Page 38, line 22, after ''such company,'' insert the following: ''and, in the case of a financial holding company subject to stricter standards that is an insurance company, the Federal Insurance Office,''.

Page 39, strike line 11 and all that follows through line 15 (and redesignate subsequent paragraphs accordingly).

Page 39, after line 25, insert the following new paragraphs (and redesignate subsequent paragraphs accordingly):

(5) The company's importance as a source of credit for low-income, minority, or underserved communities and the impact the failure of such company would have on the availability of credit in such communities.

(6) The extent to which assets are simply managed and not owned by the financial company and the extent to which ownership of assets under management is diffuse.

Page 40, line 5, insert before the period the following: ''or, in the case of a foreign financial parent, the extent to which such foreign parent is subject to prudential standards on a consolidated basis in the home country of such financial parent that are administered and enforced by a comparable foreign supervisory authority''.

Page 40, after line 5, insert the following new paragraphs (and redesignate the subsequent paragraph accordingly):

(8) The amount and nature of the company's financial assets.

(9) The amount and nature of the company's liabilities, including the degree of reliance on short-term funding.

Page 41, strike line 10 and all that follows through line 19 (and redesignate subsequent subsections accordingly).

Page 42, strike line 9 and all that follows through page 44, line 10, and insert the following new paragraphs:

(1) APPLICATION OF FEDERAL LAWS.—

(A) APPLICATION OF BANK HOLDING COMPANY ACT AND FEDERAL DEPOSIT INSURANCE ACT.—A financial company subject to stricter standards that does not own a bank (as defined in section 2 of the Bank Holding Company Act of 1956) and that is not a foreign bank or company that is treated as a bank holding company under section 8 of the International Banking Act of 1978 shall be subject to section 4, subsections (b), (c), (d), (e), (f), and (g) of section 5, and section 8 of the Bank Holding Company Act of 1956, and section 8 of the Federal Deposit Insurance Act in the same manner and to the same extent as if such financial holding company subject to stricter standards were a bank holding company that has elected to be a financial holding company (as such terms are defined in the Bank Holding Company Act of 1956), its subsidiaries were subsidiaries of a bank holding company, and the Board was its appropriate Federal banking agency (as such term is defined under the Federal Deposit Insurance Act).

(B) BOARD AUTHORITY.—For purposes of administering and enforcing the provisions of this title, the Board may take any action with respect to a financial holding company subject to stricter standards described in subparagraph (A) or its subsidiaries under the authorities described in subparagraph (A) as if such financial holding company subject to stricter standards were a bank holding company that has elected to be a financial holding company (as such terms are defined in the Bank Holding Company Act of 1956), its subsidiaries were subsidiaries of a bank holding company, and the Board was its appropriate Federal banking agency (as such term is defined under the Federal Deposit Insurance Act).

(2) APPLICATION OF ACTIVITY RESTRICTIONS AND SECTION 6 HOLDING COMPANY REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C)—

(i) a financial holding company subject to stricter standards that conducts activities that do not comply with section 4 of the Bank Holding Company Act shall be required to establish or designate a section 6 holding company in accordance with section 6 of the Bank Holding Company Act of 1956 through which it conducts activities of the company that are determined to be financial in nature or incidental thereto under section 4(k) of the such Act; and

(ii) such section 6 holding company shall be the financial holding company subject to stricter standards for purposes of this title.

(B) EXCEPTIONS FROM SECTION 6 HOLDING COMPANY REQUIREMENTS.—

(i) GENERAL REQUIREMENT FOR BOARD TO CONSIDER EXCEPTIONS.—Before such time as a financial holding company subject to stricter standards is required to establish or designate a section 6 holding company under section 6 of the Bank Holding Company Act, and in consultation with the financial holding company subject to stricter standards

and any appropriate Federal or State financial regulators (and, in the case of a financial holding company subject to stricter standards that is an insurance company, the Federal Insurance Office)—

(I) the Board shall consider whether to grant any of the exemptions from the requirements applicable to section 6 holding companies under section 6(a)(6)(A) of the Bank Holding Company Act of 1956, in accordance with that provision; and

(II) the Board, at the request of a financial holding company subject to stricter standards that is predominantly engaged in activities that are determined to be financial in nature or incidental thereto under section 4(k) of the Bank Holding Company Act, shall consider whether to exempt the financial holding company subject to stricter standards from the requirement to establish a section 6 holding company, taking into consideration paragraph (2)(D), and the extent to which the exemption would: facilitate the extension of credit to individuals, households and businesses; improve efficiency or customer service or result in other public benefits; potentially threaten the safety and soundness of the financial holding company or any of its subsidiaries; potentially increase systemic risk or threaten the stability of the overall financial system; potentially result in unfair competition; and potentially have anticompetitive effects that would not be outweighed by public benefits.

(ii) BOARD DETERMINATION NOT TO EXEMPT.—

(I) IN GENERAL.—If the Board determines not to exempt the financial holding company subject to stricter standards from the requirement to establish a section 6 holding company, the financial holding company subject to stricter standards shall establish a section 6 holding company within 90 days after the Board's determination.

(II) EXTENSION OF PERIOD.—The Board may extend the time by which the financial holding company subject to stricter standards is required to establish a section 6 holding company for an additional reasonable period of time, not to exceed 180 days.

(iii) BOARD DETERMINATION TO EXEMPT.—

(I) IN GENERAL.—If the Board grants the requested exemption from the requirement to establish a section 6 holding company, the financial holding company subject to stricter standards shall at all times remain predominantly engaged in activities that are determined to be financial in nature or incidental thereto under section 4(k) of the Bank Holding Company Act of 1956, and shall be the financial holding company subject to stricter standards for purposes of this title.

(II) SUBSEQUENT LOSS OF EXEMPTION.—Upon a determination by the Board, in consultation with any relevant Federal or State regulators of the financial holding company subject to stricter standards, and, in the case of a financial holding company subject to stricter standards that is an insurance company, the Federal Insurance Office, that the financial holding company subject to stricter standards fails to comply with this subsection, the financial holding company subject to stricter standards shall lose the exemption from the section 6 holding company requirement and shall establish a section 6 holding company within the time periods described in clause (ii)(I).

(C) ACTIVITIES CONDUCTED ABROAD.—Section 4 of the Bank Holding Company Act of 1956 shall not apply to any activities that a foreign financial holding company subject to stricter standards conducts solely outside the United States if such activities are conducted solely by a company or other entity that is located outside the United States.

(D) FLEXIBLE APPLICATION.—In applying the activity restrictions and ownership limitations of section 4 of the Bank Holding Company Act of 1956 to financial holding companies subject to stricter standards described in paragraph (1)(A), the Board shall flexibly adapt such requirements taking into account the usual and customary practices in the business sector of the financial company subject to stricter standards so as to avoid unnecessary burden and expense.

Page 45, line 5, insert '', as agent of the Council,'' after ''Board''.

Page 45, beginning on line 18, strike ''heightened'' and insert ''stricter''.

Page 45, strike lines 21 and 22 and insert the following new clause (and redesignate subsequent clauses accordingly):

(i) risk-based capital requirements and leverage limits, unless the Board determines that such requirements are not appropriate for a financial holding company subject to stricter standards because of such company's activities (such as investment company activities or assets under management) or structure, in which case the Board shall apply other standards that result in appropriately stringent controls.

Page 46, line 4, insert ''and'' after the semicolon.

Page 46, line 6, strike ''; and'' and insert a period.

Page 46, strike line 7 and all that follows through line 9.

Page 46, line 12, insert ''short-term debt limits prescribed in accordance with subsection (d) and'' after ''include''.

Page 46, line 17, after ''AGENCIES'' insert the following: ''AND THE FEDERAL INSURANCE OFFICE''.

Page 47, line 2, after the period insert the following: ''With respect to a financial holding company subject to stricter standards that is an insurance company or any insurance company subsidiary of such a financial holding company subject to stricter standards, the Board shall also consult with the Federal Insurance Office.''.

Page 47, strike line 3 and all that follows through line 5 and insert the following:

(3) APPLICATION OF REQUIRED STANDARDS.—In imposing prudential standards under this section, the Board—

(A) may differentiate among financial

Page 47, line 11, strike the period and insert ''; and''.

Page 47, after line 11, insert the following new subparagraph:

(B) shall take into consideration whether and to what extent a financial holding company subject to stricter standards that is not a bank holding company or treated as a bank holding company owns or controls a depository institution and shall adapt the prudential standards applied to such company as appropriate in light of any predominant line of business of such company, including assets under management or other activities for which capital requirements are not appropriate.

Page 47, beginning on line 20, strike ''financial companies'' and all that follows through ''own or control'' on line 22, and insert ''a foreign financial parent and to''.

Page 47, beginning on line 23, strike ''that is a'' and all that follows through ''principle'' on line 25 and insert ''that is owned or controlled by a foreign financial parent, giving due regard to principles''.

Page 48, beginning on line 2, strike ''such companies are subject'' and insert ''the foreign financial parent is subject on a consolidated basis''.

Page 50, line 22, strike '', as such entities are'' and insert ''as''.

Page 51, line 13, before the period insert the following: ''and, with respect to an insurance company, the Federal Insurance Office''.

Page 54, line 14, insert before the period the following: ''except as specifically provided in this title''.

Page 54, line 19, insert before the period the following: ''except as specifically provided in this title''.

Page 55, line 14, strike ''shall'' and insert ''may.''

Page 55, line 19, strike ''The'' and insert ''Any''.

Page 56, strike line 20 and all that follows through line 25.

Page 68, line 17, insert ''The Board, in determining whether to impose any requirement under this subparagraph that is likely to have a significant effect on a functionally regulated subsidiary, subsidiary depository institution, or insurance company subsidiary of a financial holding company subject to stricter standards, shall consult with the primary financial regulatory agency for such subsidiary. In the case of an insurance company subsidiary of a financial holding company subject to stricter standards, the Board shall consult with the Federal Insurance Office.'' after the period.

Page 76, line 9, insert '', after consultation with the primary financial regulatory agency for any functionally regulated subsidiary, subsidiary depository institution, or insurance company subsidiary that is likely to be significantly affected by such actions. In the case of an insurance company subsidiary of a financial holding company subject to stricter standards, the Board shall consult with the Federal Insurance Office'' before the period.

Page 86, line 1, after ''standards'' insert the following: ''(and, if the financial holding company subject to stricter standards is an insurance company, the Federal Insurance Office)''.

Page 87, after line 5, insert the following new subsections:

(j) RULE OF CONSTRUCTION REGARDING CONSUMER PROTECTION STANDARDS.—The prudential standards imposed or recommended by the Board or the Council under this section shall not be construed as superseding—

(1) any consumer protection standards promulgated under a State or Federal consumer protection law, including the Consumer Financial Protection Agency Act and the Federal Trade Commission Act; or

(2) any investor protection standard that protects consumers (including public reporting requirements) imposed under State or Federal securities laws, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1944, and the Investment Advisors Act of 1944.

(k) RULEMAKING AUTHORITY.—The Board may prescribe such regulations and issue such orders as the Board, in consultation with the Council, determines to be necessary to carry out the provisions of this subtitle.

Page 87, line 24, strike ''financial company subjected to stricter prudential'' and insert ''financial holding company subject to stricter''.

Page 88, line 2, insert after the period the following: ''With respect to any requirements under this section that is likely to have a significant effect on an insurance company, the Council shall consult with the Federal Insurance Office.''.

Page 89, line 8, insert ''stricter'' after ''modifying the''.

Page 90, line 14, insert ''holding'' after ''financial''.

Page 90, line 15, strike ''prudential''.

Page 90 line 16, strike ''financial company'' and insert ''financial holding company subject to stricter standards''.

Page 90, line 22, strike ''company subject to stricter prudential'' and insert ''holding company subject to stricter''.

Page 92, line 20, strike ''subsection (e)(5)'' and insert ''this section''.

Page 93, line 1, strike ''(e)(5)'' and insert ''(e)(2)''.

Page 96, line 18, insert '', as agent of the Council,'' after ''Board''.

Page 97, line 4, insert after the period the following: ''With respect to any standard that is likely to have a significant effect on insurance companies, the Board also shall consult with the Federal Insurance Office.''.

Page 97, after line 16, insert the following new paragraph:

(3) EXCEPTION.—The standards recommended by the Board and adopted by a primary financial regulatory agency pursuant to this section shall not apply to activities that a foreign financial parent conducts solely outside the United States if such activities are conducted solely by a company or other operating entity that is located outside the United States.

Page 119, line 7, insert '', after notice and opportunity for comment,'' after ''may''.

Page 119, line 13, strike ''agency'' and insert ''Board''.

Page 119, line 14, strike ''agency'' and insert ''Board''.

Page 122, line 18, strike ''The authorities'' and insert the following:

(a) CONSTRUCTION.—The authorities

Page 123, after line 2, insert the following new subsection:

(b) AGENT RESPONSIBILITIES.—For purposes of this subtitle, the term ''agent'' means the Board acting under section 1103(c) and coordinating with the Council in exercising authority under sections 1104 and 1107.

Page 129, line 17, insert '', and who shall coordinate with the Office of Thrift Supervision pursuant to section 1211'' before the period at the end.

Page 131, after line 5, insert the following new subsection:

(f) EFFECTIVE DATE.—Subsection (b) shall take effect on the date of the enactment of this Act .

Page 132, after line 15, insert the following new paragraph:

(4) FUNCTIONS RELATING TO SUPERVISION OF SAVINGS AND LOAN HOLDING COMPANIES.—

(A) TRANSFER OF FUNCTIONS.—All functions of the Director of the Office of Thrift Supervision relating to the supervision and regulation of Savings and Loan Holding Companies are transferred to the Board.

(B) BOARD AUTHORITY.—The Board shall succeed to all powers, authorities, rights, and duties that were vested in the Director of the Office of Thrift Supervision under Federal law, including the Home Owners' Loan Act, on the day before the transfer date, relating to the supervision and regulation of Savings and Loan Holding Companies.

Page 132, after line 24, insert the following new paragraph (and redesignate succeeding paragraphs accordingly):

(2) in paragraph (2)(E), by striking ''and'' at the end;

Page 133, after line 2, insert the following new paragraph (and redesignate succeeding paragraphs accordingly):

(4) after paragraph (2)(F), by inserting the following new subparagraph:

''(G) any savings and loan holding company and any subsidiary of a savings and loan holding company (other than a savings association); and'';

Page 147, line 21, insert ''and'' after the semicolon.

Page 147, line 25, strike ''; and'' and insert a period.

Page 148, strike line 1 and all that follows through line 3.

Page 162, after line 6, insert the following new paragraphs (and redesignate succeeding paragraphs accordingly):

(1) In subsection (a)—

(A) in paragraph (1)(A), by striking ''Director'' and inserting ''Board'';

(B) in paragraph (1)(D), by striking clause (i) and inserting: ''(i) In general.—.

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'savings and loan holding company' means any company that directly or indirectly controls a savings association or that controls any company that is a savings and loan holding company, and that is either—

''(I) a fraternal beneficiary society, as defined in section 501(c)(8) of the Internal Revenue Code of 1986; or

''(II) a company that is, together with all of its affiliates on a consolidated basis, predominantly engaged in the business of insurance.'';

(C) in paragraph (1)(F), by striking ''Director'' and inserting ''Board'';

(D) in paragraph (1), by inserting at the end the following new subparagraph:

''(K) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.''.

(E) in paragraph (2)(D), by striking ''Director'' and inserting ''Board'';

(F) in paragraph (3)(A), by striking ''Director'' and inserting ''Board''; and

(G) in paragraph (4), by striking ''Director'' and inserting ''Board''.

(2) In subsection (b), by striking ''Director'' each place it appears and inserting ''Board''.

(3) In subsection (c)—

(A) in paragraph, (2)(F)(i)—

(i) by striking ''of Governors of the Federal Reserve System''; and

(ii) by striking ''Director'' and inserting ''Board'';

(B) in paragraph (2)(G), by striking ''Director'' and inserting ''Board'';

(C) in paragraph (4)(A), by striking ''Director'' and inserting ''Board'';

(D) in paragraph (4)(B)—

(i) in the heading, by striking ''director'' and inserting ''Board''; and

(ii) by striking ''the Director shall'' and inserting ''the Board shall'';

(E) in paragraph (4)(C)—

(i) in the heading, by striking ''director'' and inserting ''Board''; and

(ii) by striking ''the Director may'' and inserting ''the Board may'';

(F) in paragraph (5), by striking ''Director'' and inserting ''Board'';

(G) in paragraph (6)(D)—

(i) in the heading, by striking ''director'' and inserting ''Board''; and

(ii) by striking ''Director'' each place it appears and inserting ''Board'';

(H) in paragraph (9)(A)(ii), by inserting '', but only if the conditions for engaging in expanded financial activities set forth in section 4(l) of the Bank Holding Company Act of 1956 have been met'' after ''1956''; and

(I) in paragraph (9)(E), by striking ''Director'' each place it appears and inserting ''Board''.

(4) In subsection (e)—

(A) in paragraph (1)(A)—

(i) in clause (i), by striking ''Director'' and inserting ''Board'';

(ii) in clause (ii), by striking ''Director'' and inserting ''Board'';

(iii) in clause (iii), by striking ''Director'' each place it appears and inserting ''Board''; and

(iv) in clause (iv), by striking ''Director'' each place it appears and inserting ''Board'';

(B) in paragraph (1)(B), by striking ''Director'' each place it appears and inserting ''Board'';

(C) in paragraph (2), by striking ''Director'' each place it appears and inserting ''Board'';

(D) in paragraph (3), by striking ''Director'' and inserting ''Board'';

(E) in paragraph (4)(A), by striking ''Director'' and inserting ''Board''; and

(F) in paragraph (5), by striking ''Director'' each place it appears and inserting ''Board''.

(5) In subsection (f), by striking ''Director'' each place it appears and inserting ''Board''.

(6) In subsection (g), by striking ''Director'' each place it appears and inserting ''Board''.

(7) In subsection (h)—

(A) in paragraph (2), by striking ''Director'' and inserting ''Board''; and

(B) in paragraph (3), by striking ''Director'' and inserting ''Board''.

(8) In subsection (i)—

(A) in paragraph (1)(A), by striking ''Director'' and inserting ''Board'';

(B) in paragraph (2)(B), by striking ''Director'' and inserting ''Board'';

(C) in paragraph (2)(F), by striking ''Director'' and inserting ''Board'';

(D) in paragraph (3)(B), by striking ''Director'' and inserting ''Board'';

(E) in paragraph (3)(F), by striking ''Director'' and inserting ''Board'';

(F) in paragraph (4), by striking ''Director'' and inserting ''Board''; and

(G) in paragraph (5), by striking ''Director'' and inserting ''Board''.

(9) In subsection (j), by striking ''Director'' each place it appears and inserting ''Board''.

(10) In subsection (l)—

(A) in paragraph (1), by striking ''Director'' and inserting ''Board, in consultation with the Comptroller of the Currency,''; and

(B) in paragraph (2), by striking ''Director'' and inserting ''Board, in consultation with the Comptroller of the Currency,''.

Page 166, after line 18 insert the following:

(13) In subsections (p), (q), (r), and (s), by striking ''Director'' each place it appears and inserting ''Board''.

Page 169, strike lines 1 through 4 and insert the following:

''(7) VALUATION.—

''(A) IN GENERAL.—The Board shall consider waived dividends in determining an appropriate exchange ratio in the event of a full conversion to stock form.

''(B) EXCEPTION.—In the case of a savings association which has reorganized into a mutual thrift holding company under section 10(b) of the Home Owners' Loan Act and has issued minority stock either from its mid-tier stock holding company or its subsidiary stock savings association prior to December 1, 2009, the Board shall not consider waived dividends in determining an appropriate exchange ratio in the event of a full conversion to stock form.''.

Page 204, line 14, strike ''may decrease'' and insert ''decreases''.

Page 204, beginning on line 23, strike '', on a consolidated basis,'' and insert ''a fraternal beneficiary society, as defined in section 501(c)(8) of the Internal Revenue Code of 1986, or a company that is, together with all of its affiliates on a consolidated basis,''.

Page 205, beginning on line 4, strike '', on a consolidated basis,'' and insert ''a fraternal beneficiary society, as defined in section 501(c)(8) of the Internal Revenue Code of 1986, or a company that is, together with all of its affiliates on a consolidated basis,''.

Page 205, after line 13, insert the following new section:

SEC. 1257. EFFECTIVE DATE.

Except as otherwise provided in this subtitle, the amendments made by sections 1221 through section 1253 and 1256 and subsections (a), (b), and (c)(1) of section 1254 shall take effect on the transfer date.

Page 207, line 6, strike '', on a consolidated basis,'' and insert ''a fraternal beneficiary society, as defined in section 501(c)(8) of the Internal Revenue Code of 1986, or a company that is, together with all of its affiliates on a consolidated basis,''.

Page 207, strike line 9, and insert the following:

(B) in subparagraph (F)(i), by inserting before the semicolon the following: '', including issuing credit cards and other credit devices (including virtual or intangible devices) that function as credit cards'';

(C) in subparagraph (F)(v), by inserting before the semicolon the following: '', other than loans that otherwise meet the requirements of this subparagraph and are made to businesses that meet the criteria for a small business concern to be eligible for business loans under regulations established by the Small Business Administration under part 121 of title 13, Code of Federal Regulations''; and

(D) by striking subparagraph (H) and inserting the following:

''(H) An industrial loan company, industrial bank, or other similar institution which—

''(i) is an institution organized under the laws of a State which, on March 5, 1987, had in effect or had under consideration in such State's legislature a statute which required or would require such institution to obtain insurance under the Federal Deposit Insurance Act;

''(ii) either—

''(I) does not accept demand deposits that the depositor may withdraw by check or similar means for payment to third parties;

''(II) has total assets of less than $100,000,000; or

''(III) the control of which is not acquired by any company after August 10, 1987;

''(iii) predominantly provides financial products and services to current and former members of the military and their families; and

''(iv) is controlled by a savings and loan holding company, as defined in section 10(a) of the Home Owners' Loan Act.

This subparagraph shall cease to apply to any institution which permits any overdraft (including any intraday overdraft), or which incurs any such overdraft in such institution's account at a Federal Reserve bank, on behalf of an affiliate, if such overdraft is not the result of an inadvertent computer or accounting error that is beyond the control of both the institution and the affiliate, or that is otherwise permissible for a bank controlled by a company described in section 1843(f)(1) of this title.''; and

Page 208, strike line 10 and all that follows through page 209, line 7, and insert the following:

''(ii) conduct all such activities which are permissible for a financial holding company, as determined under section 4(k), through such section 6 holding company, other than—

''(I) internal financial activities conducted for such company or any affiliate, including, but not limited to internal treasury, investment, and employee benefit functions, provided that with respect to any internal financial activity engaged in for the company or an affiliate and a nonaffiliate during the year prior to date of enactment, the company (or an affiliate not a subsidiary of the section 6 company) may continue to engage in that activity so long as the at least two-thirds of the assets or two-thirds of the revenues generated from the activity are from or attributable to the company or an affiliate, subject to review by the Board to determine whether engaging in such activity presents undue risk to the section 6 company or undue systemic risk; and

''(II) financial activities involving the provision of credit for the purchase or lease of products or services from an affiliate or for the purchase or lease of products produced by an affiliate of such section 6 holding company that is not a subsidiary of such section six holding company, in accordance with regulations prescribed by or orders issued by the Board, pursuant to section 6 of this Act.''; and

Page 209, strike line 15 and all that follows through page 210, line 14 and insert the following:

''(i) on the date of enactment of the Financial Stability Improvement Act of 2009, a unitary savings and loan holding company that continues to control not fewer than one savings association that it controlled on May 4, 1999, or that it acquired pursuant to an application pending before the Office of Thrift Supervision on or before that date, and that became a bank for purposes of the Bank Holding Company Act as a result of the enactment of section 1301(a)(3) of the Financial Stability Improvement Act 2009; or''.

Page 210, line 19, strike ''1301(a)(3)(B)'' and insert ''1301(a)(4)(B)''.

Page 220, after line 25, insert the following:

''(8) UNITARY SAVINGS AND LOAN HOLDING COMPANY DEFINED.—For purposes of this subsection, the term 'unitary savings and loan holding company' means a company that was a savings and loan holding company on May 4, 1999 (as then defined), or that became a savings and loan holding company pursuant to an application pending before the Office of Thrift Supervision on or before that date, and—

''(A) that controls—

''(i) only 1 savings association; or

''(ii) more than 1 savings association, if all, or all but 1, of the savings association subsidiaries of such company were initially acquired by the company pursuant to a supervisory transaction under section 1823(c), 1823(i), or 1823(k) of this title, or section 408(m) of the National Housing Act (12 U.S.C. 1730a(m));

''(B) all of the savings association subsidiaries of such company are qualified thrift lenders (as determined under section 10 of the Home Owners' Loan Act); and

''(C) that continues to control not fewer than 1 savings association that it controlled on May 4, 1999, or that it acquired pursuant to an application pending before the Office of Thrift Supervision on or before that date.''.

Page 220, after line 25, insert the following:

(8) UNITARY SAVINGS AND LOAN HOLDING COMPANY DEFINED.—Solely for purposes of this subsection, the term ''unitary savings and loan holding company'' means a company that was a savings and loan holding company on May 4, 1999 (as then defined), or that became a savings and loan holding company pursuant to an application pending before the Office of Thrift Supervision on or before that date, and—

(A) that controls —

(i) only 1 savings association; or

(ii) more than 1 savings association, if all, or all but 1, of the savings association subsidiaries of such company were initially acquired by the company pursuant to a supervisory transaction under section 1823(c), 1823(i), or 1823(k) of this title, or section 408(m) of the National Housing Act (12 U.S.C. 1730a(m));

(B) all of the savings association subsidiaries of such company are qualified thrift lenders (as determined under section 10 of the Home Owners' Loan Act); and

(C) that continues to control not fewer than 1 savings association that it controlled on May 4, 1999, or that it acquired pursuant to an application pending before the Office of Thrift Supervision on or before that date.

Page 222, line 18, strike ''subtitle B'' and insert ''section 1103''.

Page 223, strike line 15 and all that follows through page 224, line 11 and insert the following:

(B) A company that is required to form a section a section 6 holding company shall conduct all such activities which are permissible for a financial holding company, as determined under section 4(k), through such section 6 holding company, other than—

(i) internal financial activities conducted for such company or any affiliate, including, but not limited to internal treasury, investment, and employee benefit functions, provided that with respect to any internal financial activity engaged in for the company or an affiliate and a nonaffiliate during the year prior to date of enactment, the company (or an affiliate not a subsidiary of the section 6 company) may continue to engage in that activity so long as the at least ⅔ of the assets or ⅔ of the revenues generated from the activity are from or attributable to the company or an affiliate, subject to review by the Board to determine whether engaging in such activity presents undue risk to the section 6 company or undue systemic risk; and

(ii) financial activities involving the provision of credit for the purchase or lease of products or services from an affiliate or for the purchase or lease of products produced by an affiliate of such section 6 holding company that is not a subsidiary of such section 6 holding company, in accordance with regulations prescribed by or orders issued by the Board, pursuant to section 6 of this Act.

Page 225, beginning on line 22, strike '', as a bank holding company''.

Page 226, line 2, strike ''subtitle B'' and insert ''section 1103''.

Page 226, strike lines 7 and 8 and insert the following:

''(ii) subject to the provisions of this Act and other Federal law as provided in section 1103(g) of the Financial Stability Improvement Act of 2009; and''.

Page 227, line 5, strike ''subtitle A'' and insert ''section 1103''.

Page 228, line 6, after ''section 6(a)(2)(B)'' insert the following: ''and financial activities involving the provision of credit for the purchase or lease of products or services from an affiliate or for the purchase or lease of products produced by an affiliate of such section 6 holding company that is not a subsidiary of such section six holding company''.

Page 236, strike lines 17-25.

Page 237, line 12, strike ''sections 4(p) and 6'' and insert ''section 1301 of the Financial Stability Improvement Act of 2009''.

Page 237, line 13, insert '', other than a section 6 holding company,'' after ''company''.

Page 250, beginning on line 19, strike ''after subsection (y) (as added by section 1408)'' and insert ''at the end''.

Page 250, line 21, strike ''(z)'' and insert ''(y)''.

Page 252, line 16, insert ''holding'' after ''financial''.

Page 252, beginning on line 16, strike ''prudential''.

Page 252, line 19, strike ''greater'' and insert ''great''.

Page 253, line 23, strike ''8(c)(5)'' and insert ''18(c)(5)''.

Page 255, after line 2, insert the following new section (and conform the table of contents accordingly):

SEC. 1316. NATIONWIDE DEPOSIT CAP FOR INTERSTATE ACQUISITIONS.

(a) AMENDMENTS TO BANK HOLDING COMPANY ACT OF 1956.—

(1) CONCENTRATION LIMIT FOR BANK HOLDING COMPANIES.—Section 3(d)(2)(A) of the Bank Holding Company Act (12 U.S.C. 1842(d)(2)(A)) is amended by striking ''paragraph (1)(A)'' and inserting ''subsection (a)''.

(2) TECHNICAL CORRECTION RELATING TO CERTAIN SAVINGS BANKS.—Section 4 of the Bank Holding Company Act is amended by striking subsection (i) and inserting the following new subsection:

''(i) [Repealed]''.

(b) AMENDMENTS TO FEDERAL DEPOSIT INSURANCE ACT.—

(1) IN GENERAL.—Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph:

''(12) NATIONWIDE DEPOSIT CAP.—The responsible agency may not approve an application for an interstate merger transaction if the resulting insured depository institution (including all insured depository institutions which are affiliates of the resulting insured depository institution), upon consummation of the transaction, would control more than 10 percent of the total amount of deposits of insured depository institutions in the United States.''.

(2) PARALLEL REQUIREMENT.—Subparagraph (A) of section 44(b)(2) of the Federal Deposit Insurance Act 1831u(b)(2)(A)) is amended to read as follows:

''(A) NATIONWIDE CONCENTRATION LIMITS.—The responsible agency may not approve an application for an interstate merger transaction involving 2 or more insured depository institutions if the resulting insured depository institution (including all insured depository institutions which are affiliates of such institution), upon consummation of the transaction would control more than 10 percent of the total amount of deposits of insured depository institutions in the United States''.

(c) AMENDMENTS TO HOME OWNERS' LOAN ACT.—Section 10(e)(2) of the Home Owners' Loan Act 1467a(e)(2)) is amended—

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

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

(3) by inserting after subparagraph (D), the following new subparagraph:

''(E) in the case of an application involving an interstate acquisition, if the applicant (including all insured depository institutions which are affiliates of the applicant) controls, or upon consummation of the acquisition for which such application is filed would control, more than 10 percent of the total amount of deposits of insured depository institutions in the United States.''.

Page 257, line 10, strike ''assessment period'' and insert ''assessment period, minus additional deductions or adjustments necessary to establish assessments consistent with the definition under section 7(b)(1)(C) of the Federal Deposit Insurance Act for custodial banks (as defined by the Corporation based on factors including percentage of total revenues generated by custodial businesses and the level of assets under custody) or a bankers' bank (as referred to in section 5136 of the Revised Statutes of the United States)''.

Page 275, line 15, insert ''if the financial company is an insurance company or'' after ''section 1603''.

Page 277, line 11, insert ''activities'' after ''or''.

Page 277, line 22, strike the period and insert ''; and''.

Page 277, after line 22, insert the following new subparagraph:

(C) that is not a Federal home loan bank, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation.

Page 278, beginning on line 2, strike ''includes'' and all that follows through line 3 and insert ''means any entity covered by a State law designed specifically to deal with the rehabilitation, liquidation, or insolvency of an insurance company.''.

Page 278, strike line 22 and all that follows through page 279, line 13, and insert the following new paragraph:

(1) VOTE REQUIRED.—

(A) IN GENERAL.—At the request of the Secretary, the Chairman of the Federal Reserve Board, or the appropriate regulatory agency, the Board and the appropriate regulatory agency shall, or on their own initiative the Board and the appropriate regulatory agency may, consider whether to make the written recommendation provided for in paragraph (2) with respect to a financial company.

(B) 2/3 AGREEMENT.—Any recommendation under subparagraph (A) shall be made upon a vote of not less than two-thirds of the members of the Federal Reserve Board then serving and not less than two thirds of any members of the board or commission then serving of the appropriate regulatory agency, as applicable.

Page 280, beginning on line 7, strike ''financial holding company subject to stricter standards'' and insert ''financial company''.

Page 280, beginning on line 12, strike ''the board of directors or commission of''.

Page 280, line 19, strike ''resolution'' and insert ''dissolution''.

Page 282, beginning on line 8, strike ''financial holding company subject to stricter standards'' and insert ''financial company''.

Page 282, beginning on line 20, strike ''financial holding company subject to stricter standards'' and insert ''financial company''.

Page 283, beginning on line 2, strike ''financial holding company subject to stricter standards'' and insert ''financial company''.

Page 283, beginning on line 5, strike ''financial holding company subject to stricter standards'' and insert ''financial company''.

Page 283, beginning on line 9, strike ''financial holding company subject to stricter standards'' and insert ''financial company''.

Page 283, beginning on line 15, strike ''financial holding company subject to stricter standards'' and insert ''financial company''.

Page 283 beginning on line 18, strike ''financial holding company subject to stricter standards'' and insert ''financial company''.

Page 283, line 22, strike ''**RESOLUTION**'' and insert ''**DISSOLUTION**'' (and conform the table of contents accordingly).

Page 284, after line 7, insert the following new paragraphs:

(3) EXTENSION OF TIME LIMIT.—The time limit established in paragraph (2) may be extended by the Secretary for up to 1 additional year if—

(A) the Corporation has not completed the dissolution of the company within the time provided in paragraph (2); and

(B) the Secretary certifies in writing that continuation of the receivership is necessary—

(i) to protect the best interests of the taxpayers of the United States; and

(ii) to protect the stability of the financial system and the economy of the United States.

(4) FURTHER EXTENSION.—The time limit, as extended in paragraph (3), may be extended for up to 1 additional year if—

(A) the conditions of paragraph (3) are met; and

(B) the Corporation submits a report to the Congress, no later than 60 days before the receivership will expire under the extended limit under paragraph (3), that describes in detail—

(i) the basis for the determination by the Corporation that a second extension is necessary; and

(ii) the specific plan of the Corporation for concluding the receivership before the end of the proposed additional year.

Page 284, line 8, strike ''RESOLUTION'' and insert ''DISSOLUTION''.

Page 284, line 10, strike ''resolved'' and insert ''dissolved''.

Page 284, line 11, strike ''resolution'' and insert ''dissolution''.

Page 284, line 18, strike ''resolution'' and insert ''dissolution''.

Page 285, line 6, strike ''resolution'' and insert ''dissolution''.

Page 285, line 11, strike ''resolution'' and insert ''dissolution''.

Page 285, line 16, strike ''1602(9)(B)(iv)'' and insert ''1602(9)(B)(v)''.

Page 285, line 18, strike ''resolution'' and insert ''dissolution''.

Page 287, beginning on line 1, strike ''CERTAIN INSURANCE SUBSIDIARIES'' and insert ''INSURANCE COMPANIES AND INSURANCE COMPANY SUBSIDIARIES''.

Page 287, strike line 4 and all that follows through line 9, and insert ''(a), if an insurance company covered by a State law designed specifically to deal with the rehabilitation, liquidation or insolvency of an insurance company is a covered financial company or a subsidiary of a covered financial company, resolution of such insurance company, and any subsidiary of such company, will be conducted as provided under such State law.''.

Page 287, line 13, insert before the period the following: '', that is not itself an insurance company''.

Page 287, line 22, strike ''resolution'' and insert ''dissolution''.

Page 288, line 2, strike ''resolution'' and insert ''dissolution''.

Page 289, line 11, strike ''RESOLUTION'' and insert ''DISSOLUTION''.

Page 289, line 21, insert ''in accordance with section 1604'' before the comma after ''is appointed''.

Page 299, line 11, strike ''resolution'' and insert ''dissolution''.

Page 305, line 19, strike ''resolution'' and insert ''dissolution''.

Page 327, line 2, strike ''resolving'' and insert ''dissolving''.

Page 327, line 8, strike ''resolution'' and insert ''dissolution''.

Page 370, line 15, strike ''resolution'' and insert ''dissolution''.

Page 401, line 10, strike ''$10,000,000,000'' and insert ''$50,000,000,000''.

Page 401, line 11, insert a comma after ''inflation''.

Page 411, line 10, insert '',subject to the requirements of section 1604(g),'' after ''Fund''.

Page 413, line 11, strike ''resolution'' and insert ''dissolution''.

Page 413, line 12, strike ''resolution'' and insert ''dissolution''.

Page 425, line 8, strike ''Resolution'' and insert ''Dissolution''.

Page 425, line 14, strike ''**RESOLUTION**'' and insert ''**DISSOLUTION**'' (and conform the table of contents accordingly).

Page 425, line 21, strike ''Resolution'' and insert ''Dissolution''.

Page 426, line 2, strike ''Resolution'' and insert ''Dissolution''.

Page 426, line 7, strike ''Resolution'' and insert ''Dissolution''.

Page 426, line 8, strike ''Resolution'' and insert ''Dissolution''.

Page 432, line 1, strike ''Resolution'' and insert ''Dissolution''.

Page 433, line 4, strike ''Resolution'' and insert ''Dissolution''.

Page 455, line 5, before the comma insert ''(as such terms are defined in subsection (c)(1))''.

Page 461, strike lines 8 through 15 and insert the following:

(J) the Consumer Financial Protection Agency,

(K) the Federal Insurance Office,

Page 461, after line 19, insert the following new section:

SEC. 1802. FEDERAL HOUSING FINANCE AGENCY ADVISORY ROLE IN FIEC.

After section 1007 of the Federal Financial Institutions Examination Council Act of 1987 (12 U.S.C. 3306) insert the following new section:

''SEC. 1007A. FEDERAL HOUSING FINANCE AGENCY ADVISORY ROLE.

''Whenever the Council takes any actions with respect to issues that relate to the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or

the Federal home loan banks, the Federal Housing Finance Agency shall participate in the Council's proceedings in an advisory role.''.

Page 462, beginning on line 20, strike ''(as'' and all that follows through line 22 and insert a comma.

Page 463, beginning on line 15, strike ''(as'' and all that follows through line 17 and insert a comma.

Page 464, strike lines 11 and 12 and insert ''States, the''.

Page 465, after line 2, insert the following new subtitle:

Subtitle L—Securities Holding Companies

SEC. 1961. SECURITIES HOLDING COMPANIES.

(a) SUPERVISION OF A SECURITIES HOLDING COMPANY NOT HAVING A BANK OR SAVINGS ASSOCIATION AFFILIATE.—

(1) IN GENERAL.—A securities holding company that is required by a foreign regulator or foreign law to be subject to comprehensive consolidated supervision and that is not—

(A) a financial holding company subject to stricter standards,

(B) an affiliate of an insured bank (other than an institution described in subparagraphs (D) or (G) of section 2(c)(2) of the Bank Holding Company Act of 1956) or a savings association,

(C) a foreign bank, foreign company, or company that is described in section 8(a) of the International Banking Act of 1978,

(D) a foreign bank that controls, directly or indirectly, a corporation chartered under section 25A of the Federal Reserve Act (12 U.S.C. 611 et seq.), or

(E) subject to comprehensive consolidated supervision by a foreign regulator,

may register with the Board to become supervised, pursuant to paragraph (2). Any securities holding company filing such a registration shall be supervised in accordance with this section and comply with the rules and orders prescribed by the Board applicable to supervised securities holding companies.

(2) REGISTRATION AS A SUPERVISED SECURITIES HOLDING COMPANY.—A securities holding company described in paragraph (1) shall register by filing with the Board such information and documents concerning such securities holding company as the Board, by regulation, may prescribe as necessary or appropriate in furtherance of the purposes of this section. Such supervision shall become effective 45 days after the date of receipt of such registration by the Board or within such shorter time period as the Board, by rule or order, may determine.

(b) SUPERVISION OF SECURITIES HOLDING COMPANIES.—

(1) RECORDKEEPING AND REPORTING.—

(A) IN GENERAL.—Every supervised securities holding company and each affiliate of such company shall make and keep for prescribed periods such records, furnish copies of records, and make such reports, as the Board determines to be necessary or appropriate for the Board to carry out the purposes of this section, prevent evasions, and monitor compliance by the company or affiliate with applicable provisions of law.

(B) FORM AND CONTENTS.—Such records and reports shall be prepared in such form and according to such specifications (including certification by a registered public accounting firm), as the Board may require and shall be provided promptly at any time upon request by the Board. Such records and reports may include—

(i) a balance sheet and income statement;

(ii) an assessment of the consolidated capital of the supervised securities holding company;

(iii) an independent auditor's report attesting to the supervised securities holding company's compliance with its internal risk management and internal control objectives; and

(iv) reports concerning the extent to which the company or affiliate has complied with the provisions of this section and any regulations prescribed and orders issued under this section.

(2) USE OF EXISTING REPORTS.—

(A) IN GENERAL.—The Board shall, to the fullest extent possible, accept reports in fulfillment of the requirements under this paragraph that the supervised securities holding company or its affiliates have been required to provide to another appropriate regulatory agency or self-regulatory organization.

(B) AVAILABILITY.—A supervised securities holding company or an affiliate of such company shall provide to the Board, at the request of the Board, any report referred to in subparagraph (A), as permitted by law.

(3) EXAMINATION AUTHORITY.—

(A) FOCUS OF EXAMINATION AUTHORITY.—The Board may make examinations of any supervised securities holding company and any affiliate of such company to carry out the purposes of this subsection, prevent evasions thereof, and monitor compliance by the company or affiliate with applicable provisions of law.

(B) DEFERENCE TO OTHER EXAMINATIONS.—For purposes of this subparagraph, the Board shall, to the fullest extent possible, use the reports of examination made by other appropriate Federal or State regulatory authorities with respect to any functionally regulated subsidiary, as defined under section 5(c)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)(1)), or an institution described in subparagraphs (D) or (G) of section 1841(c)(2).

(c) CAPITAL AND RISK MANAGEMENT.—

(1) The Board shall, by regulation or order, prescribe capital adequacy and other risk management standards for a supervised securities holding company appropriate to protect the safety and soundness of the company and address the risks posed to financial stability by a supervised securities holding company. Standards imposed under this subparagraph shall take account of differences among types of business activities and—

(A) the amount and nature of the company's financial assets;

(B) the amount and nature of the company's liabilities, including the degree of reliance on short-term funding;

(C) the extent and nature of the company's off-balance sheet exposures;

(D) the extent and nature of the company's transactions and relationships with other financial companies;

(E) the company's importance as a source of credit for households, businesses, and State and local governments and as a source of liquidity for the financial system; and

(F) the nature, scope, and mix of the company's activities.

(2) In imposing standards under this subsection, the Board may differentiate among supervised securities holding companies on an individual basis or by category, taking into consideration the criteria specified above.

(3) Any capital requirements imposed under this subsection shall not take effect until the expiration of 180 days after a supervised securities holding company is provided notice of such requirement.

(d) OTHER PROVISIONS.—

(1) Subsections (b), (c) through (s), and (u) of section 8 of the Federal Deposit Insurance Act shall apply to any supervised securities holding company, and to any subsidiary (other than a bank) of a supervised securities holding company, in the same manner as they apply to a bank holding company. For purposes of applying such subsections to a supervised securities holding company or a subsidiary (other than a bank) of a supervised securities holding company, the Board shall be considered the appropriate Federal banking agency for the supervised securities holding company or subsidiary.

(2) Except as the Board may otherwise provide by regulation or order, a supervised securities holding company shall be subject to the provisions of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) in the same manner and to the same extent that bank holding companies are subject to such provisions, except that any such supervised securities holding company shall not by reason of this subparagraph be deemed a bank holding company for purposes of section 4 of the Bank Holding Company Act of 1956.

(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) SECURITIES HOLDING COMPANY.—The term ''securities holding company'' means—

(A) any person other than a natural person that owns or controls one or more brokers or dealers as defined in section 3 of the Securities Exchange Act; and

(B) the associated persons of the securities holding company.

(2) SUPERVISED SECURITIES HOLDING COMPANY.—The term ''supervised securities holding company'' means any securities holding company that is supervised by the Board pursuant to this section.

(3) OTHER BANKING TERMS.—The terms ''affiliate'', ''bank'', ''bank holding company'', ''company'', ''control'', ''savings association'', and ''subsidiary'' have the same meanings as in section 2 of the Bank Holding Company Act of 1956.

(4) INSURED BANK.—The term ''insured bank'' has the same meaning as in section 13 of the Federal Deposit Insurance Act.

(5) FOREIGN BANK.—The term ''foreign bank'' has the same meaning as in section 1(b)(7) of the International Banking Act of 1978.

(6) ASSOCIATED PERSONS.—The terms ''person associated with a securities holding company'' and ''associated person of a securities holding company'' mean any person directly or indirectly controlling, controlled by, or under common control with, a securities holding company.

Page 480, line 12, strike ''2009'' and insert ''2008''.

Page 668, strike lines 4 and 5 and insert the following:

(13) DEPOSIT-TAKING, MONEY ACCEPTANCE, OR MONEY MOVEMENT ACTIVITY.—The term ''deposit-taking, money acceptance, or money movement activities'' means—

Page 669, line 15, insert ''(b),'' after ''Subsections''.

Page 669, line 20, insert ''except for section 505 as it applies to section 501(b)'' before the period.

Page 670, after line 9, insert the following:

(N) Section 626 of the Omnibus Appropriations Act, 2009 (Public Law 111–8).

(O) The Unlawful Internet Gambling Enforcement Act of 2006.

Page 670, line 23, after ''taking'' insert '', money acceptance, or money movement''.

Page 672, line 3, insert '', except that furnishing a consumer report to another person that it has reason to believe intends to use the information for employment purposes, including for security investigations, government licensing and evaluating a consumer's residential or tenant history shall not be considered a financial activity'' before the period at the end.

Page 673, line 2, insert ''a person regulated as an investment adviser by'' after ''or'' the 1st place such term appears.

Page 675, strike line 10 and all that follows through page 676, line 9, and insert the following:

(ix) Financial data processing by any technological means, including providing data

processing, access to or use of databases or facilities, or advice regarding processing or archiving, if the data to be processed, furnished, stored, or archived are financial, banking, or economic, except that it shall not be considered a ''financial activity'' with respect to financial data processing—

(I) to the extent the person is providing interactive computer service, as defined in section 230 of the Communications Act of 1934 (47 U.S.C. 230); or

(II) if the person—

(aa) unknowingly or incidentally transmits, processes, or stores financial data in a manner that such data is undifferentiated from other types of data that the person transmits, processes, or stores;

(bb) does not provide to any consumer a consumer financial product or service in connection with or relating to in any manner financial data processing; and

(cc) does not provide a material service to any covered person in connection with the provision of a consumer financial product or service.

Page 678, line 10, as modified by the amendment MWB__05, before ''data is undifferentiated'' insert ''financial''.

Page 679, line 2, insert ''and shall include any uninsured branch or agency of a foreign bank or a commercial lending company owned or controlled by a foreign bank'' before the period at the end.

Page 679, beginning on line 17, strike ''covered''.

Page 681, strike line 18 and all that follows through line 20 and insert the following new subparagraph:

(C) an investment company that—

(i) is required to be registered under the Investment Company Act of 1940; or

(ii) is excepted from the definition of investment company under section 3(c) of such Act, or any successor provision.

Page 682, line 21, strike ''the person'' and insert ''any person described in any subparagraph of this paragraph''.

Page 682, line 23, insert '', or, with respect to a person described in subparagraph (C)(ii), any employee, agent, or contractor acting on behalf of, or providing services to any such person, but only to the extent that such person, or the employee, agent, or contractor of such person acts in such exempt capacity'' before the period at the end.

Page 686, line 19, insert '' or any federally recognized Indian tribe as defined by the Secretary of Interior under section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1(a))'' before the period.

Page 693, line 13, before the semicolon insert the following: '', except that the Director shall not exercise any authorities that are granted to State insurance authorities under section 505(a)(6) of the Gramm-Leach-Bliley Act''.

Page 693, line 14, insert '', except that Director shall not exercise any authorities that are granted to State insurance authorities under Section 505(a)(6) of the Gramm-Leach-Bliley Act'' before the semicolon.

Page 696, strike line 14 and all that follows through page 697, line 9, and insert the following:

(1) APPOINTMENT.—The Director may fix the number of, and appoint and direct, all employees of the Agency.

Page 701, line 1, insert ''the Federal Trade Commission,'' after ''banking agencies,''.

Page 714, strike lines 11 through 14, and insert the following:

(2) an analysis of the major problems consumers of financial products and services were confronted with during the preceding year, including a description of the nature of such problems, and recommendations for such administrative and legislative action as may be appropriate to resolve such problems;

Page 715, after line 7, insert the following new paragraph (and redesignate succeeding paragraphs accordingly):

(6) an analysis of the Agency's efforts to increase workforce and contracting diversity consistent with subtitle I of title I of this Act;

Page 717, beginning on line 17, strike ''and complexity of the covered person,'' and insert '', complexity of, risk posed by,''.

Page 719, beginning on line 10, strike ''and complexity of the covered person,'' and insert '', complexity of, risk posed by,''.

Page 720, line 16, insert ''in the each of the first 3 years following the date of enactment of this Act'' after ''persons''.

Page 720, beginning on line 18, strike ''the 12-month period ending on December 31, 2009'' and insert ''the calendar year immediately preceding the designated transfer date''.

Page 720, line 24, insert '', on a risk-adjusted basis,'' after ''that''.

Page 721, line 11, insert ''or to set assessments that would result in higher marginal assessments on the depository institution covered persons with assets of less than $25,000,000,000 if based on the compliance record of or higher risks posed by such covered persons'' before the period.

Page 721, line 18, strike ''enforcement or regulation'' and insert ''or enforcement activities''.

Page 722, line 1, insert ''so that levels of assessments under this subparagraph combined with levels of assessments by an agency responsible for chartering and or supervising the depository institution covered person shall be no more'' before ''than it paid''.

Page 725, line 6, insert ''or the CFPA Nondepository Fund, at the discretion of the Agency'' before the period at the end.

Page 728, beginning on line 12, strike ''as a result of the'' and insert ''that are reasonably related as a general matter to''.

Page 743, line 3, insert ''a provision of'' after ''reports under''.

Page 743, line 4, insert ''a provision of'' after ''title,''.

Page 743, line 5, insert ''any provision of'' after ''law,''.

Page 743, line 8, insert ''under that provision of law'' after ''exclusive authority''.

Page 748, line 6, strike ''$1,500,000,000'' and insert ''$10,000,000,000''.

Page 760, strike line 19 and all that follows through page 762, line 22, and insert the following:

(a) EXCLUSION FOR MERCHANTS, RETAILERS, AND SELLERS OF NONFINANCIAL SERVICES.—

(1) IN GENERAL.—Notwithstanding any provision of this title (other than paragraph (4)) and subject to paragraph (2), the Director and the Agency may not exercise any rulemaking, supervisory, enforcement or other authority, including authority to order assessments, under this title with respect to—

(A) credit extended directly by a merchant, retailer, or seller of nonfinancial goods or services to a consumer, in a case in which the good or service being provided is not itself a consumer financial product or service, exclusively for the purpose of enabling that consumer to purchase such goods or services directly from the merchant, retailer, or seller of nonfinancial services; or

(B) collection of debt, directly by the merchant, retailer, or seller of nonfinancial services, arising from such credit extended.

In the application of this paragraph, the extension of credit and the collection of debt described in subparagraphs (A) and (B), respectively, shall not be considered a consumer financial product or service.

(2) EXCEPTION FOR EXISTING AUTHORITY.—The Director may exercise any rulemaking authority regarding an extension of credit described in paragraph (1)(A) or the collection of debt arising from such extension, as may be authorized by the enumerated consumer laws or any law or authority transferred under subtitle F or H.

(3) RULE OF CONSTRUCTION.—No provision of this title shall be construed as modifying, limiting, or superseding the authority of the Federal Trade Commission or any agency other than the Agency with respect to credit extended, or the collection of debt arising from such extension, directly by a merchant or retailer to a consumer exclusively for the purpose of enabling that consumer to purchase goods or services directly from the merchant or retailer.

(4) EXCLUSION NOT APPLICABLE TO CERTAIN CREDIT TRANSACTIONS.—Paragraph (1) shall not apply to—

(A) any credit transaction, including the collection of the debt arising from such extension, in which the merchant, retailer, or seller of nonfinancial services assigns, sells, or otherwise conveys such debt owed by the consumer to another person; or

(B) any credit transaction—

(i) in which the credit provided significantly exceeds the market value of the product or service provided; and

(ii) with respect to which the Director finds that the sale of the product or service is done as a subterfuge so as to evade or circumvent the provisions of this title.

Page 762, line 14, strike ''or''.

Page 762, line 22, strike the period and insert ''; or''.

Page 762, after line 22, insert the following new subparagraph:

(C) any credit transaction involving a person who operates a line of business that involves the extension of retail credit or retail leases involving motor vehicles, if—

(i) the extension of retail credit or retail leases is provided directly to consumers; and

(ii) the contracts governing such extension of retail credit or retail leases are not assigned to a third party finance or leasing source, except on a de minimis basis.

Page 764, after line 24, insert the following new subsection and redesignate subsequent subsections accordingly):

(d) PERSONS REGULATED BY A STATE SECURITIES COMMISSION.—

(1) IN GENERAL.—No provision of this title shall be construed as altering, amending, or affecting the authority of any securities commission (or any agency or office performing like functions) of any State to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by any securities commission (or any agency or office performing like functions) of any State. Except as permitted in paragraph (2) and subsection (m), the Director and the Agency shall have no authority to exercise any power to enforce this title with respect to a person regulated by any securities commission (or any agency or office performing like functions) of any State, but only to the extent that the person acts in such regulated capacity.

(2) DESCRIPTION OF ACTIVITIES..—Paragraph (1) shall not apply to any person to the extent such person is engaged in any financial activity described in any subparagraph of section 101(19) or is otherwise subject to any enumerated consumer law or any law or authority transferred under subtitle F or H.

Page 765, strike line 20 and all that follows through page 766, line 3, and insert the following new paragraph:

(3) PRESERVATION OF CERTAIN AUTHORITIES.—No provision of this title shall be construed as limiting the authority of the Director and the Agency from exercising powers under this Act with respect to a person, other than a person regulated by a State insurance regulator, who provides a product or service for or on behalf of a person regulated

by a State insurance regulator in connection with a financial activity.

Page 766, line 13, insert ''Finance'' after ''Housing''.

Page 770, after line 4, insert the following new paragraph (and redesignate succeeding paragraphs accordingly):

(3) CERTAIN ACTIVITIES NOT EXCLUDED.—

(A) IN GENERAL.—In no event shall paragraph (1) apply to any activity which involves the sale of securities or extension of credit which is provided by a person described in paragraph (1)(A).

(B) DEFINITION.—For purposes of subparagraph (A), the term ''extension of credit'' shall not include an ordinary account receivable.

Page 772, beginning on line 15, strike ''order assessments, over'' and all that follows through page 773, line 7, and insert ''order assessments, over a motor vehicle dealer that is primarily engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.''.

Page 776, after line 19, insert the following new subsections:

(l) EXCLUSION FOR PAWNBROKERS.—

(1) IN GENERAL.—The Director and the Agency may not exercise any rulemaking, supervisory, enforcement, or other authority, including authority to order assessments, under this title with respect to any pawnbroker licensed by a State or political subdivision thereof, a territory of the United States, or the District of Columbia, but only to the extent that such person acts in such capacity and provides either—

(A) non-recourse credit secured by a possessory security interest in tangible goods physically delivered by the consumer to the pawnbroker for which the consumer does not provide a written or electronic promise, order or authorization to pay, or in any other manner authorize a debit of a deposit account, prior to or contemporaneously with the disbursement of the original proceeds; or

(B) credit or any other financial activity issued directly by a pawnbroker to a consumer, in a case in which the good or service being provided is not itself a consumer financial product or service, exclusively for the purpose of enabling that consumer to purchase goods or services directly from the pawnbroker.

(2) RULE OF CONSTRUCTION.—

(A) FTC AUTHORITY PRESERVED.—Except as provided in subparagraph (B), no provision of this title shall be construed as modifying, limiting, or superseding the authority of the Federal Trade Commission with respect to the activities described under paragraph (1).

(B) EXERCISE OF RULEMAKING AUTHORITY.—The Director may exercise any rulemaking authority regarding the activities described in paragraph (1) only as may be authorized by the enumerated consumer laws or any law or authority transferred under subtitle F or H.

(m) EXCLUSION FOR CERTAIN CONSUMER REPORTING AGENCIES.—

(1) IN GENERAL.—Except as permitted in paragraph (2), the Director and the Agency may not exercise any rulemaking, supervisory, enforcement or other authority, including authority to order assessments, over a person that is a consumer reporting agency, as such term is defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)), but only to the extent that such consumer reporting agency furnishes a consumer report to another person that it has reason to believe intends to use the information for employment purposes, including for security investigations, government licensing and evaluating a consumer's residential or tenant history.

(2) DESCRIPTION OF ACTIVITIES.—Paragraph (1) shall not apply to any person described in such paragraph to the extent such person is engaged in any financial activity described in any subparagraph of section 4002(19) or is otherwise subject to any of the enumerated consumer laws or the authorities transferred under subtitle F or H.

(n) LIMITED AUTHORITY OF THE AGENCY TO OBTAIN INFORMATION.—Notwithstanding subsections (a), (f), (g), (h), (i), and (k), the Director may request or require information from any person subject to or described in any such subsection in order to carry out the responsibilities and functions of the Agency and in accordance with section 4206, 4501, or 4502.

Page 781, line 22, after the period insert the following: ''This authority shall not prohibit or restrict a consumer from entering into a voluntary arbitration agreement with a covered person after a dispute has arisen.''.

Page 787, strike line 17 and all that follows through page 788, line 10, and insert the following new subsection:

(c) UNFAIR, DECEPTIVE, OR ABUSIVE ACTS OR PRACTICES DEFINED.—

(1) UNFAIR ACTS OR PRACTICES.—Any determination by the Director and the Agency that an act or practice is unfair shall be consistent with the standard set forth under section 5 of the Federal Trade Commission Act and with the policy statement adopted by the Federal Trade Commission pursuant to section 5 of the Federal Trade Commission Act and dated December 17, 1980.

(2) DECEPTIVE ACTS OR PRACTICES.—Any determination by the Director and the Agency that an act or practice is deceptive shall be consistent with the policy statement adopted by the Federal Trade Commission pursuant to section 5 of the Federal Trade Commission Act and dated October 14, 1983.

(3) ABUSIVE ACTS OR PRACTICES.—The Director and the Agency may determine that an act or practice is abusive only if the Director finds that—

(A) the act or practice is reasonably likely to result in a consumer's inability to understand the terms and conditions of a financial product or service or to protect their own interests in selecting or using a financial product or service; and

(B) the widespread use of the act or practice is reasonably likely to contribute to instability and greater risk in the financial system.

Page 795, line 23, insert ''(other than by the Agency, or by a State regulator, as may be necessary to enforce an administrative order under this section)'' before the comma at the end.

Page 799, line 24, after ''and'' insert '', notwithstanding any other provision of this title,''.

Page 815, line 11, insert ''to be effected or used primarily for personal, family, or household purposes'' after ''funds''.

Page 845, after line 13, insert the following new paragraph (and redesignate succeeding paragraphs accordingly):

(4) COVERED EMPLOYEE.—The term ''covered employee'' means any individual performing tasks related to the provision of a financial product or service to a consumer.

Page 878, beginning on line 5, strike ''for any violation of a regulation prescribed under section 4306 or''.

Page 880, strike line 16 through page 893, line 8 and insert the following:

SEC. 4507. EMPLOYEE PROTECTION.

(a) No covered person shall terminate or in any other way discriminate against, or cause to be terminated or discriminated against, any covered employee or any authorized representative of covered employees by reason of the fact that such employee or representative whether at the employee's initiative or in the ordinary course of the employee's duties (or any person acting pursuant to a request of the employee) has—

(1) provided information to the Agency or to any other state, local, federal, or tribal government entity, filed, instituted or caused to be filed or instituted any proceeding under this title, any enumerated consumer law, any law for which authorities were transferred by subtitles F and H, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this title; or

(2) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any law, rule, or regulation, or to be unfair, deceptive, or abusive and likely to cause specific and substantial injury to one or more consumers.

(b)(1) A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination and identifying the person responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

(2)(A) Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the complainant and the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

(B)(i) The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(ii) Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(iii) The Secretary may determine that a violation of subsection (a) has occurred only

if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(iv) Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(3)(A) Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

(B) If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

(i) to take affirmative action to abate the violation;

(ii) to reinstate the complainant to his or her former position together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

(iii) to provide compensatory damages to the complainant. If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(C) If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys' fee, not exceeding $ 1,000, to be paid by the complainant.

(4) If the Secretary has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(B). The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

(A) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

(B) the amount of back pay, with interest; and

(C) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney's fees.

(5)(A) Unless the complainant brings an action under paragraph (4), any person adversely affected or aggrieved by a final order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

(B) An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

(6) Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

(7)(A) A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

(B) The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any party whenever the court determines such award is appropriate.

(c) Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

(d)(1) Except as provided under paragraph (3), the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) Except as provided under paragraph (3), no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising under this section.

(e) Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under paragraph (a)(2) of this section unless the Agency determines by rule that such provision is inconsistent with the purposes of this Act.

(f) Any employer receiving covered funds shall post notice of the rights and remedies provided under this section.

Page 881, line 1, strike ''provided information to'' and insert ''provided, caused to be provided, or is about to provide or cause to be provided information to the employer,''.

Page 893, line 6, strike ''(a)(2)'' and insert ''(a)(4)''.

Page 893, after line 8 insert the following new section (and redesignate succeeding sections accordingly):

SEC. 4508. NO PRIVATE RIGHT OF ACTION.

Nothing in this title shall be construed to create a private right of action, but this section shall not be construed or interpreted to deny any private right of action arising under the enumerated consumer laws or the authorities transferred under subtitle F or H.

Page 897, beginning on line 21, strike ''BACKSTOP''.

Page 898, line 2, strike ''4202(e)(3)'' and insert ''paragraph (2) or (3) of section 4202(e)''.

Page 898, line 8, insert ''transferred under subsection (a)'' after ''functions''.

Page 922, beginning on line 1, strike ''a Federal home loan bank, a joint office of the Federal home loan banks,''.

Page 922, line 5, strike ''or''.

Page 922, line 6, insert '', or the Federal Home Loan Bank Board or any successor to such Board'' before ''shall be''.

Page 922, beginning on line 23, strike ''a Federal home loan bank, a joint office of the Federal home loan banks,''.

Page 923, line 2, strike ''or''.

Page 923, line 3, insert '', or the Federal Home Loan Bank Board or any successor to such Board'' before ''shall be''.

Page 933, line 4, insert ''the Federal Home Loan Bank Board or any successor to such Board,'' after ''Federal reserve bank''.

Page 933, line 21, insert ''the Federal Home Loan Bank Board or any successor to such Board,'' after ''reserve bank''.

Page 934, line 24, strike ''before the designated transfer date'' and insert ''during the 24-month period beginning on the date of the enactment of this title''.

Page 954, line 2, insert ''and shall not apply to the term 'Board' when used in reference to the Federal Deposit Insurance Corporation or the National Credit Union Administration'' before the period.

Page 955, line 16, strike ''25(a)'' and insert ''25A''.

Page 957, line 3, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 957, line 20, insert ''(and except for any insertion of 'Federal Trade Commission' made by this subtitle)'' after ''subparagraph (B)''.

Page 958, line 2, strike ''and 129(m) (as amended by paragraph (7))'' and insert ''129(m) (as amended by paragraph (7)), 140A, or 149 (as amended by paragraph (8)).''.

Page 959, after line 13, insert the following:

(8) SECTION 149.—Section 149(b) of the Truth in Lending Act (15 U.S.C. 1665d(b)) is amended by inserting ''the Federal Trade Commission,'' after ''in consultation with''.

Page 960, beginning on line 1, strike ''paragraph (7)(A)'' and insert '' paragraphs (7)(B), (8)(A), (8)(C), and (8)(D) of this subsection (and except for any insertion of 'Federal Trade Commission' made by this subtitle)''.

Page 961, after line 21, insert the following:

(5) SECTION 609.—Section 609(d)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(d)(1)) is amended by inserting ''the Federal Trade Commission,'' after ''in consultation with''.

Page 961, line 22, strike ''(5)'' and insert ''(6)''.

Page 961, line 22, strike ''611(e)(2)'' and insert ''611(e)''.

Page 961, line 23, strike ''15 U.S.C.1681i(e)(2)'' and insert ''15 U.S.C. 1681i(e)''.

Page 961, line 24, strike ''amended to read as follows:'' and insert ''amended—'', and after such line insert the following:

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

Page 962, line 5, strike the period following the quotation marks and insert ''; and'' and after such line insert the following:

(B) in the heading of paragraph (3) by inserting ''CONSUMER REPORTING'' before ''AGENCY''.

Page 962, strike lines 6 through 8 and insert the following:

(8) SECTION 615.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended—

(A) in subsection (d)(2)(B), by inserting ''the Federal Trade Commission,'' after ''in consultation with'';

(B) in subsection (e)(1), by striking ''and the Commission'' and inserting ''the Federal Trade Commission, the Securities and Exchange Commission, and the Commodities Futures Trading Commission''; and

(C) by striking subparagraph (A) of subsection (h)(6) and inserting the following:

Page 962, line 11, strike ''(7)'' and insert ''(8)''.

Page 963, line 2, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 968, after line 7, insert the following (and redesignate succeeding subparagraphs accordingly):

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

(i) by inserting ''the Agency and'' before ''the Federal Trade Commission'' in the first sentence;

(ii) by inserting ''Agency and the Federal Trade'' after ''provide the''; and

(iii) by inserting ''Agency,'' before ''Federal Trade Commission'' in the second sentence;

(D) in paragraph (4) of subsection (c)—

(i) by inserting ''Agency'', before ''the Federal Trade Commission''; and

(ii) inserting ''Agency, the Federal Trade'' after ''complaint of the'';

(E) in paragraph (2) of subsection (f), by inserting ''the Federal Trade Commission'' after ''in consultation with'';

Page 968, beginning on line 12, strike ''with respect to a covered person described in subsection (b)'' and insert '', except that, with respect to sections 615(e) and 628 of this title, the agencies identified in subsections (a) and (b) of this section shall prescribe such regulations as necessary to carry out the purposes of such sections with respect to entities within their enforcement authority under such subsections''.

Page 968, line 14, strike ''(D)'' and insert ''(G)''.

Page 973, strike lines 8 and 9 and insert the following:

(iii) in paragraph (1)(B)—

(I) by inserting ''of Governors of the Federal Reserve System'' after ''Board''; and

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

Page 974, line 2, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 978, line 4, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 982, line 21, strike ''and'' and after such line insert the following:

(iii) in paragraph (l)(B), by inserting ''of Governors of the Federal Reserve System'' after ''Board'';

Page 982, line 22, strike ''(iii)'' and insert ''(iv)''.

Page 983, line 7, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 988, after line 7, insert the following (and redesignate succeeding subsections accordingly):

(a) SECTION 501.—Section 501(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801(b)) is amended by inserting ''(other than the Consumer Financial Protection Agency)'' after ''title''.

(b) SECTION 502.—Section 502(e)(5) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e)(5)) is amended by inserting ''the Consumer Financial Protection Agency,'' after ''(including''.

(c) SECTION 503.—Section 503(e)(1) of the Gramm-Leach-Bliley Act (15 U.S.C. 6803(e)(1)) is amended—

(1) by inserting ''Consumer Financial Protection Agency in consultation with the other'' before ''agencies''; and

(2) by striking ''jointly''.

Page 988, line 13, strike ''and'' at the end.

Page 988, line 15, strike the period and insert ''; and'' and after such line insert the following:

(3) by inserting ''the Federal banking agencies, the National Credit Union Administration, the Secretary of the Treasury, the Federal Trade Commission, and'' before ''representatives of State insurance authorities''.

Page 989, after line 15, insert the following:

(f) SECTION 507.—Subsection 507(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6807(b)) is amended by striking ''Federal Trade Commission'' and inserting ''Consumer Financial Protection Agency, or in the case of a rule under section 501(b), the Federal Trade Commission or the Securities and Exchange Commission''.

Page 997, line 6, strike ''25(a)'' and insert ''25A''.

Page 1016, strike line 7 through page 1018, line 5, and insert the following:

SEC. 4815. AMENDMENTS TO THE TELEMARKETING AND CONSUMER FRAUD ABUSE AND PREVENTION ACT.

(a) Section 4 of the Telemarketing and Consumer Fraud Abuse and Prevention Act (15 U.S.C. 6102) is amended—

(1) in subsection (b)—

(A) by inserting ''and the Consumer Financial Protection Agency with respect to a person subject to the authority of that Agency under the Consumer Financial Protection Agency Act'' after ''Commission'' each of the first 2 places it appears; and

(B) by inserting ''or the Consumer Financial Protection Agency'' after ''Commission'' the last place it appears; and

(2) in subsection (d), by inserting ''or the Consumer Financial Protection Agency'' after ''Commission'' each place such term appears.

(b) Section 5 of the Telemarketing and Consumer Fraud Abuse and Prevention Act (15 U.S.C. 6102) is amended—

(1) in subsection (b)—

(A) by inserting ''and the Consumer Financial Protection Agency with respect to a person subject to the authority of that Agency under the Consumer Financial Protection Agency Act'' after ''Commission'' each of the first 2 places it appears; and

(B) by inserting ''or the Consumer Financial Protection Agency'' after ''Commission'' the last place it appears; and

(2) in subsection (c), by inserting ''or the Consumer Financial Protection Agency'' after ''Commission'' each place such term appears.

(c) Section 6 of the Telemarketing and Consumer Fraud Abuse and Prevention Act (15 U.S.C. 6102) is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

''(c) ENFORCEMENT BY THE CONSUMER FINANCIAL PROTECTION AGENCY.—Subject to section 4202 of the Consumer Financial Protection Agency Act of 2009, this Act shall be enforced by the Consumer Financial Protection Agency, under subtitle E of that Act, with respect to a person subject to the authority of that Agency under that Act. For the purpose of the exercise by the Consumer Financial Protection Agency of its powers under subtitle E, a violation of any requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under the Consumer Financial Protection Agency Act. In addition to its powers under subtitle E of that Act, the Agency may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.''.

Page 1019, line 8, strike ''and'' and after such line insert the following:

(2) by inserting a comma after ''under this Act'';

(3) by inserting a comma after ''subsection (a)(1))''; and

Page 1019, line 9, strike ''(2)'' and insert ''(4)''.

Page 1019, line 15, insert ''partnership, or corporation'' after ''person,''.

Page 1020, after line 20, insert the following new subtitle:

Subtitle J—Miscellaneous

SEC. 4951. REQUIREMENTS FOR STATE-LICENSED LOAN ORIGINATORS.

Paragraph (2) of section 1505 (b) of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5104(b)(2)) is amended by inserting after and below subparagraph (B), the following:

''Notwithstanding the preceding sentence, a State loan originator supervisory authority may provide for review of applicants and for granting exceptions, on a case-by-case basis, to the minimum standard under subparagraph (B), but only to the extent that any such exception otherwise complies with the purposes of this title.''.

Page 1021, strike lines 24 and 25 and insert the following:

''(i) in total, fewer than 15 clients and investors in the United States in private funds advised by the investment adviser; and''.

Page 1022, strike lines 1 and 2 and insert the following:

''(ii) aggregate assets under management attributable to clients and investors in the United States in private funds advised by the investment adviser of''.

Page 1022, line 20, strike ''Section'' and insert the following:

(a) EXEMPTION.—Section

Page 1024, after line 3, insert the following:

(b) CONSIDERATION OF RISK.—Section 203(c) of the Investment Advisers Act of 1940 (15 U.S.C. 80b—3(c)) is amended by adding at the end the following:

''(3) The Commission shall take into account the relative risk profile of different classes of private funds as it establishes, by rule or regulation, the registration requirements for private funds.''.

Page 1024, line 4, strike ''**SYSTEMIC RISK**''.

Page 1024, beginning on line 23, strike '', and to any other entity that the Commission identifies as having systemic risk responsibility'' and insert ''and to the Financial Services Oversight Council''.

Page 1027, beginning on line 12, strike '', and to any other entity that the Commission identifies as having systemic risk responsibility'' and insert ''and to the Financial Services Oversight Council''.

Page 1027, line 17, strike ''such other entity'' and insert ''the Financial Services Oversight Council''.

Page 1028, strike line 11 and all that follows through page 1029, line 2, and insert the following:

''(8) NON-DISCLOSURE OF CERTAIN PROPRIETARY INFORMATION AND CONFIDENTIALITY OF REPORTS.—Any proprietary information of an investment adviser ascertained by the Commission from any report required to be filed with the Commission pursuant to this section 204(b) shall be subject to the same limitations on public disclosure as any facts ascertained during an examination as provided by section 210(b) of this title. The Commission may not compel the private fund to disclose such proprietary information to counterparties and creditors. For purposes of this section, proprietary information shall include sensitive, non-public information regarding the investment adviser's investment or trading strategies, analytical or research methodologies, trading data, computer hardware or software containing intellectual property, and any additional information that the Commission determines to be proprietary. Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any report or information contained therein required to be filed with the Commission under this subsection. Nothing in this paragraph shall authorize the Commission to withhold information from the Congress or to prevent the Commission from complying with a request for information from any other Federal department or agency or any self-regulatory organization requesting the report or information for purposes within the scope of its jurisdiction, or complying with an order of a court of the

United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section.''.

Page 1030, line 12, strike ''private funds'' the second place it appears and insert ''investment adviser acts solely as an adviser to private funds and''.

Page 1032, line 23, insert '', 203(m),'' after ''203(1)''.

Page 1033, line 23, insert ''to the extent necessary'' after ''regulations''.

Page 1034, line 7, insert ''in any rule or regulation'' after ''any factor used''.

Page 1034, line 11, insert ''by order,'' after ''Commission shall,''.

Page 1034, line 15, strike ''$1,000'' and insert ''$100,000''.

Page 1034, line 16, strike ''$1,000'' and insert ''$100,000''.

Page 1038, line 2, insert ''disclosure of'' after ''with respect to''.

Page 1041, beginning on line 13, strike ''and reliable''.

Page 1042, beginning on line 2, strike ''or its ultimate holding company''.

Page 1059, line 2, strike ''; and'' and insert a period.

Page 1059, strike lines 3 through 8 and insert the following:

(2) SYMBOLS.— The Commission may prescribe rules that require nationally recognized statistical rating organizations to establish credit rating symbols that distinguish credit ratings for structured products from credit ratings for other products that the Commission determines appropriate or necessary in the public interest and for the protection of investors, provided such rules do not prevent public pension funds or other State regulated entities from investing in rated products.

Page 1059, line 9, strike ''(2)'' and insert ''(3)''.

Page 1066, line 7, insert ''certify that they'' after ''diligence services''.

Page 1067, line 10, strike ''service,'' and insert ''service to that issuer, underwriter, or placement agent in determining a credit rating,''.

Page 1068, line 17, strike ''this title'' and insert ''the securities laws''.

Page 1068, line 21, strike ''or a similar''.

Page 1090, line 14, insert ''section 211 of'' after ''under''.

Page 1090, line 18, insert after the period the following: ''Nothing in this section shall require a broker or dealer or registered representative to have a continuing duty of care or loyalty to the customer after providing personalized investment advice about securities.''.

Page 1092, line 1, strike ''(3)'' and insert ''(2)''.

Page 1096, line 4, insert ''**AND RULEMAKING**'' after ''**STUDY**''.

Page 1096, beginning on line 9, strike ''manner in which'' and all that follows through ''products or services'' on line 12 and insert ''provision of documents or information to retail customers prior to the purchase of investment products or services''.

Page 1098, line 19, strike ''in connection with'' and insert ''rules that require the provision of documents or information to retail customers prior to''.

Page 1103, strike ''**ADVISOR**'' and insert ''**ADVISER**''.

Page 1109, line 11, insert ''law enforcement agency,'' after the comma.

Page 1109, line 17, strike ''or'' and after such line insert the following:

(C) to any whistleblower who gains the information through the performance of an audit of financial statements required under the securities laws; or

Page 1109, line 18 strike ''(C)'' and insert ''(D)''.

Page 1116, strike lines 11 through page 1118, line 13, and insert the following:

''(2) CONFIDENTIALITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission and any officer or employee of the Commission shall not disclose any information, including information provided by a whistleblower to the Commission, which could reasonably be expected to reveal the identity of a whistleblower, except in accordance with the provisions of section 552a of title 5, United States Code, unless and until required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Commission or any entity described in subparagraph (B). For purposes of section 552 of title 5, United States Code, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.

''(B) AVAILABILITY TO GOVERNMENT AGENCIES.—Without the loss of its status as confidential and privileged in the hands of the Commission, all information referred to in subparagraph (A) may, in the discretion of the Commission, when determined by the Commission to be necessary to accomplish the purposes of this Act and protect investors, be made available to—

''(i) the Attorney General of the United States,

''(ii) an appropriate regulatory authority,

''(iii) a self-regulatory organization,

''(iv) State attorneys general in connection with any criminal investigation, and

''(v) any appropriate State regulatory authority,

''each of which shall not disclose such information in accordance with subparagraph (A).''.

Page 1123, line 13, insert ''municipal financial adviser,'' after ''transfer agent,''.

Page 1123, line 22, insert ''municipal financial adviser,'' after ''transfer agent,''.

Page 1124, line 6, insert ''municipal financial adviser,'' after ''municipal securities dealer,''.

Page 1124, line 15, insert ''municipal financial adviser,'' after ''transfer agent,''.

Page 1127, beginning on line 18, strike ''head of any division or office within the Commission or his designee'' and insert ''Director of the Division of Enforcement of the Commission or the Director's designee''.

Page 1127, beginning on line 24, strike ''head of any division or office within the Commission or his designee'' and insert ''Director of the Division of Enforcement of the Commission or the Director's designee''.

Page 1128, beginning on line 3, strike ''head of any division or office within the Commission or his designee'' and insert ''Director of the Division of Enforcement of the Commission or the Director's designee''.

Page 1128, beginning on line 9, strike ''head of any division or office within the Commission or his designee'' and insert ''Director of the Division of Enforcement of the Commission or the Director's designee''.

Page 1128, line 24, strike ''without findings'' and insert '', has concluded without findings,''.

Page 1129, line 3, insert ''responsible for compliance examinations and inspections'' after ''Commission''.

Page 1129, line 7, insert a comma after ''inspection''.

Page 1129, line 8, insert a comma after ''action''.

Page 1129, line 11, insert ''responsible for compliance examinations and inspections'' after ''Commission''.

Page 1129, strike line 16 through page 1131, line 2, and insert the following:

(a) SECURITIES ACT OF 1933.—Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended by inserting after the second sentence the following: ''In any civil action instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued to compel the attendance of witnesses or the production of documents or tangible things (or both) at any hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued.''.

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) is amended by inserting after the third sentence the following: ''In any civil action instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued to compel the attendance of witnesses or the production of documents or tangible things (or both) at any hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued.''.

(c) INVESTMENT COMPANY ACT OF 1940.—Section 44 of the Investment Company Act of 1940 (15 U.S.C. 80a–43) is amended by inserting after the fourth sentence the following: ''In any civil action instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued to compel the attendance of witnesses or the production of documents or tangible things (or both) at any hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued.''.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–14) is amended by inserting after the third sentence the following: ''In any civil action instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued to compel the attendance of witnesses or the production of documents or tangible things (or both) at any hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued.''.

Page 1131, line 9, strike ''MONEY'' and insert ''MONETARY''.

Page 1133, line 21, strike ''TO ASSESS MONEY'' and insert ''TO ASSESS MONETARY''.

Page 1143, beginning on line 2, strike ''Except as provided in subsection (f), the'' and insert ''The''.

Page 1146, beginning on line 8, strike ''The jurisdiction'' and all that follows through line 11 and insert ''With respect to any actions or proceedings brought or instituted by the Commission or the United States, this jurisdiction includes violations of section 17(a) of this title, and all''.

Page 1147, beginning on line 4, strike ''The jurisdiction'' and all that follows through ''subsection (a)'' and insert ''With respect to any actions or proceedings brought or instituted by the Commission or the United States, this jurisdiction''.

Page 1148, beginning on line 3, strike ''The jurisdiction'' and all that follows through ''subsection (a)'' and insert ''With respect to any actions or proceedings brought or instituted by the Commission or the United States, this jurisdiction''.

Page 1149, line 18, strike the semicolon at the end.

Page 1158, line 7, insert ''and'' after ''with''.

Page 1190, line 13, strike ''that—'' and insert the following: ''that is not exempt from registration under section 203 and—''.

Page 1190, beginning on line 15, strike ''by a State'' and insert ''in the State where it maintains its principal office and place of business''.

Page 1191, line 8, insert after the first period the following: ''If no State in which an

investment adviser described in subparagraph (B) is registered conducts such an examination, the investment adviser must register with the Commission. If, pursuant to this paragraph, an investment adviser would be required to register with 5 or more States, then the adviser may maintain its registration with the Commission.''.

Page 1191, strike line 10 and all that follows through page 1192, line 3, and insert the following:

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this title, the Securities and Exchange Commission shall adopt a rule pursuant to its authority under section 211(a) of the Investment Advisers Act of 1940 making it unlawful under section 206(4) of that Act for an investment adviser registered under such Act to have custody of funds or securities of a client the value of which exceeds $10,000,000, unless—

(1) the funds and securities are maintained with a qualified custodian either in a separate account for each client under the client's name, or in accounts that contain only client funds and securities under the name of the investment adviser as agent or trustee for the client; and

(2) the qualified custodian does not directly or indirectly provide investment advice with respect to such funds or securities.

(b) EXCEPTIONS.—The rule adopted under subsection (a) shall include such exceptions as the Commission determines in the public interest and consistent with the protection of investors. Any exemption granted under this subsection shall ensure that at least once per year, a client described in subsection (a) shall receive a report from an independent entity with a fiduciary responsibility to the client to verify that the assets in the client's account are in accord with those stated on the client's account statement.

(c) NO LIMITS ON OTHER ACTIONS.—Nothing in this section shall be construed to limit other actions the Securities and Exchange Commission may take under this Act to require the protection of client assets.

Page 1192, line 21, strike ''maintain'' and insert ''assure that safeguards exist to maintain''.

Page 1193, line 9, strike ''regards'' and insert ''regard''.

Page 1193, after line 10, insert the following new sections:

SEC. 7421. NOTICE TO MISSING SECURITY HOLDERS.

Section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1) is amended by adding at the end the following new subsection:

''(g) DUE DILIGENCE FOR THE DELIVERY OF DIVIDENDS, INTEREST, AND OTHER VALUABLE PROPERTY RIGHTS.—

''(1) REVISION OF RULES REQUIRED.—The Commission shall revise its regulations in section 240.17Ad-17 of title 17, Code of Federal Regulations, as in effect on December 8, 1997, to extend the application of such section to brokers and dealers and to provide for the following:

''(A) A requirement that the paying agent provide a single written notification to each missing security holder that the missing security holder has been sent a check that has not yet been negotiated. The written notification may be sent along with a check or other mailing subsequently sent to the missing security holder but must be provided no later than 7 months after the sending of the not yet negotiated check.

''(B) An exclusion for paying agents from the notification requirements when the value of the not yet negotiated check is less than $25.

''(C) A provision clarifying that the requirements described in subparagraph (A) shall have no effect on State escheatment laws.

''(D) For purposes of such revised regulations—

''(i) a security holder shall be considered a 'missing security holder' if a check is sent to the security holder and the check is not negotiated before the earlier of the paying agent sending the next regularly scheduled check or the elapsing of 6 months after the sending of the not yet negotiated check; and

''(ii) the term 'paying agent' includes any issuer, transfer agent, broker, dealer, investment adviser, indenture trustee, custodian, or any other person that accepts payments from the issuer of a security and distributes the payments to the holders of the security.

''(2) RULEMAKING.—The Commission shall adopt such rules, regulations, and orders necessary to implement this subsection no later than 1 year after the date of enactment of this subsection. In proposing such rules, the Commission shall seek to minimize disruptions to current systems used by or on behalf of paying agents to process payment to account holders and avoid requiring multiple paying agents to send written notification to a missing security holder regarding the same not yet negotiated check.''.

SEC. 7422. SHORT SALE REFORMS.

(a) SHORT SALE DISCLOSURE.—Section 13(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(f)) is amended by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively, and inserting after paragraph (1) the following:

''(2)(A) Every institutional investment manager that effects a short sale of an equity security shall also file a report on a daily basis with the Commission in such form as the Commission, by rule, may prescribe. Such report shall include, as applicable, the name of the institution, the name of the institutional investment manager and the title, class, CUSIP number, number of shares or principal amount, aggregate fair market value of each security, and any additional information requested by the Commission. For purposes of section 552 of title 5, United States Code, this subparagraph shall be considered a statute described in subsection (b)(3)(B) of such section. The information contained in reports of an institutional investment manager filed with the Commission pursuant to this section, shall be subject to the same non-disclosure and confidentiality protection provided under section 204(b)(8) of the Investment Advisers Act of 1940.

''(B) The Commission shall prescribe rules providing for the public disclosure of the name of the issuer and the title, class, CUSIP number, aggregate amount of the number of short sales of each security, and any additional information determined by the Commission following the end of the reporting period. At a minimum, such public disclosure shall occur every month.''.

(b) SHORT SELLING ENFORCEMENT.—Section 9 of the Securities Exchange Act of 1934 (15 U.S.C. 78i) is amended—

(1) by redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (e), (f), (g), (h), (i), and (j), respectively; and

(2) inserting after subsection (c), the following new subsection:

''(d) TRANSACTIONS RELATING TO SHORT SALES OF SECURITIES.—It shall be unlawful for any person, directly or indirectly, by the use of the mails or any means or instrumentality of interstate commerce, or of any facility of any national securities exchange, or for any member of a national securities exchange to effect, alone or with one or more other persons, a manipulative short sale of any security. The Commission shall issue such other rules as are necessary or appropriate to ensure that the appropriate enforcement options and remedies are available for violations of this subsection in the public interest or for the protection of investors.''.

(c) INVESTOR NOTIFICATION.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended—

(1) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (f), (g), (h), (i), and (j), respectively; and

(2) inserting after subsection (d) the following new subsection:

''(e) NOTICES TO CUSTOMERS REGARDING SECURITIES LENDING.—Every registered broker or dealer shall provide notice to its customers that they may elect not to allow their fully paid securities to be used in connection with short sales. If a broker or dealer uses a customer's securities in connection with short sales, the broker or dealer shall provide notice to its customer that the broker or dealer may receive compensation in connection with lending the customer's securities. The Commission, by rule, as it deems necessary or appropriate in the public interest and for the protection of investors, may prescribe the form, content, time, and manner of delivery of any notice required under this paragraph.''.

SEC. 7423. STREAMLINING OF SEC FILING PROCEDURES.

(a) APPROVAL PROCESS.—Section 19(b)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(2)) is amended to read as follows:

''(2) FILING PROCEDURES.—

''(A) IN GENERAL.—Within thirty-five days of the date of publication of notice of the filing of a proposed rule change in accordance with paragraph (1) of this subsection, or within such longer period as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall—

''(i) by order approve such proposed rule change; or

''(ii) institute proceedings under subparagraph (B) to determine whether the proposed rule change should be disapproved.

''(B) PROCEEDINGS.—Proceedings to determine whether the proposed rule change should be disapproved shall include notice of the grounds for disapproval under consideration and opportunity for hearing and be concluded within 200 days from the date of receipt of a proper filing. At the conclusion of such proceedings the Commission, by order, shall approve or disapprove such proposed rule change. The Commission may extend the time for conclusion of such proceedings for up to 60 days if it finds good cause for such extension and publishes its reasons for so finding or for such longer period as to which the self-regulatory organization consents. The Commission shall approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of this title and the rules and regulations thereunder applicable to such organization. The Commission shall disapprove a proposed rule change of a self-regulatory organization if it does not make such finding. The Commission shall not approve any proposed rule change prior to the thirtieth day after the date of publication of notice of the filing thereof, unless the Commission finds good cause for so doing and publishes its reasons for so finding.''.

(b) RULES.—Not later than 12 months after the date of enactment of this Act, the Commission shall issue rules implementing a disapproval process for filings submitted on or after the effective date of such rules.

Page 1196, line 5, strike ''containing''.

Page 1198, strike line 22 through page 1199, line 16.

Page 1199, line 17, strike ''(3)'' and insert ''(2)''.

Page 1199, line 21, strike ''or (2)''.

Page 1206, strike lines 15, through 23.

Page 1211 strike line 24 through page 1212, line 21, and insert the following:

(e) INSPECTIONS BY REGISTERED ACCOUNTING FIRMS.—Subsection (a) of Section 104 of such Act is amended—

(1) by striking ''(a) IN GENERAL.—The Board shall'' and inserting the following:

''(a) IN GENERAL.—

''(1) The Board shall''; and

(2) by adding at the end of such subsection the following:

''(2) INSPECTIONS OF AUDIT REPORT FOR BROKERS AND DEALERS.—

''(A) The Board may, by rule, conduct and require a program of inspection in accordance with paragraph (a)(1), on a basis to be determined by the Board, of registered public accounting firms that provide one or more audit reports for a broker or dealer. The Board, in establishing such a program, may allow for differentiation among classes of brokers and dealers, as appropriate.

''(B) If the Board determines to establish a program of inspection pursuant to subparagraph (A), the Board shall consider in establishing any inspection schedules whether differing schedules would be appropriate with respect to registered public accounting firms that issue audit reports only for one or more brokers or dealers that do not receive, handle, or hold customer securities or cash or are not a member of the Securities Investor Protection Corporation.

''(C) Any rules of the Board pursuant to this paragraph shall be subject to prior approval by the Commission pursuant to section 107(b) before the rules become effective, including an opportunity for public notice and comment.

''(D) Notwithstanding anything to the contrary in section 102 of this Act, a public accounting firm shall not be required to register with the Board if the public accounting firm is exempt from the inspection program which may be established by the Board under subparagraph (a)(2)(A) of this section.

''(3) CONFORMING AMENDMENT.—Section 17 (e)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(e) (1) (A)) is amended by striking 'registered public accounting firm' and inserting 'independent public accounting firm or by a registered public accounting firm if registration is required under the Sarbanes-Oxley Act of 2002 as amended.'.''.

Page 1215, line 1, strike ''dealer'' and insert ''dealers''.

Page 1219, beginning on line 10, strike ''domestic'' and insert ''domestically''.

Page 1223, lines 5, strike ''shall—'' and all that follows through line 13 and insert ''shall prevent the Board from responding to requests for reports from the Committees specified under subsection (h) about the activities or programs of the Board, provided that any confidential information contained therein shall be subject to the provisions of section 105(b)(5).''.

Page 1228, line 14, strike ''**MISLEAD**'' and insert ''**MISLED**''.

Page 1231, after line 15, insert the following:

(4) APPLICATION OF FIDUCIARY DUTY FOR PERSONALIZED INVESTMENT ADVICE ABOUT SECURITIES.—Nothing in this section shall diminish in any manner nor supersede the standard of conduct applicable to all brokers, dealers and investment advisers providing personalized investment advice about securities as set forth in section 7103 of this Act.

Page 1231, line 16, strike ''(4)'' and insert ''(5)''.

Page 1231, beginning on line 19, strike '', to the extent practicable, conform to the'' and insert ''meet or exceed''.

Page 1232, strike lines 3 through page 1235, line 5, and insert the following:

(6) SUITABILITY AND SUPERVISION RULES FOR ANNUITY PRODUCTS.—A State shall have adopted rules that govern suitability requirements in the sale of annuities which shall meet or exceed the minimum requirements established by the National Association of Insurance Commissioners Suitability in Annuity Transactions Model Regulation in effect on the date of the enactment of this Act, or any successor thereto.

Page 1235, line 18, strike ''senior'' and insert ''seniors who are''.

Page 1238, line 13, insert a comma after ''finding''.

Page 1242, line 7, insert ''United States Code,'' after ''title 18,''.

Page 1243, line 9, insert ''or the rules of the Municipal Securities Rulemaking Board,'' after ''statutes,''.

Page 1243, line 17, insert ''or the rules of the Municipal Securities Rulemaking Board,'' after ''statutes,''.

Page 1247, line 18, insert ''broker, dealer, investment adviser, municipal securities dealer, transfer agent, nationally recognized statistical rating organization, or''.

Page 1248, line 1, strike ''or (E)'' and insert ''(E), (G), or (H)''.

Page 1254, line 22, strike ''or''.

Page 1254, line 24, strike the period at the end and insert ''; or'' and after such line insert the following:

(v) the independent accountant that audits the financial statements of the municipal securities issuer.

Page 1259, after line 24, insert the following new subparagraph and redesignate subsequent subparagraphs accordingly):

''(C) To monitor the extent to which traditionally underserved communities and consumers, minorities (as such term is defined in 24 section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)), and low- and moderate-income persons have access to affordable insurance products regarding all lines of insurance, except health insurance.''.

Page 1261, after line 6, insert the following new paragraph:

''(3) ADVISORY CAPACITY ON COUNCIL.—The Director shall serve in an advisory capacity on the Financial Services Oversight Council established under the Financial Stability Improvement Act of 2009.''.

Page 1261, line 9, after ''Secretary'' insert ''in coordination with the Secretary of the Department of Health and Human Services''.

Page 1261, line 14, after ''data'' insert '', including financial data,''.

Page 1262, beginning on line 2, strike ''is authorized to write'' and insert ''writes''.

Page 1262, line 3, strike ''reinsure'' and insert ''reinsures''.

Page 1262, line 4, strike ''issue'' and insert ''issues''.

Page 1278, line 13, strike ''and broadened''.

Page 1279, line 1, insert ''Federal or State'' after ''any''.

Page 1279, line 3, insert ''with respect to such study'' before ''to modernize''.

Page 17 of title VII of the bill, as added by the amendment TITLE7__02, strike lines 14 and 15 and insert the following:

''(A) permitting any yield spread premium or other similar compensation that would, for any mortgage loan, permit the total amount of direct and indirect compensation from all sources permitted to a mortgage originator to vary based on the terms of the loan (other than the amount of the principal);''.

Page 17 of title VII of the bill, as added by the amendment TITLE7__02, line 25, strike ''including through principal'' and insert ''at the option of the consumer, including through principal or rate''.

Page 18 of title VII of the bill, as added by the amendment TITLE7__02, line 5, after ''costs were'' insert ''limited by agreement with the consumer and were''.

Page 33 of title VII of the bill, as added by the amendment TITLE7__02, line 24, after ''that'' insert ''is insured by the Federal Housing Administration or''.

Page 153 of title VII of the bill, as added by the amendment TITLE7__02, line 11, after ''loan'' insert '', other than a reverse mortgage loan insured by the Federal Housing Administration,''.

Add at the end of the bill the following:

TITLE VIII—FORECLOSURE AVOIDANCE AND AFFORDABLE HOUSING

SEC. 10001. EMERGENCY MORTGAGE RELIEF.

(a) USE OF TARP FUNDS.—Using the authority available under sections 101(a) and 115(a) of division A of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a), 5225(a)), the Secretary of the Treasury shall transfer to the Secretary of Housing and Urban Development $3,000,000,000, and the Secretary of Housing and Urban Development shall credit such amount to the Emergency Homeowners' Relief Fund, which such Secretary shall establish pursuant to section 107 of the Emergency Housing Act of 1975 (12 U.S.C. 2706), as such Act is amended by this section, for use for emergency mortgage assistance in accordance with title I of such Act.

(b) REAUTHORIZATION OF EMERGENCY MORTGAGE RELIEF PROGRAM.—Title I of the Emergency Housing Act of 1975 is amended—

(1) in section 103 (12 U.S.C. 2702)—

(A) in paragraph (2)—

(i) by striking ''have indicated'' and all that follows through ''regulation of the holder'' and insert ''have certified'';

(ii) by striking ''(such as the volume of delinquent loans in its portfolio)''; and

(iii) by striking '', except that such statement'' and all that follows through ''purposes of this title''; and

(B) in paragraph (4), by inserting ''or medical conditions'' after ''adverse economic conditions'';

(2) in section 104 (12 U.S.C. 2703)—

(A) in subsection (b), by striking '', but such assistance'' and all that follows through the period at the end and inserting the following: ''. The amount of assistance provided to a homeowner under this title shall be an amount that the Secretary determines is reasonably necessary to supplement such amount as the homeowner is capable of contributing toward such mortgage payment, except that the aggregate amount of such assistance provided for any homeowner shall not exceed $50,000.'' ;

(B) in subsection (d), by striking ''interest on a loan or advance''and all that follows through the end of the subsection and inserting the following: ''(1) the rate of interest on any loan or advance of credit insured under this title shall be fixed for the life of the loan or advance of credit and shall not exceed the rate of interest that is generally charged for mortgages on single-family housing insured by the Secretary of Housing and Urban Development under title II of the National Housing Act at the time such loan or advance of credit is made, and (2) no interest shall be charged on interest which is deferred on a loan or advance of credit made under this title. In establishing rates, terms and conditions for loans or advances of credit made under this title, the Secretary shall take into account a homeowner's ability to repay such loan or advance of credit.''; and

(C) in subsection (e), by inserting after the period at the end of the first sentence the following: ''Any eligible homeowner who receives a grant or an advance of credit under this title may repay the loan in full, without penalty, by lump sum or by installment payments at any time before the loan becomes due and payable.'';

(3) in section 105 (12 U.S.C. 2704)—

(A) by striking subsection (b);

(B) in subsection (e)—

(i) by inserting ''and emergency mortgage relief payments made under section 106'' after ''insured under this section''; and

(ii) by striking ''$1,500,000,000 at any one time'' and inserting ''$3,000,000,000'';

(C) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively; and

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

''(e) The Secretary shall establish underwriting guidelines or procedures to allocate amounts made available for loans and advances insured under this section and for emergency relief payments made under section 106 based on the likelihood that a mortgagor will be able to resume mortgage payments, pursuant to the requirement under section 103(5).'';

(4) in section 107—

(A) by striking ''(a)''; and

(B) by striking subsection (b);

(5) in section 108 (12 U.S.C. 2707), by adding at the end the following new subsection:

''(d) COVERAGE OF EXISTING PROGRAMS.—The Secretary shall allow funds to be administered by a State that has an existing program that is determined by the Secretary to provide substantially similar assistance to homeowners. After such determination is made such State shall not be required to modify such program to comply with the provisions of this title.'';

(6) in section 109 (12 U.S.C. 2708)—

(A) in the section heading, by striking ''AUTHORIZATION AND'';

(B) by striking subsection (a);

(C) by striking ''(b)''; and

(D) by striking ''1977'' and inserting ''2011'';

(7) by striking sections 110, 111, and 113 (12 U.S.C. 2709, 2710, 2712); and

(8) by redesignating section 112 (12 U.S.C. 2711) as section 110.

SEC. 10002. ADDITIONAL ASSISTANCE FOR NEIGHBORHOOD STABILIZATION PROGRAM.

Using the authority made available under sections 101(a) and 115(a) of division A of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a), 5225(a)), the Secretary of the Treasury shall transfer to the Secretary of Housing and Urban Development $1,000,000,000, and the Secretary of Housing and Urban Development shall use such amounts for assistance to States and units of general local government for the redevelopment of abandoned and foreclosed homes, in accordance with the same provisions applicable under the second undesignated paragraph under the heading ''Community Planning and Development--Community Development Fund'' in title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 217) to amounts made available under such second undesignated paragraph, except as follows:

(1) Notwithstanding the matter of such second undesignated paragraph that precedes the first proviso, amounts made available by this section shall remain available until expended.

(2) The 3rd, 4th, 5th, 6th, 7th, and 15th provisos of such second undesignated paragraph shall not apply to amounts made available by this section.

(3) Amounts made available by this section shall be allocated based on a funding formula for such amounts established by the Secretary in accordance with section 2301(b) of the Housing and Economic Recovery Act of 2008 (42 U.S.C. 5301 note), except that—

(A) notwithstanding paragraph (2) of such section 2301(b), the formula shall be established not later than 30 days after the date of the enactment of this Act;

(B) the Secretary may not establish any minimum grant amount or size for grants to States;

(C) the Secretary may establish a minimum grant amount for direct allocations to units of general local government located within a State, which shall not exceed $1,000,000; and

(D) each State and local government receiving grant amounts shall establish procedures to create preferences for the development of affordable rental housing for properties assisted with amounts made available by this section.

(4) Paragraph (1) of section 2301(c) of the Housing and Economic Recovery Act of 2008 shall not apply to amounts made available by this section.

(5) Section 2302 of the Housing and Economic Recovery Act of 2008 shall not apply to amounts made available by this section.

(6) The fourth proviso from the end of such second undesignated paragraph shall be applied to amounts made available by this section by substituting ''2013'' for ''2012''.

(7) Notwithstanding section 2301(a) of the Housing and Economic Recovery Act of 2008, the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and other territory or possession of the United States for purposes of this section and title III of division B of such Act, as applied to amounts made available by this section.

(8)(A) None of the amounts made available by this section shall be distributed to—

(i) any organization which has been convicted for a violation under Federal law relating to an election for Federal office; or

(ii) any organization which employs applicable individuals.

(B) In this paragraph, the term ''applicable individual'' means an individual who—

(i) is—

(I) employed by the organization in a permanent or temporary capacity;

(II) contracted or retained by the organization; or

(III) acting on behalf of, or with the express or apparent authority of, the organization; and

(ii) has been convicted for a violation under Federal law relating to an election for Federal office.

Page 204, line 14, strike ''may decrease'' and insert ''decreases''.

Page 826, after line 20, insert the following new subsection:

(c) ADDITIONAL CONSUMER PROTECTION REGULATIONS IN RESPONSE TO STATE ACTION.—

(1) NOTICE OF PROPOSED RULE REQUIRED.—The Agency shall issue a notice of proposed rulemaking whenever a majority of the States has enacted a resolution in support of the establishment or modification of a consumer protection regulation by the Agency.

(2) AGENCY CONSIDERATIONS REQUIRED FOR ISSUANCE OF FINAL REGULATION.—Before prescribing a final regulation based upon a notice issued pursuant to paragraph (1), the Agency shall take into account whether—

(A) the proposed regulation would afford greater protection to consumers than any existing regulation;

(B) the intended benefits of the proposed regulation for consumers would outweigh any increased costs or inconveniences for consumers, and would not discriminate unfairly against any category or class of consumers; and

(C) a Federal banking agency has advised that the proposed regulation is likely to present an unacceptable safety and soundness risk to insured depository institutions.

(3) EXPLANATION OF CONSIDERATIONS.—The Agency—

(A) shall include a discussion of the considerations required in subsection (b) in the Federal Register notice of a final regulation prescribed pursuant to this section; and

(B) whenever the Agency determines not to prescribe a final regulation, shall publish an explanation of such determination in the Federal Register, and provide a copy of such explanation to each State that enacted a resolution in support of the proposed regulation, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(4) RESERVATION OF AUTHORITY.—No provision of this section shall be construed as limiting or restricting the authority of the Agency to enhance consumer protection standards established pursuant to this title in response to its own motion or in response to a request by any other interested person.

(5) RULE OF CONSTRUCTION.—No provision of this section shall be construed as exempt the Agency from complying with subchapter II of chapter 5 of title 5, United States Code.

(6) DEFINITION.—For purposes of this section, the term ''consumer protection regulation'' means a regulation that the Agency is authorized to prescribe under this title, the enumerated consumer laws, or any law or authority transferred under subtitle F or H.

Page 827, line 4, after ''defendant,'' strike the rest of line 4 through line 6 and insert, ''to enforce and secure remedies under provisions of this title or regulations issued thereunder, or otherwise provided under other law.''.

Page 831, line 23, after ''that'' insert ''directly and specifically''.

Page 832, beginning on line 8, strike ''National banks'' and all that follows through ''State laws.'' on line 9.

Page 832, line 9, strike ''State laws are'' and insert ''State consumer financial laws are''.

Page 832, line 11, strike ''state'' and insert ''State consumer financial''.

Page 832, strike lines 15 through 20, and insert the following:

''(B) the State consumer financial law prevents, significantly interferes with, or materially impairs the ability of an institution chartered as a national bank to engage in the business of banking. Any preemption determination under this subparagraph may be made by a court or by regulation or order of the Comptroller of the Currency in accordance with applicable law, on a case-by-case basis. Any such determination by a court shall comply with the standards set forth in subsection (d) of this section, with the court making the subsection (d) finding de novo; or

Page 832, line 21, insert ''consumer financial'' after ''State''

Page 832, strike line 23 and all that follows through page 833, line 2 and insert the following:

''(2) SAVINGS CLAUSE.—This Act does not preempt or alter the applicability of any State law to any subsidiary or affiliate of a national bank (other than an institution chartered as a national bank) that is not a depository institution.

Page 833, strike lines 3 through 17 and insert the following:

''(3) CASE-BY-CASE DETERMINATION.—

''(A) DEFINITION.—The term 'case-by-case determination pursuant to this section' means a determination made by the Comptroller concerning the impact of a particular State consumer financial law on any national bank that is subject to that law, or the law of any other State with substantively equivalent terms.

''(B) CONSULTATION.—When making case-by-case determination pursuant to this section that a State consumer financial law of another State has a substantively equivalent terms as one that the Comptroller is preempting, the Comptroller shall first consult with the Consumer Financial Protection

Agency and shall take such Agency's views into account when making the determination.

''(4) RULE OF CONSTRUCTION.—This Act does not occupy the field in any area of State law.

''(5) STANDARDS OF REVIEW.—

''(A) PREEMPTION.—A court reviewing any determinations made by the Comptroller regarding preemption of a State law by this Act shall assess the validity of such determinations depending upon the thoroughness evident in the agency's consideration, the validity of the agency's reasoning, the consistency with other valid determinations made by the agency, and other factors which the court finds persuasive and relevant to its decision.

''(B) SAVINGS CLAUSE.—Except as provided in subparagraph (A), nothing in this section shall affect the deference that a court may afford to the Comptroller in making determinations regarding the meaning or interpretation of title LXII of the Revised Statutes of the United States or other Federal laws.

''(6) COMPTROLLER DETERMINATION NOT DELEGABLE.—Any regulation, order or determination made by the Comptroller of the Currency under subsection (b)(1)(B) shall be made by the Comptroller and shall not be delegable to another officer or employee of the Comptroller of the Currency.

Page 833, line 18, after ''regulation'' insert ''or order''.

Page 833, strike line 25 and all that follows through page 834, line 2, and insert the following: ''prevents, significantly interferes with, or materially impairs the ability of a national bank to engage in the business of banking.''.

Page 834, line 5, after ''prescribe'' insert ''a'', after ''regulation'' insert ''or order''.

Page 835, after line 9, insert new subsections as follows:

''(g) PRESERVATION OF POWERS RELATED TO CHARGING INTEREST.—No provision of this title shall be construed as altering or otherwise affecting the authority conferred by section 5197 of the Revised Statutes of the United States (12 U.S.C. 85) for the charging of interest by a national bank at the rate allowed by the laws of the State, territory or district where the bank is located, including with respect to the meaning of 'interest' under such provision.

''(h) TRANSPARENCY OF OCC PREEMPTION DETERMINATIONS.—The Comptroller of the Currency shall publish and update no less frequently than quarterly, a list of preemption determinations by the Comptroller of the Currency then in effect that identifies the activities and practices covered by each determination and the requirements and constraints determined to be preempted.

Page 835, on lines 21 and 22 strike ''supervisory, examination, or regulatory'' and insert ''visitorial''.

Page 836, strike lines 4 through 7 and renumber subsequent sections accordingly.

Page 836, line 12, after ''or'' delete the rest of line 12 through line 15 and insert, ''nonpreempted State law against a national bank, as authorized by such law, or to seek relief as authorized by such law.''.

Page 838, line 13, after ''that'' and insert ''directly and specifically''.

Page 838, beginning line 19, strike ''Federal savings association'' and all that follows through ''State laws.''

Page 838, beginning on line 20, strike ''State laws are'' and insert ''State consumer financial laws are''.

Page 838, line 22, strike ''state'' and insert ''State consumer financial''.

Page 839, strike lines 1 through 7, and insert the following:

''(B) the State consumer financial law prevents, significantly interferes with, or materially impairs the ability of an institution chartered as a Federal savings association to engage in the business of banking. Any preemption determination under this subparagraph may be made by a court or by regulation or order of the Director of the Office of Thrift Supervision in accordance with applicable law, on a case-by-case basis. Any such determination by a court shall comply with the standards set forth in subsection (d) of this section, with the court making the subsection (d) finding de novo; or

Page 839, line 8, insert ''consumer financial'' after ''State''.

Page 839, strike lines 10 through 14 and insert the following:

''(2) SAVINGS CLAUSE.—This Act does not preempt or alter the applicability of any State law to any subsidiary or affiliate of a Federal savings association (other than an institution chartered as a Federal savings association) that is not a depository institution.

Page 839, strike line 15 and all that follows through page 840, line 4 and insert the following:

''(3) CASE-BY-CASE DETERMINATION.—

''(A) DEFINITION.—The term 'case-by-case determination pursuant to this section' means a determination made by the Director concerning the impact of a particular State consumer financial law on any Federal savings association that is subject to that law, or the law of any other State with substantively equivalent terms.

''(B) CONSULTATION.—When making case-by-case determination pursuant to this section that a State consumer financial law of another State has a substantively equivalent terms as one that the Director of the Office of Thrift Supervision is preempting, the Director shall first consult with the Consumer Financial Protection Agency and shall take such Agency's views into account when making the determination.

''(4) RULE OF CONSTRUCTION.—This Act does not occupy the field in any area of State law.

''(5) STANDARDS OF REVIEW.—

''(A) PREEMPTION.—A court reviewing any determinations made by the Director regarding preemption of a State law by this Act shall assess the validity of such determinations depending upon the thoroughness evident in the agency's consideration, the validity of the agency's reasoning, the consistency with other valid determinations made by the agency, and other factors which the court finds persuasive and relevant to its decision.

''(B) SAVINGS CLAUSE.—Except as provided in subparagraph (A), nothing in this section shall affect the deference that a court may afford to the Director in making determinations regarding the meaning or interpretation of the Home Owners' Loan Act or other Federal laws.

''(6) OTS DETERMINATION NOT DELEGABLE.—Any regulation, order, or determination made by the Director of the Office of Thrift Supervision under subsection (b)(1)(B) shall be made by the Director and shall not be delegable to another officer or employee of the Director of the Office of Thrift Supervision.

Page 840, line 7, after ''regulation'' insert ''or order''.

Page 840, line 15, after ''regulation'' insert ''or order''.

Page 840, strike lines 22 through 24 and insert the following: ''finding that the provision prevents, significantly interferes with, or materially impairs the ability of a Federal savings association to engage in the business of banking.''.

Page 841, after line 23, insert new subsections as follows and renumber subsequent sections accordingly:

''(g) PRESERVATION OF POWERS RELATED TO CHARGING OF INTEREST.—No provision of this title shall be construed as altering or otherwise affecting the authority conferred by section 4(g) of the Home Owners' Loan Act (12 U.S.C. 1463(g)) for the charging of interest by a Federal savings association at the rate allowed by the laws of the State, territory, or district where the bank is located, including with respect to the meaning of 'interest' under such provision.

''(h) TRANSPARENCY OF OTS PREEMPTION DETERMINATIONS.—The Director of the Office of Thrift Supervision shall publish and update no less frequently than quarterly, a list of preemption determinations by such Director then in effect that identifies the activities and practices covered by each determination and the requirements and constraints determined to be preempted.

Page 842, strike lines 13 through 16 and renumber subsequent sections accordingly.

Page 842, line 22, after ''law,'' delete the rest of line 22 through page 843, line 2 and insert, ''or to seek relief as authorized by such law''.

Page 30, after line 21, insert the following new subsection:

(e) STUDY OF EFFECTS CONSUMER FINANCIAL PROTECTION AGENCY REGULATIONS AND STANDARDS.—

(1) STUDY REQUIRED.—The Council shall conduct a study of the effects that regulations and standards of the Consumer Financial Protection Agency will have on all covered persons (as such term is defined in section 4002(9)), including nondepository institution covered persons. The Director of the Consumer Financial Protection Agency shall take the findings of the study into account when issuing regulations.

(2) VALUE OF NONBANK PRODUCTS.—The study shall include an evaluation and assessment of the appropriateness of using ''APR'' as a true measure of the value of all nonbank products.

(3) SUBMISSION.—Not later than 240 days after the date of the enactment of this Act, the Director of the Consumer Financial Protection Agency shall submit the study to Congress and include any recommendations the Director may have for changes in law and regulations to improve consumer protections and maintain access to credit.

Page 734, strike lines 8 through 12, and insert the following:

(A) consider the potential benefits and costs to consumers, covered persons, and the Federal Government, including the potential reduction of consumers' access to consumer financial products or services, resulting from such regulation; and

Page 734, line 20, insert before the period the following: ''and whether such regulation will have an inconsistent effect on nondepository institution covered persons and depository institution covered persons''.

Page 731, after line 24, insert the following new subsection:

(h) ASSESSMENTS FOR CERTAIN NONDEPOSITORY INSTITUTION COVERED PERSONS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, a nondepository institution covered person shall not be subject to assessments by the Agency if—

(A) the assets that are financial activities of that nondepository covered person represent less than a substantial portion of its total assets; and

(B) the gross revenues derived from financial activities of that nondepository covered person are less than a substantial portion of its gross revenues.

(2) EXTENSIVE CONSUMER FINANCIAL PRODUCTS OR SERVICES OPERATIONS.—Paragraph (1) shall not apply to nondepository institution covered person that the Director determines has a level of assets or revenues derived from financial activities, a number of transactions in consumer financial products or services, or a number of accounts relating to consumer financial products or services that

the Director determines represents an extensive consumer financial products or services operation.

Page 1068, line 7, strike ''knowingly or recklessly violated'' and insert ''was grossly negligent in violating''.

Page 1068, beginning on line 18, strike ''knowledge and recklessness'' and insert ''gross negligence''.

Page 1019, line 22, strike ''57a(b)'' and insert ''57a''.

Page 1019, after line 22, insert the following:

(1) in subsection (a)(1), by striking ''(h)'' and inserting ''(f)'';

Page 1019, line 23, strike ''(1)'' and insert ''(2)''.

Page 1020, strike lines 6 through 13 and insert the following:

(3) by striking subsection (c);

(4) in subsection (d), by striking ''(d)(1) The Commission's'' and all that follows through the end of paragraph (2) and by redesignating paragraph (3) of such subsection as subsection (c);

(5) In such subsection (c) (as so redesignated), by inserting ''prescribed'' after ''any rule'';

(6) by striking subsections (f), (i), and (j) and redesignating subsections (e), (g), and (h) as subsections (d), (e), and (f), respectively;

Page 1020, line 14, strike ''(4)'' and insert ''(7)''.

Page 1020, after line 14, insert the following:

(A) in paragraph (1)(A), by striking ''promulgated'' and inserting ''prescribed'';

Page 1020, line 15, strike ''(A)'' and insert ''(B)''.

Page 1020, strike lines 17 through 20 and insert the following:

(C) in paragraph (3), by striking ''The court shall hold unlawful'' and all that follows through the end of the paragraph; and

(D) by striking paragraphs (4) and (5) and inserting the following:

''(4) The procedure set forth in this subsection for judicial review of a rule prescribed under subsection (a)(1)(B) is the exclusive means for such review, other than in an enforcement proceeding.''; and

(7) in subsection (e)(2) (as so redesignated), by striking ''class or persons'' and inserting ''class of persons''.

Page 754, after line 1, add the following new subsection at the end of section 4203:

(h) ASSISTIVE DIVISION FOR COMMUNITY FINANCIAL INSTITUTIONS.—

(1) ESTABLISHMENT; PURPOSE.—There is established in the Agency an office to be known as the ''Assistive Division for Community Financial Institutions'' to advise the Director on the impact of Agency policies and regulations on community financial institutions and to help ensure that the policies and regulations of the Agency do not unduly burden community financial institutions.

(2) ADDITIONAL DUTIES.—The Assistive Division for Community Financial Institutions shall also—

(A) provide assistance to and respond to inquiries from community financial institutions regarding policies of the Agency and the effects of such policies on community financial institutions;

(B) provide educational materials, training aides, and support to community financial institutions with respect to any new regulatory obligations the Agency establishes during the initial rule-making period;

(C) establish and maintain a toll-free telephone number, to be available at least 8 hours a day and 7 days a week, at which community financial institution may make inquiries and receive assistance under subparagraph (A); and

(D) perform other duties and exercise such other powers set by the Director.

Page 949, after line 2, add the following new section (and update the table of contents appropriately):

SEC. 4704. REPORTING OF MORTGAGE DATA BY STATE.

(a) IN GENERAL.—Section 104(a) of the Helping Families Save Their Homes Act of 2009 (division A of Public Law 111–22) is amended—

(1) in paragraph (2), by striking ''resulting'' and inserting ''in each State that result'';

(2) in paragraph (3), by inserting ''each State for'' after ''modifications in''; and

(3) in paragraph (4), by inserting ''in each State'' after ''total number of loans''.

(b) CONFORMING AMENDMENT.—Section 104(b)(1)(A) of such Act is amended by adding at the end the following sentence: ''Not later than 60 days after the date of the enactment of the Wall Street Reform and Consumer Protection Act of 2009, the Comptroller of the Currency and the Director of the Office of Thrift Supervision shall update such requirements to reflect amendments made to this section by such Act.''.

In subtitle H of title VII (relating to mortgage reform) insert ''**and Data Collection**'' after ''**Reports**''

At the end of title VII (relating to mortgage reform), add the following new section (and update the table of contents appropriately):

SEC. 9702. REPORTING OF MORTGAGE DATA BY STATE.

(a) IN GENERAL.—Section 104(a) of the Helping Families Save Their Homes Act of 2009 (division A of Public Law 111–22) is amended—

(1) in paragraph (2), by striking ''resulting'' and inserting ''in each State that result'';

(2) in paragraph (3), by inserting ''each State for'' after ''modifications in''; and

(3) in paragraph (4), by inserting ''in each State'' after ''total number of loans''.

(b) CONFORMING AMENDMENT.—Section 104(b)(1)(A) of such Act is amended by adding at the end the following sentence: ''Not later than 60 days after the date of the enactment of the Wall Street Reform and Consumer Protection Act of 2009, the Comptroller of the Currency and the Director of the Office of Thrift Supervision shall update such requirements to reflect amendments made to this section by such Act.''.

Page 119, strike lines 12 to 13 and insert the following new paragraph:

(1) the Board determines that a specified financial company fails to meet prudential standards established by the Board; or

Page 1035, line 4, strike ''Section'' and insert ''(a) IN GENERAL.—Section''.

Page 1035, strike lines 7 and 8 and insert the following:

(A) by amending paragraph (1)(A) to read as follows:

''(A) IN GENERAL.—Each credit rating agency shall register as a nationally recognized statistical rating organization for the purposes of this title (in this section referred to as the 'applicant'), and shall file with the Commission an application for registration, in such form as the Commission shall require, by rule or regulation issued in accordance with subsection (n), and containing the information described in subparagraph (B).''.

Page 1035, line 10, strike ''and''.

Page 1035, line 12, insert ''and'' after the semicolon and after such line insert the following:

(D) by adding at the end of paragraph (1) the following:

''(F) EXEMPTIONS.—The registration requirement in subparagraph (A) shall not apply to—

''(i) a credit rating agency if the credit rating agency—

''(I) does not engage in the provision of credit ratings to issuers of securities for a fee; and

''(II) issues credit ratings only in any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation; or

''(ii) such other persons as the Commission may designate by rules and regulations or order when in the public interest and for the protection of investors.''.

Page 1067, after line 20, insert the following:

(b) CONFORMING AMENDMENT.—Section 3(a)(62) of the Securities Exchange Act of 1934 is amended by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

Page 731, after line 24, insert the following:

(4) FINANCIAL EDUCATION AND COUNSELING PROGRAM.—

(A) IN GENERAL.—To the extent such victims cannot be located or such payments are otherwise not practicable, 5 percent of the Victims Relief Fund shall be transferred, up to $10,000,000 on an annual basis, to the Secretary of the Treasury so that the Secretary may carry out the Financial Education and Counseling Grant Program established under section 1132 of the Housing and Economic Recovery Act of 2008 (12 U.S.C. 1701).

(B) MEMORANDUM OF UNDERSTANDING.—Not later than 12 months after the date of enactment of this subtitle, the Director shall enter into a memorandum of understanding with the Secretary of the Treasury to coordinate the release of Civil Penalty Fund amounts under subparagraph (A).

(C) ASSISTANCE FOR INDIVIDUALS AT FINANCIAL RISK.—Section 1132 of the Housing and Economic Recovery Act of 2008 (12 U.S.C. 1701) is amended—

(i) in subsection (a), by striking ''prospective homebuyers'' each place that term appears and inserting ''individuals at financial risk'';

(ii) in subsection (b)—

(I) in paragraph (1), by striking ''prospective homebuyers'' and inserting ''individuals at financial risk''; and

(II) by adding at the end the following:

''(3) DETERMINATION OF FINANCIAL RISK.—For purposes of this section, the Director of the Consumer Financial Protection Agency shall establish the criteria used to determine whether an individual is at financial risk, and the Secretary shall use such criteria when selecting organizations under paragraph (2).''; and

(iii) in subsection (c)(1)—

(I) in subparagraph (A), by striking ''or'';

(II) in subparagraph (B), by striking the period and inserting ''; or''; and

(III) by adding at the end the following:

''(C) a nonprofit corporation that—

''(i) is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986; and

''(ii) specializes or has expertise in working with individuals at financial risk.''.

Page 1278, after line 17 insert the following:

(7) Geographic disparities in access to and cost of insurance products.

Page 35, line 25, insert ''compelled to waive and shall not be'' after ''be''.

Page 26, line 22, strike ''DEPARTMENT OF THE TREASURY'' and insert ''VOTING MEMBERS OF THE COUNCIL''.

Page 26, line 23, insert ''and all other voting members of the Council may, with the approval of the Council,'' after ''shall''.

Page 27, line 10, strike ''Secretary of the Treasury'' and insert ''Council''.

Page 33, after line 10, insert the following new section (and conform the table of contents accordingly):

SEC. 1100. FEDERAL RESERVE BOARD AUTHORITY THAT OF AGENT ACTING ON BEHALF OF COUNCIL.

For purposes of this subtitle, the Board of Governors of the Federal Reserve System shall act in the capacity of agent for the Council, acting on behalf of the Council.

Page 1028, after line 10, insert the following new paragraph (and redesignate the subsequent paragraph):

''(8) APPLICABLE PRIVILEGES NOT WAIVED.—An investment advisor, and investment advisor to a private fund, a private fund, foreign private fund advisor, a foreign private fund, an advisor to a venture capital fund, a venture capital fund, or other person shall not be compelled to waive and shall not be deemed to have waived any privilege otherwise applicable to any data or information by transferring the data or information to, or permitting that data or information to be used by—

''(A) the Financial Services Oversight Council;

''(B) the Commission;

''(C) any Federal financial regulator or State financial regulator, in any capacity; or

''(D) any other agency of the Federal Government (as defined in section 6 of title 18, United States Code).''.

Page 701, after line 9, insert the following:

(D) CONSUMER COMPLAINT WEBSITE.—The Director shall establish an Internet website for consumer complaints and inquiries concerning institutions regulated by the Agency. The website shall be interoperable with the database established under subparagraph (A).

Page 825, after line 12, insert the following:

SEC. 4313. OVERDRAFT PROTECTION NOTICE REQUIREMENTS.

Not later than 180 days after the date of the enactment of this Act, the Director shall promulgate a new rule that requires banks to prominently place in each consumer branch office information regarding the fees and charges associated with enrollment in the bank's overdraft protection program.

Page 1230, line 15, strike ''$500,000'' and insert ''1,000,000''.

Page 1230, line 18, strike ''$100,000'' and insert ''250,000''.

Page 1236, line 13, strike ''$8,000,000'' and insert ''16,000,000''.

Page 93, line 8, insert ''pursuant to subsection (e)(5)'' after ''action''.

Page 93, beginning line 12, insert the following new subsection:

(i) RULE OF CONSTRUCTION.—Nothing in subsection (h) shall be construed as limiting the authority of a Federal financial regulatory agency to take action with respect to a financial company subject to the jurisdiction of such agency pursuant to applicable law other than this section.

Page 22, after line 12, insert the following new subparagraph:

(C) A State securities commissioner (or an officer performing like functions), to be designated by a selection process determined by such State securities commissioners, provided that the term for which a State securities commissioner may serve shall last no more than the 2-year period beginning on the date that the commissioner is selected.

Page 253, after line 21, insert the following new paragraph:

(3) Section 4(j) of the Bank Holding Company Act of 1956 is amended by inserting after paragraph (4) the following new paragraph (and redesignating succeeding paragraphs accordingly):

''(5) FINANCIAL STABILITY.—

''(A) IN GENERAL.—In every case, the Board shall take into consideration the extent to which the proposed acquisition, merger, or consolidation may pose risk to the stability of the United States financial system or the economy of the United States, including the resulting scope, nature, size, scale, concentration, or interconnectedness of activities that are financial in nature.

''(B) STANDARDS FOR APPROVAL.—The Board may, in the sole discretion of the Board, disapprove any acquisition, merger, or consolidation of, or by, a financial holding company subject to stricter standards if the Board determines that the resulting concentration of liabilities on a consolidated basis is likely to pose a great threat to financial stability during times of severe economic distress.''.

Page 255, after line 2, insert the following new section:

SEC. 1316. MUTUAL NATIONAL BANKS AND FEDERAL MUTUAL BANK HOLDING COMPANIES AUTHORIZED.

(a) IN GENERAL.—Chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after section 5133 the following new sections:

''SEC. 5133A. MUTUAL NATIONAL BANKS.

''(a) IN GENERAL.—Notwithstanding the section designated the 'Third' of section 5134, in order to provide mutual institutions for the deposit of funds, the extension of credit, and provision of other services, the Comptroller of the Currency may charter mutual national banks either de novo or through a conversion of any insured depository institution or any State mutual bank or credit union, subject to regulations prescribed by the Comptroller of the Currency in accordance with this section. The powers conferred by this section are intended to provide for the creation and maintenance of mutual national banks as bodies corporate existing in perpetuity for the benefit of their depositors and the communities in which they operate.

''(b) REGULATIONS.—

''(1) REGULATIONS OF THE COMPTROLLER.—The Comptroller of the Currency is authorized to prescribe appropriate regulations for the organization, incorporation, examination, operation, and regulation of mutual national banks. Except to the extent that such existing regulations conflict with sections 5133A and 5133B, mutual national banks shall be subject to the regulations of the Director of the Office of Thrift Supervision governing corporate organization, governance, and conversion of mutual institutions, as in effect on the date of the enactment of the Wall Street Reform and Consumer Protection Act of 2009, including parts 543, 544, 546, 563b, and 563c of chapter V of title 12, Code of Federal Regulations (as in effect on that date), for up to 3 years beginning on the date of the enactment of the Wall Street Reform and Consumer Protection Act of 2009.

''(2) APPLICABILITY OF CAPITAL STOCK REQUIREMENTS.—The Comptroller of the Currency shall prescribe regulations regarding the manner in which requirements of this title with respect to capital stock, and limitations imposed on national banks under this title based on capital stock, shall apply to mutual national banks.

''(c) CONVERSIONS.—

''(1) CONVERSION OF A MUTUAL DEPOSITORY TO A MUTUAL NATIONAL BANK.—Subject to such regulations as the Comptroller of the Currency may prescribe for the protection of depositors' rights and for any other purpose the Comptroller of the Currency may consider appropriate, any mutual depository may convert to a mutual national bank by filing with the Comptroller of the Currency a notice of its election to convert on a specified date that is not earlier than 30 days after the date on which the notice is filed, and the mutual depository shall be converted to a mutual national bank charter on the date specified in the notice.

''(2) CONVERSION TO STOCK NATIONAL BANK.—Subject to such regulations as the Comptroller of the Currency may prescribe for the protection of depositors' rights and for any other purpose the Comptroller of the Currency may consider appropriate, any national bank that is organized in the mutual form under subsection (a) may reorganize as a stock national bank.

''(3) CONVERSION TO STATE BANKS.—Any national mutual bank may convert to a State bank charter in accordance with regulations prescribed by the Comptroller of the Currency and applicable State law.

''(d) TERMINATING MUTUALITY.—If a mutual national bank elects to terminate mutuality, it must do so by—

''(1) liquidating; or

''(2) converting to a national banking association operating in stock form.

''(e) STATUS AND RIGHTS OF MEMBERS.—

''(1) In general, the status of a member is primarily that of a depositor and secondarily that of a holder of a contingent right to participate in the equity of a mutual national bank upon a liquidation or conversion.

''(2) Each member of a mutual national bank shall have the following rights:

''(A) Such rights as may be agreed upon, by contract, between the member and the mutual national bank.

''(B) The right to vote for members of the board of directors of the mutual national bank.

''(C) The right to attend any meeting of members properly called by the board of directors of a mutual national bank.

''(D) In the event the board of directors, in its sole discretion, determines a conversion of a mutual national bank to a national banking association operating in stock form is in the best interests of the community in which the bank operates and the members approve the conversion through a special proxy, then the members as of a record date set by the board of directors shall have the first right to subscribe for and purchase stock in the converted bank.

''(E) In the event the board of directors, in its sole discretion, determines a liquidation of the mutual national bank is in the best interests of the community in which the bank operates and the members approve the liquidation, or if for any other reason the bank is liquidated by operation of law, then the members as of the date of liquidation shall have the right to have credited to their accounts, on a pro rata basis, any residual assets left after the liquidation of the mutual national bank.

''(3) In the consideration of all questions requiring action by the members of a national mutual bank, the bank may provide in its charter that each member shall be permitted (i) one vote per member, or (ii) to cast one vote for each $100, or fraction thereof, of the withdrawal value of the member's account, but not more than 1,000 votes per member.

''(f) PROXIES.—

''(1) A member may give, in writing or electronically, a perpetual proxy to a committee of the board of directors of a mutual depository, provided that the member may revoke such a proxy in writing or electronically, with such revocation to take effect after six business days.

''(2) Such proxies may be used to vote on any issue requiring approval of the members, including the conversion of a mutual depository into a mutual national bank and the reorganization of a mutual national bank into a Federal mutual bank holding company, except that, without a prior finding by the regulator of the mutual national bank that such action is needed to avoid loss to the Federal Deposit Insurance Corporation's deposit insurance fund or to protect the stability of the United States financial system, such proxies may not be used to vote in favor of—

''(A) terminating mutuality for a mutual national bank or a Federal mutual bank holding company;

''(B) permitting the modification of a Federal mutual bank holding company; or

''(C) issuing mutual capital certificates (except when used to found a mutual national bank or a Federal mutual bank holding company de novo).

''(3) Proxies given by a member, in writing or electronically, to management of, or to a committee of the board of directors of, a mutual depository shall not be deemed to have been revoked solely because of, and shall continue to exist following, a conversion to a mutual national bank and any concurrent or subsequent reorganization to a Federal mutual bank holding company.

''(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

''(2) MUTUAL NATIONAL BANK.—The term 'mutual national bank' means a national banking association that operates in mutual form and is chartered by the Comptroller of the Currency under this section.

''(3) MUTUAL DEPOSITORY.—The term 'mutual depository' means a depository institution that is organized in non-stock form, including a Federal non-stock depository and any form of non-stock depository provided for under State law, the deposits of which are insured by an instrumentality of the Federal Government.

''(4) MUTUALITY.—The term 'mutuality' means the quality of being an insured depository institution organized under a Federal or State law providing for the organization of non-stock depository institutions, or a holding company organized under a Federal or State law providing for the organization of non-stock entities that control one or more depository institutions.

''(5) MEMBER.—The term 'member' means each tax-liable depositor in a mutual depository's savings, demand, or other authorized depository accounts and each tax-liable depositor in such an account in a depository subsidiary of a Federal mutual bank holding company.

''(6) TAX LIABLE DEPOSITOR.—The term 'tax liable depositor' means the single person responsible for paying any Federal taxes due on any interest paid on any deposits held within any savings, demand, or other authorized depository account or accounts with any mutual depository.

''(7) MEMBERSHIP RIGHTS.—The term 'membership rights' means the rights of each member under this section.

''(h) CONFORMING REFERENCES.—Unless otherwise provided by the Comptroller of the Currency—

''(1) any reference in any Federal law to a national bank operating in stock form, including a reference to the term 'national banking association', 'member bank', 'national bank', 'national association', 'bank', 'insured bank', 'insured depository institution', or 'depository institution', shall be deemed to refer also to a mutual national bank;

''(2) any reference in any Federal law to the term 'board of directors', 'director', or 'directors' of a national bank operating in stock form shall be deemed to refer also to the board of a mutual national bank; and

''(3) any terms in Federal law that may apply only to a national bank operating in stock form, including the terms 'stock', 'shares', 'shares of stock', 'capital stock', 'common stock', 'stock certificate', 'stock certificates', 'certificates representing shares of stock', 'stock dividend', 'transferable stock', 'each class of stock', 'cumulate such shares', 'par value', 'preferred stock' shall not apply to a mutual national bank, unless the Comptroller of the Currency determines that the context requires otherwise.

''SEC. 5133B. FEDERAL MUTUAL BANK HOLDING COMPANIES.

''(a) REORGANIZATION OF MUTUAL NATIONAL BANK AS A HOLDING COMPANY.—

''(1) IN GENERAL.—Subject to approval under the Bank Holding Company Act of 1956, a mutual national bank may reorganize so as to become a Federal mutual bank holding company by submitting a reorganization plan to the appropriate bank holding company regulator.

''(2) PLAN APPROVAL.—Upon the approval of the reorganization plan by the appropriate bank holding company regulator and the issuance of the appropriate charters—

''(A) the substantial part of the mutual national bank's assets and liabilities, including all of the bank's insured liabilities, shall be transferred to a national banking association, a majority of the shares of voting stock of which is owned, directly or indirectly, by the mutual national bank that is to become a Federal mutual bank holding company; and

''(B) the mutual national bank shall become a Federal mutual bank holding company.

''(b) DIRECTORS AND CERTAIN ACCOUNT HOLDERS' APPROVAL OF PLAN REQUIRED.—This subsection does not authorize a reorganization unless—

''(1) a majority of the mutual national bank's board of directors has approved the plan providing for such reorganization; and

''(2) a majority of members has approved the plan at a meeting held at the call of the directors under the procedures prescribed by the bank's charter and bylaws.

''(c) OWNERSHIP OF DEPOSITORY SUBSIDIARIES.—To avoid terminating mutuality, a Federal mutual bank holding company must own, directly or indirectly, a majority of the shares of voting stock of each of its depository subsidiaries.

''(d) NO TERMINATION OF MUTUALITY.—Neither a reorganization of a mutual depository nor a modification of a Federal mutual bank holding company shall cause a termination of mutuality.

''(e) RETENTION OF CAPITAL.—In connection with a transaction described in subsection (a), a mutual national bank may, subject to the approval of the appropriate bank holding company regulator, retain capital at the holding company level to the extent that the capital retained at the holding company level exceeds the amount of capital required for the national banking association chartered as a part of a transaction described in subsection (a) to meet all relevant capital standards established by the Comptroller of the Currency for national banking associations.

''(f) TERMINATING MUTUALITY.—If a Federal mutual bank holding company elects to terminate mutuality, it must do so by either liquidating or converting to a bank holding company operating in stock form.

''(g) MEMBERSHIP RIGHTS.—Holders of savings, demand, or other authorized depository accounts in a depository subsidiary of a Federal mutual bank holding company shall have the same membership rights with respect to the Federal mutual bank holding company as those holders would have had if the depository subsidiary of the Federal mutual bank holding company had been a mutual national bank.

''(h) REGULATION.—A Federal mutual bank holding company shall be—

''(1) chartered by the appropriate bank holding company regulator and shall be subject to such regulations as the appropriate bank holding company regulator shall prescribe; and

''(2) regulated under the Bank Holding Company Act of 1956 on the same terms and subject to the same limitations as any other company that controls a bank.

''(i) CAPITAL IMPROVEMENT.—

''(1) PLEDGE OF STOCK OF NATIONAL BANK SUBSIDIARY.—This section shall not prohibit a Federal mutual bank holding company from pledging all or a portion of the stock of the national banking association chartered as part of a transaction described in subsection (a) to raise capital for such national banking association.

''(2) ISSUANCE OF NONVOTING SHARES.—This section shall not prohibit a national banking association chartered as part of a transaction described in subsection (a) from issuing any nonvoting shares or less than 50 percent of the voting shares of such bank to any person other than the Federal mutual bank holding company.

''(j) INSOLVENCY AND LIQUIDATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the appropriate bank holding company regulator may file a petition under chapter 7 of title 11, United States Code, with respect to a Federal mutual bank holding company upon—

''(A) the default of any national bank—

''(i) the stock of which is owned by the Federal mutual bank holding company; and

''(ii) that was chartered in a transaction described in subsection (a); or

''(B) a foreclosure on a pledge by the Federal mutual bank holding company described in subsection (i)(1).

''(2) DISTRIBUTION OF NET PROCEEDS.—Except as provided in paragraph (3), the net proceeds of any liquidation of any Federal mutual bank holding company under paragraph (1) shall be transferred to persons who hold membership interests in such Federal mutual bank holding company.

''(3) RECOVERY BY FDIC.—If the Federal Deposit Insurance Corporation incurs a loss as a result of the default of any insured bank subsidiary of a Federal mutual bank holding company that is liquidated under paragraph (1), the Federal Deposit Insurance Corporation shall succeed to the interests of the depositors of the bank as members in the Federal mutual bank holding company, to the extent of the Federal Deposit Insurance Corporation's loss.

''(k) DEFINITIONS.—

''(1) FEDERAL MUTUAL BANK HOLDING COMPANY.—The term 'Federal mutual bank holding company' means a holding company that is organized in mutual form and owns, directly or indirectly, a majority of the shares of voting stock of one or more depository subsidiaries of a Federal mutual bank holding company.

''(2) DEPOSITORY SUBSIDIARY OF A FEDERAL MUTUAL BANK HOLDING COMPANY.—The term 'depository subsidiary of a Federal mutual bank holding company' means a depository institution organized in stock form that is insured by the Federal Deposit Insurance Corporation, the majority of the shares of voting stock of which are owned by the Federal mutual bank holding company or its wholly owned subsidiaries and none of the shares of stock of which are pledged or otherwise subjected to lien except as permitted in subsection (i).

''(3) REORGANIZATION OF A MUTUAL DEPOSITORY.—The term 'reorganization of a mutual depository' means the conversion of a mutual depository into a depository subsidiary of a Federal mutual bank holding company.

''(4) MODIFICATION OF A FEDERAL MUTUAL BANK HOLDING COMPANY.—The term 'modification of a Federal mutual bank holding company' means either (A) the sale of shares of common or preferred stock in a depository subsidiary of a Federal mutual bank holding

company to any party other than the subsidiary's parent Federal mutual bank holding company or a wholly owned subsidiary of that parent, or (B) the voluntary grant of a lien on shares of common or preferred stock in a depository subsidiary of a Federal mutual bank holding company.

''(5) DEFAULT.—With respect to a national bank, the term 'default' means an adjudication or other official determination by any court of competent jurisdiction, the Comptroller of the Currency, or other public authority pursuant to which a conservator, receiver, or other legal custodian is appointed for the national bank.

''(l) CONFORMING REFERENCES.—Unless otherwise provided by the appropriate bank holding company regulator—

''(1) any reference in any Federal law to a bank holding company operating in stock form shall be deemed to refer also to a Federal mutual bank holding company;

''(2) any reference in any Federal law to the term 'board of directors', 'director', or 'directors' of a national bank operating in stock form shall be deemed to refer also to the board of a Federal mutual bank holding company; and

''(3) any terms in Federal law that may apply only to a national bank operating in stock form, including the terms 'stock', 'shares', 'shares of stock', 'capital stock', 'common stock', 'stock certificate', 'stock certificates', 'certificates representing shares of stock', 'stock dividend', 'transferable stock', 'each class of stock', 'cumulate such shares', 'par value', 'preferred stock' shall not apply to a Federal mutual bank holding company, unless the appropriate bank holding company regulator determines that the context requires otherwise.''.

(b) LIMITATION ON FEDERAL REGULATION OF STATE BANKS.—Except as otherwise provided in Federal law, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation may not adopt or enforce any regulation that contravenes the corporate governance rules prescribed by State law or regulation for State banks unless the Director, Board, or Corporation finds that the Federal regulation is necessary to assure the safety and soundness of the State banks.

(c) TECHNICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq) is amended by inserting after the item relating to section 5133 the following new items:

''5133A. Mutual national banks
''5133B. Federal mutual bank holding companies''

(d) APPROPRIATE FEDERAL BANKING AGENCY FOR FEDERAL MUTUAL BANK HOLDING COMPANIES.—Section 3(q)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)(2)) is amended by inserting after subparagraph (F) the following new subparagraph:

''(G) supervisory or regulatory proceedings arising from the authority given to the appropriate bank holding company regulator under section 5133B of the Revised Statutes of the United States.''.

(e) MUTUAL HOLDING COMPANY CONVERSION.—

(1) IN GENERAL.—Any mutual holding company, including any form of mutual depository holding company provided for under State law, may convert to a Federal mutual bank holding company by filing with the appropriate bank holding company regulator a notice of its election to convert on a specified date that is not earlier than 30 days after the date on which the notice is filed, and the mutual holding company shall be converted to a Federal mutual holding company charter on the date specified in the notice.

(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) FEDERAL MUTUAL BANK HOLDING COMPANY.—The term ''Federal mutual bank holding company'' has the same meaning as in section 5133B of the Revised Statutes of the United States (as added by this section); and

(B) MUTUAL HOLDING COMPANY.—The term ''mutual holding company'' has the same meaning as in section 10(o)(10)(A) of the Home Owners Loan Act as in effect on the day before the date of enactment of this Act.

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

Page 255, after line 2, insert the following new section (and conform the table of contents accordingly):

SEC. 1316. NATIONWIDE DEPOSIT CAP FOR INTERSTATE ACQUISITIONS.

(a) AMENDMENTS TO THE BANK HOLDING COMPANY ACT OF 1956.—

(1) CONCENTRATION LIMIT FOR BANK HOLDING COMPANIES.—Section 3(d)(2)(A) of the Bank Holding Company Act (12 U.S.C. 1842(d)(2)(A)) is amended by striking ''paragraph (1)(A)'' and inserting ''subsection (a) of this section''.

(2) REMOVAL OF NONBANK SAVINGS ASSOCIATION PROVISION IN LIGHT OF BEING DEFINED AS A BANK.—Section 4 of the Bank Holding Company Act is amended by striking subsection (i) and insert the following new subsection:

''(i) [Repealed.]''.

(b) AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—

(1) IN GENERAL.—Section 18(e) of the Federal Deposit Insurance Act (12 U.S.C. I 828(c)) is amended—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) by inserting after paragraph (11), the following new paragraph:

''(12) NATIONWIDE DEPOSIT CAP.—The responsible agency may not approve an application for an interstate merger transaction if the resulting insured depository institution (including all insured depository institutions which are affiliates of the resulting insured depository institution), upon consummation of the transaction, would control more than 10 percent of, the total amount of deposits of insured depository institutions in the United States.''.

(2) PARALLEL REQUIREMENT.—Section 44(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(b)(2)(A) is amended to read as follows:

''(A) NATIONWIDE CONCENTRATION LIMITS.—The responsible agency may not approve an application for an interstate merger transaction involving two or more insured depository institutions if the resulting insured depository institution (including all insured depository institutions which are affiliates of such institution), upon consummation of the transaction would control more than 10 percent of the total amount of deposits of insured depository institutions in the United States.''.

(c) AMENDMENTS TO THE HOME OWNERS' LOAN ACT.—Section 10(e)(2) of the Home Owners' Loan Act (12 U.S.C. 467a(e)(2)) is amended—

(1) by striking ''or'' at the end of subparagraph (C); and

(2) by striking the period at the end of subparagraph (D), the following new subparagraph:

''(E) in the case of an application involving an interstate acquisition, if the applicant (including all insured depository institutions which are affiliates of the applicant) controls, or upon consummation of the acquisition for which such application is filed would control, more than 10 percent of the total amount of deposits of insured depository institutions in the United States.''

Page 763, beginning online 11, strike ''authority to exercise'' and all that follows through ''this title'' and insert ''rulemaking, supervisory, enforcement or other authority, including the authority to order assessments, under this title''.

Page 436, after line 11, insert the following new section:

SEC. 1615. TREASURY STUDY.

(a) STUDY REQUIRED.—The Secretary shall carry out a study analyzing how the resolution authority provided under this subtitle should be funded. Such study shall consider the following factors:

(1) The consequences of any assessments on the overall recovery of the economy of the United States.

(2) Any immediate or continuing consequences of assessments on other aspects of the economy of the United States, including job creation, public and private investments, small business loans, and general credit availability.

(3) The consequences of any assessments on individual sectors of the financial services industry.

(4) The consequences of any assessments on the financial integrity on individual firms within each sector of the financial services industry.

(5) The appropriateness and effect of assessments on firms that are subject to separate assessments under existing State or Federal depositor, policyholder, or investor protection mechanisms and the consequences of any such assessments on these mechanisms themselves.

(6) The implications of assessments on all relevant stakeholders, including taxpayers, depositors, insurance policyholders, investors, counterparties, and creditors.

(7) Evaluation of the appropriate assessment base, including but not limited to factors such as assets and liabilities, assets under management, policyholder reserves, other reserves, statutory and regulatory capital requirements, trusteed assets, and deposits and inflationary factors.

(b) REPORT.—Not later than the end of the 6-month period beginning on the date of the enactment of this subtitle, the Secretary shall issue a report to the Congress containing all determinations and conclusions made by the Secretary in carrying out the study required under subsection (a).

Page 894, after line 4, add at the end of section 4601(a)(1) the following new subparagraph:

(C) RETENTION OF CONSUMER ADVISORY COUNCIL.—

(i) RETENTION AND CONTINUATION.—Notwithstanding the transfer of functions under subparagraph (A), the Consumer Advisory Council established by the Board of Governors pursuant to section 703(b) of Public Law 90–321 (15 U.S.C. 1691b(b)) shall continue as an entity within the Federal Reserve System.

(ii) ADDITIONAL FUNCTIONS.—In addition to the functions performed by the Consumer Advisory Council as of the designated transfer date, the Consumer Advisory Council shall—

(I) submit to the Director (and make available to the public) an annual set of recommendations for consumer protection regulations and meet with the Director to discuss the annual recommendations;

(II) meet with the Board of Governors of the Federal Reserve System at least once a year and provide oral or written representations concerning matters within the jurisdiction of the Board; and

(III) call for information and make recommendations in regard to consumer protection regulations.

(iii) RESPONSE TO RECOMMENDATIONS.—When the Chair of the Federal Reserve testifies before Congress, the Chair shall also testify about the recommendations of the Consumer Advisory Council under clause (ii)(II) and its recommendations for consumer protection regulations.

Page 216, line 21, strike ''or''.

Page 216, after line 21, insert the following new subparagraphs:

''(II) a change of control of an industrial bank, its section 6 holding company, or any entity that directly or indirectly controls the industrial bank, in a transaction other than a merger described in subclause (I), by an acquiring company that is predominately engaged in activities not permissible for a financial holding company pursuant to subsection (k), if—

''(aa) the transaction is approved by the appropriate Federal banking agency and the Board; and

''(bb) the industrial bank does not thereafter establish a domestic branch as defined in section 3(o) of the Federal Deposit Insurance Act (12 U.S.C. 1813(o)),

''(III) an inadvertent acquisition of control, as determined by the Board, if such inadvertent acquisition of control is reversed or rectified within 180 days of its discovery, or''.

Page 216, line 22, strike ''(II)'' and insert ''(IV)''.

Page 669, line 15, insert ''(b),'' after ''Subsections''.

Page 669, line 20, insert ''except for section 505 as it applies to section 501(b)'' before the period.

Page 670, after line 9, insert the following:

(N) Section 626 of the Omnibus Appropriations Act, 2009 (Public Law 111–8).

(O) The Unlawful Internet Gambling Enforcement Act of 2006.

Page 701, line 1, insert ''the Federal Trade Commission,'' after ''banking agencies,''.

Page 714, line 13, strike ''received and collected'' and insert ''identified''.

Page 743, line 3, insert ''a provision of'' after ''reports under''.

Page 743, line 4, insert ''a provision of'' after ''title,''.

Page 743, line 5, insert ''any provision of'' after ''law,''.

Page 743, line 8, insert ''under that provision of law'' after ''exclusive authority''.

Page 897, beginning on line 21, strike ''BACKSTOP''.

Page 898, line 2, strike ''4202(e)(3)'' and insert ''paragraph (2) or (3) of section 4202(e)''.

Page 898, line 8, insert ''transferred under subsection (a)'' after ''functions''.

Page 954, line 2, insert ''and shall not apply to the term 'Board' when used in reference to the Federal Deposit Insurance Corporation or the National Credit Union Administration'' before the period.

Page 957, line 3, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 957, line 20, insert ''(and except for any insertion of 'Federal Trade Commission' made by this subtitle)'' after ''subparagraph (B)''.

Page 958, line 2, strike ''and 129(m) (as amended by paragraph (7))'' and insert ''129(m) (as amended by paragraph (7)), 140A, or 149 (as amended by paragraph (8)).''.

Page 959, after line 13, insert the following:

(8) SECTION 149.—Section 149(b) of the Truth in Lending Act (15 U.S.C. 1665d(b)) is amended by inserting ''the Federal Trade Commission,'' after ''in consultation with''.

Page 960, beginning on line 1, strike ''paragraph (7)(A)'' and insert '' paragraphs (7)(B), (8)(A), (8)(C), and (8)(D) of this subsection (and except for any insertion of 'Federal Trade Commission' made by this subtitle)''.

Page 961, after line 21, insert the following:

(5) SECTION 609.—Section 609(d)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(d)(1)) is amended by inserting ''the Federal Trade Commission,'' after ''in consultation with''.

Page 961, line 22, strike ''(5)'' and insert ''(6)''.

Page 961, line 22, strike ''611(e)(2)'' and insert ''611(e)''.

Page 961, line 23, strike ''15 U.S.C.1681i(e)(2)'' and insert ''15 U.S.C. 1681i(e)''.

Page 961, line 24, strike ''amended to read as follows:'' and insert ''amended—'', and after such line insert the following:

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

Page 962, line 5, strike the period following the quotation marks and insert ''; and'' and after such line insert the following:

(B) in the heading of paragraph (3) by inserting ''CONSUMER REPORTING'' before ''AGENCY''.

Page 962, strike lines 6 through 8 and insert the following:

(7) SECTION 615.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended—

(A) in subsection (d)(2)(B), by inserting ''the Federal Trade Commission,'' after ''in consultation with'';

(B) in subsection (e)(1), by striking ''and the Commission'' and inserting ''the Federal Trade Commission, the Securities and Exchange Commission, and the Commodities Futures Trading Commission''; and

(C) by striking subparagraph (A) of subsection (h)(6) and inserting the following:

Page 962, line 11, strike ''(7)'' and insert ''(8)''.

Page 963, line 2, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 968, after line 7 insert the following:

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

(i) by inserting ''the Agency and'' before ''the Federal Trade Commission'' in the first sentence;

(ii) by inserting ''Agency and the Federal Trade'' after ''provide the''; and

(iii) by inserting ''Agency,'' before ''Federal Trade Commission'' in the second sentence;

(D) in paragraph (4) of subsection (c)—

(i) by inserting ''Agency'', before ''the Federal Trade Commission''; and

(ii) inserting ''Agency, the Federal Trade'' after ''complaint of the'';

(E) in paragraph (2) of subsection (f), by inserting ''the Federal Trade Commission'' after ''in consultation with'';

Page 968, line 8, strike ''(C)'' and insert ''(F)''.

Page 968, beginning on line 12, strike ''with respect to a covered person described in subsection (b)'' and insert '', except that, with respect to sections 615(e) and 628 of this title, the agencies identified in subsections (a) and (b) of this section shall prescribe such regulations as necessary to carry out the purposes of such sections with respect to entities within their enforcement authority under such subsections''.

Page 968, line 14, strike ''(D)'' and insert ''(G)''.

Page 973, strike lines 8 and 9 and insert the following:

(iii) in paragraph (1)(B)—

(I) by inserting ''of Governors of the Federal Reserve System'' after ''Board''; and

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

Page 974, line 2, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 978, line 4, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 982, line 21, strike ''and'' and after such line insert the following:

(iii) in paragraph (l)(B), by inserting ''of Governors of the Federal Reserve System'' after ''Board'';

Page 982, line 22, strike ''(iii)'' and insert ''(iv)''.

Page 983, line 7, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 988, after line 7, insert the following (and redesignate succeeding subsections accordingly):

(a) SECTION 501.—Section 501(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801(b)) is amended by inserting ''(other than the Consumer Financial Protection Agency)'' after ''title''.

(b) SECTION 502.—Section 502(e)(5) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e)(5)) is amended by inserting ''the Consumer Financial Protection Agency,'' after ''(including''.

(c) SECTION 503.—Section 503(e)(1) of the Gramm-Leach-Bliley Act (15 U.S.C. 6803(e)(1)) is amended—

(1) by inserting ''Consumer Financial Protection Agency in consultation with the other'' before ''agencies''; and

(2) by striking ''jointly''.

Page 988, line 13, strike ''and'' at the end.

Page 988, line 15, strike the period and insert ''; and'' and after such line insert the following:

(3) by inserting ''the Federal banking agencies, the National Credit Union Administration, the Secretary of the Treasury, the Federal Trade Commission, and'' before ''representatives of State insurance authorities''.

Page 989, after line 15, insert the following:

(f) SECTION 507.—Subsection 507(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6807(b)) is amended by striking ''Federal Trade Commission'' and inserting ''Consumer Financial Protection Agency, or in the case of a rule under section 501(b), the Federal Trade Commission or the Securities and Exchange Commission''.

Page 1019, line 8, strike ''and'' and after such line insert the following:

(2) by inserting a comma after ''under this Act'';

(3) by inserting a comma after ''subsection (a)(1))''; and

Page 1019, line 9, strike ''(2)'' and insert ''(4)''.

Page 1019, line 15, insert ''partnership, or corporation'' after ''person,''.

Page 825, after line 12, insert the following:

SEC. 4313. REVIEW, REPORT, AND PROGRAM WITH RESPECT TO EXCHANGE FACILITATORS.

(a) REVIEW.—The Director shall review all Federal laws and regulations relating to the protection of persons who utilize exchange facilitators.

(b) REPORT.—Not later than 180 days after the effective date of this subtitle, the Director shall submit to Congress a report describing—

(1) recommendations for legislation to ensure the appropriate protection of persons who utilize exchange facilitators;

(2) recommendations for updating the regulations of Federal departments and agencies to ensure the appropriate protection of such persons; and

(3) recommendations for Agency regulations to ensure the appropriate protection of such persons.

(c) PROGRAM.—Not later than 180 days after the date of the submission of the report under subsection (b), the Director shall establish and carry out a program, utilizing the authorities of the Agency, to protect persons who utilize exchange facilitators.

(d) EXCHANGE FACILITATOR DEFINED.—In this section, the term ''exchange facilitator'' means a person that—

(1) facilitates, for a fee, an exchange of like-kind property by entering into an agreement with a taxpayer by which the exchange facilitator acquires from the taxpayer the contractual rights to sell the taxpayer's relinquished property and transfers a replacement property to the taxpayer as a qualified

intermediary (within the meaning of Treasury Regulations section 1.1031(k)–1(g)(4)) or enters into an agreement with the taxpayer to take title to a property as an exchange accommodation titleholder (within the meaning of Revenue Procedure 2000–37) or enters into an agreement with a taxpayer to act as a qualified trustee or qualified escrow holder (within the meaning of Treasury Regulations section 1.1031(k)–1(g)(3));

(2) maintains an office for the purpose of soliciting business as an exchange facilitator; or

(3) purports to be an exchange facilitator by advertising any of the services listed in paragraph (1) or soliciting clients in printed publications, direct mail, television or radio advertisements, telephone calls, facsimile transmissions, or other electronic communications directed to the general public for purposes of providing any such services.

Page 255, after line 2, insert the following new section:

SEC. 1316. DE NOVO BRANCHING INTO STATES.

(a) NATIONAL BANKS.—Section 5155(g)(1)(A) of the Revised Statutes (12 U.S.C. 36(g)(1)(A)) is amended to read as follows:

''(A) the law of the State where the branch is located, or is to be located, would permit establishment of the branch if the national bank were a state bank chartered by such State;''.

(b) STATE INSURED BANKS.—Section 18(d)(4)(A)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(4)(A)(i)) is amended to read as follows:

''(i) the law of the State where the branch is located, or is to be located, would permit establishment of the branch if the bank were a State bank chartered by such State;''.

Page 277, line 22, strike the period and insert ''; and''.

Page 277, after line 22, insert the following:

(C) is not an insured depository institution (as defined in section 3(c) of the Federal Deposit Insurance act), a Federal credit union or a State-chartered credit union (as such terms are defined in section 101 of the Federal Credit Union Act), or a government-sponsored enterprise (as such term is defined in section 1004(f) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. 1811 note)).

Page 305, beginning on line 25, strike ''(that became a legally enforceable or perfected security interest after the date of the enactment of this clause) other than a legally enforceable or perfected security interest of the Federal Government,'' and insert ''in assets of the covered financial company arising under a qualified financial contract (as defined under subsection (c)(8)(D)(i)) with an original term of 30 days or less (except that, for a contract for a term linked to a calendar month, the original term must be less than one calendar month), secured by collateral other than securities issued by the United States Treasury, the Board of Governors of the Federal Reserve System, any agency of the United States, any Federal Reserve bank, or any Government Sponsored Enterprise, that became a legally enforceable or perfected security interest after the date of the enactment of this clause, and that is not a security interest of the Federal Government''.

Page 306, beginning on line 7, strike ''the amount of up to 20 percent'' and insert ''in the amount specified under clause (v)''.

Page 306, line 13, insert after the period the following sentence: ''This clause shall not apply with respect to debt obligations secured by real property. This clause may only be implemented with respect to secured creditors if, as a result of the dissolution of the covered financial company, no funds are available to satisfy, in whole or in part, any claims of unsecured creditors or shareholders.''.

Page 306, after line 13, insert the following:

(v) AMOUNT SPECIFIED.—For purposes of clause (iv), the amount specified under this clause, in the case of a secured creditor, is the amount of up to 10 percent.

Page 318, after line 11, insert the following subparagraphs (and redesignate subparagraphs (B) through (E) as subparagraphs (J) through (M), respectively):

(B) PREFERENTIAL TRANSFERS.—The Corporation as receiver for any covered financial company may avoid a transfer of an interest of the covered financial company in property that—

(i) was made to or for the benefit of a creditor;

(ii) was made for or on account of an antecedent debt that was owed by the covered financial company before the transfer was made;

(iii) was made while the covered financial company was insolvent;

(iv) was made—

(I) on or within 90 days before the date on which the Corporation was appointed receiver; or

(II) between 90 days and one year before the date that the Corporation was appointed receiver, if such creditor at the time of the transfer was an insider, as that term is defined in section 101(31) of title 11, United States Code; and

(v) enables such creditor to receive more than such creditor would receive in the liquidation of the covered financial company if—

(I) the transfer had not been made; and

(II) such creditor received payment of such debt to the extent provided by the provisions of this subtitle.

(C) POST-RECEIVERSHIP TRANSACTIONS.—The Corporation as receiver for any covered financial company may avoid a transfer of property of the receivership that occurred after the Corporation was appointed receiver that was not authorized under this title.

(D) RIGHT OF RECOVERY.—To the extent that a transfer is avoided under subparagraphs (A), (B) or (C), the Corporation may recover, for the benefit of the covered financial company, the property transferred or, if a court so orders, the value of such property from—

(i) the initial transferee of such transfer or the entity for whose benefit such transfer was made; or

(ii) any immediate or mediate transferee of any such initial transferee.

(E) RIGHTS OF TRANSFEREE OR OBLIGEE.—The Corporation may not recover under subparagraph (D)(ii)—

(i) from a transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith, and without knowledge of the violability of the transfer avoided; or

(ii) any immediate or mediate good faith transferee of such transferee.

(F) DEFENSES.—A transferee or obligee from whom the Corporation seeks to recover a transfer or avoid an obligation under subparagraphs (A), (B) or (C) shall have the same affirmative defenses and rights to liens on the property transferred to the extent they would be available to a transferee or obligee from whom a trustee under title 11 seeks to recover a transfer under sections 547, 548, and 549 of title 11, United States Code.

(G) LIMITATIONS ON AVOIDING POWERS.—The rights of the Corporation under subparagraphs (A), (B) or (C) are restricted to the same extent as the rights of a trustee in bankruptcy under section 546(b)(1) of the Bankruptcy Code.

(H) PRESUMPTION OF INSOLVENCY.—For purposes of subparagraph (B), the covered financial company is presumed to have been insolvent on and during the 90 days immediately preceding the date on which the Corporation is appointed as receiver.

(I) RIGHTS UNDER THIS SUBSECTION.—The rights of the Corporation as receiver for a covered financial company under this subsection shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency of a Federal Home Loan Bank) under title 11, United States Code.

Page 31, line 24, strike ''control of the Council; and'' and insert ''control of or used by the Council;''.

Page 32, line 5, strike the period and insert ''; and'' and after such line insert the following:

(C) the officers, directors, employees, financial advisors, staff, working groups, and agents and representatives of the Council (as related to the agent's or representative's activities on behalf of the Council) at such reasonable times as the Comptroller General may request.

Page 32, after line 12, insert the following:

(3) COPIES.—Comptroller General may make and retain copies of such books, accounts, and other records access to which is granted under this provision as the Comptroller General considers appropriate.

Page 732, after line 10, insert the following:

SEC. 4111. OVERSIGHT BY GAO.

(a) AUTHORITY.—The Comptroller General may audit the programs, activities, receipts, expenditures, and financial transactions of the Agency and of any agents and representatives of the Agency as related to the agent's or representative's activities on behalf of or under authority of the Agency.

(b) ACCESS.—Notwithstanding any other provision of law, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the Agency, or any vehicles established by the Agency under this Act, and to the directors, officers, employees, independent public accountants, financial advisors, staff, working groups, and agents and representatives of the Agency (as related to the agent's or representative's activities on behalf of the Agency) or any vehicle established by the Agency at such reasonable time as the Comptroller General may request. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General deems appropriate.

Page 732, line 11, strike ''4111'' and insert ''4112''.

Page 1077, line 23, strike ''1 year'' and insert ''18 months''.

Page 1079, after line 24, insert the following:

(3) ACCESS.—

(A) IN GENERAL.—For purposes of conducting the study described in paragraph (1), the Comptroller General shall have access, upon request and with the consent of the Securities and Exchange Commission, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by each nationally recognized statistical rating organization, and to the officers, directors, employees, independent public accountants, financial advisors, staff and agents and representatives of the organization (as related to the agent's or representative's activities on behalf of the organization) at such reasonable times as the Comptroller General may request. The Comptroller General may make and retain copies of books, records, accounts, and other records as the Comptroller General deems appropriate.

(B) CONFIDENTIALITY.—The Comptroller General may not disclose reasonably designated proprietary, trade secret or business

confidential information obtained from the organization except that such information shall be disclosed by the Comptroller General—

(i) to other Federal Government departments, agencies, and officials for official use upon request;

(ii) to committees of Congress upon request; and

(iii) to a court in any judicial proceeding under court order.

Nothing in this provision shall be construed to limit the requirements imposed by section 1905 of title 18, United States Code.

Page 1186, beginning on line 8, strike ''and the Securities and Exchange Commission shall each'' and insert ''shall''.

Page 1186, line 17, strike ''and''.

Page 1186, line 20, strike the period and insert a semicolon and after such line insert the following:

(3) determine how to reduce the burden of complying with section 404(b) of the Sarbanes-Oxley Act of 2002 for companies whose market capitalization is less than $250,000,000 for the relevant reporting period while maintaining investor protections for such companies; and

(4) determine whether various methods of reducing the compliance burden or a complete exemption for such companies (whose market capitalization is less than $250,000,000 for the relevant reporting period) from such compliance would encourage companies to list on exchanges in the United States in their initial public offerings.

Page 1186, beginning on line 21, strike ''On or before June 1, 2010'' and insert ''Not later than 9 months after the date of the enactment of this subtitle''.

Page 1186, beginning on line 22, strike ''and the Securities and Exchange Commission shall submit separate reports'' and insert ''shall submit a report''.

Page 1222, line 4, strike ''and the Comptroller General shall jointly'' and insert ''shall''.

Page 1222, line 15, strike ''180 days'' and insert ''9 months''.

Page 1222, beginning on line 16, strike ''and the Comptroller General''.

Page 706, after line 7, insert the following new paragraph:

(3) OFFICE OF FINANCIAL PROTECTION FOR OLDER AMERICANS.—

(A) ESTABLISHMENT.—Before the end of the 180-day period beginning on the date of the enactment of this title, the Director shall establish within the Agency the Office of Financial Protection for Older Americans, whose functions shall include activities designed to facilitate the financial literacy of individuals who have attained the age of 62 years or more (in this paragraph, referred to as ''seniors'') on protection from unfair and deceptive practices and on current and future financial choices, including through the dissemination of materials to seniors on such topics.

(B) DIRECTOR.—The Office of Financial Protection for Older Americans shall be headed by a director.

(C) DUTIES.—Such unit shall perform the following duties:

(i) Develop goals for programs that provide seniors financial literacy and counseling, including programs that—

(I) help seniors recognize warning signs of unfair and deceptive practices, protect themselves from such practices;

(II) provide one-on-one financial counseling on issues including long-term savings and later-life economic security; and

(III) provide personal consumer credit advocacy to respond to consumer problems caused by unfair and deceptive practices.

(ii) Monitor certifications or designations of financial advisors who advise seniors and alert the Securities and Exchange Commission and State regulators of certifications or designations that are identified as unfair or deceptive.

(iii) Not later than 18 months after the date of the establishment of the Office of Financial Protection for Older Americans, submit to Congress and the Securities and Exchange Commission recommendations of the best practices for any legislative and regulatory—

(I) disseminating information regarding the legitimacy of certifications of financial advisers who advise seniors;

(II) methods in which a senior can identify the financial advisor most appropriate for the senior's needs; and

(III) methods in which a senior can verify a financial advisor's credentials.

(iv) Conduct research to identify best practices and effective methods, tools, technology and strategies to educate and counsel seniors about personal finance management with a focus on—

(I) protecting themselves from unfair and deceptive practices;

(II) long-term savings; and

(III) planning for retirement and long-term care.

(v) Coordinate consumer protection efforts of seniors with other Federal agencies and State regulators, as appropriate, to promote consistent, effective, and efficient enforcement.

(vi) Work with community organizations, non-profit organizations, and other entities that are involved with educating or assisting seniors (including the National Education and Resource Center on Women and Retirement Planning).

Page 760, strike line 19 and all that follows through page 762, line 22, and insert the following:

(a) EXCLUSION FOR MERCHANTS, RETAILERS, AND SELLERS OF NONFINANCIAL SERVICES.—

(1) IN GENERAL.—Notwithstanding any provision of this title (other than paragraph (4)) and subject to paragraph (2), the Director and the Agency may not exercise any rulemaking, supervisory, enforcement or other authority, including authority to order assessments, under this title with respect to—

(A) credit extended directly by a merchant, retailer, or seller of nonfinancial goods or services to a consumer, in a case in which the good or service being provided is not itself a consumer financial product or service, exclusively for the purpose of enabling that consumer to purchase such goods or services directly from the merchant, retailer, or seller of financial services; or

(B) collection of debt, directly by the merchant, retailer, or seller of nonfinancial services, arising from such credit extended. In the application of this paragraph, the extension of credit and the collection of debt described in subparagraphs (A) and (B), respectively, shall not be considered a consumer financial product or service.

(2) EXCEPTIONS FOR EXISTING AUTHORITY.—The Director may exercise any rulemaking authority regarding an extension of credit described in paragraph (1)(A) or the collection of debt arising from such extension, as may be authorized by the enumerated consumer laws or any law or authority transferred under subtitle F or H.

(3) RULE OF CONSTRUCTION.—No provision of this title shall be construed as modifying, limiting, or superseding the authority of the Federal Trade Commission or any agency other than the Agency with respect to credit extended, or the collection of debt arising from such extension, directly by a merchant or retailer to a consumer exclusively for the purpose of enabling that consumer to purchase goods or services directly from the merchant or retailer.

(4) EXCLUSION NOT APPLICABLE TO CERTAIN CREDIT TRANSACTIONS.—Paragraph (1) shall not apply to—

(A) any credit transaction, including the collection of the debt arising from such extension, in which the merchant, retailer, or seller of nonfinancial services assigns, sells, or otherwise conveys such debt owed by the consumer to another person; or

(B) any credit transaction—

(i) in which the credit provided significantly exceeds the market value of the product or service provided, and

(ii) with respect to which the Director finds that the sale of the product or service is done as a subterfuge so as to evade or circumvent the provisions of this title.

Page 675, strike line 10 and all that follows through page 676, line 9, and insert the following:

(xi) Financial data processing by any technological means, including providing data processing, access to or use of databases or facilities, or advice regarding processing or archiving, if the data to be processed, furnished, stored, or archived are financial, banking, or economic, except that it shall not be considered a financial activity with respect to financial data processing—

(I) to the extent the person is providing interactive computer service, as defined in section 230 of the Communications Act of 1934 (47 U.S.C. 230); or

(II) if the person—

(aa) unknowingly or incidentally transmits, processes, or stores financial data in a manner that such data is undifferentiated from other types of data that the person transmits, processes, or stores;

(bb) does not provide to any consumer a consumer financial product or service in connection with or relating to in any manner financial data processing; and

(cc) does not provide a material service to any covered person in connection with the provision of a consumer financial product or service.

Page 1205, line 2, insert before the period at the end the following: ''and to provide additional levels of coverage on an optional basis''.

Page 1205, line 22, strike ''and'' after the semicolon.

Page 1205, line 25, strike the period at the end and insert ''; and''.

Page 1205, after line 25, insert the following:

(6) examine the feasibility of SIPC providing additional levels of coverage on an optional basis, what those additional levels of coverage should be, and the appropriate risked-based premium for providing additional coverage.

Page 1018, after line 25, insert the following:

SEC. 4818. AMENDMENTS TO TRUTH IN LENDING ACT.

(a) IN GENERAL.—Section 128(e) of the Truth in Lending Act is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) INSTITUTIONAL CERTIFICATION REQUIRED.—(A) Except as provided in subparagraph (B), before a creditor may issue any funds with respect to an extension of credit described in paragraph (1), the creditor shall obtain from the relevant institution of higher education such institution's certification—

''(i) of the enrollment status of the borrower;

''(ii) of the borrower's cost of attendance at the institution as determined by the institution under part F of title IV of the Higher Education Act of 1965;

''(iii) of the difference between the borrower's cost of attendance and the borrower's estimated financial assistance received under title IV of the Higher Education

Act of 1965 and other assistance known to the institution, as applicable; and

''(iv) that the institution has—

''(I) informed the borrower—

''(aa) about the availability of, and the borrower's potential eligibility for, Federal financial assistance under this title, including disclosing the terms, conditions, and interest rates of Federal student loans;

''(bb) of the borrower's ability to select a private educational lender of the borrower's choice;

''(cc) about the impact of a proposed private education loan on the borrowers' potential eligibility for other financial assistance, including Federal financial assistance under the Higher Education Act of 1965; and

''(dd) about a borrower's right to accept or reject a private education loan within the 30-day period following a private educational lender's approval of a borrower's application and about a borrower's 3-day right to cancel altogether;

''(II) determined whether the borrower has applied for and exhausted the Federal financial assistance available to the borrower under the Higher Education Act of 1965 and informed the borrower accordingly; and

''(III) counseled the borrower on the borrower's financial aid options.

''(B) A creditor may issue funds with respect to an extension of credit described in paragraph (1) without obtaining from the relevant institution of higher education such institution's certification if such institution fails to provide such certification within 21 calendar days or 15 business days, whichever comes first, of the creditor's request for such certification.'';

(2) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(3) by inserting after paragraph (8) the following new paragraph (9):

''(9) PROVISION OF INFORMATION.—On or before the date a creditor issues any funds with respect to an extension of credit described in paragraph (1), the creditor shall notify the relevant institution of higher education, in writing, of the amount of the extension of credit and the student on whose behalf credit is extended. The form of such written notification shall be subject to the regulations of the Agency.''.

(b) REGULATIONS.—

(1) DEADLINE FOR REGULATIONS.—Not later than 365 days after the date of enactment of this Act, the Agency shall issue regulations in final form to implement paragraphs (3) and (9) of section 128(e) of the Truth in Lending Act, as amended by subsection (a). Such regulations shall become effective not later than 6 months after their date of issuance.

(2) EFFECTIVE DATE.—The regulations in effect pursuant to section 128(e) of the Truth in Lending Act as of the date of the enactment of this Act shall remain in effect until the effective date of the regulations issued under paragraph (1).

(c) STUDY AND REPORT ON PRIVATE EDUCATION LOANS AND PRIVATE EDUCATIONAL LENDERS.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director and the Secretary of Education, in consultation with the Commissioners of the Federal Trade Commission, and the Attorney General, shall submit a report to the Committee on Financial Services and the Committee on Education and Labor of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Health Education, Labor, and Pensions of the Senate on private education loans (as that term is defined in section 140 of the Truth in Lending Act (15 U.S.C. 1650)) and private educational lenders (as that term is defined in such section).

(2) CONTENT.—The report required by this subsection shall examine, at a minimum, the following:

(A) the growth and changes of the private education loan market in the United States;

(B) factors influencing such growth and changes;

(C) the extent to which students and parents of students rely on private education loans to finance postsecondary education and the private education loan indebtedness of borrowers,

(D) the characteristics of private education loan borrowers, including the types of institutions of higher education they attend, socioeconomic characteristics (including income and education levels, racial characteristics, geographical background, age, and gender), what other forms of financing borrowers use to pay for education, whether they exhaust their federal loan options before taking out a private loan, whether such borrowers are dependent or independent students (as determined under part F of title IV of the Higher Education Act of 1965) or parents of such students, whether such borrowers are students enrolled in a program leading to a certificate, license or credential other than a degree, an associates degree, a baccalaureate degree, or a graduate or professional degree and, if practicable, employment and repayment behaviors;

(E) the characteristics of private educational lenders, including whether such creditors are for-profit, non-profit, or institutions of higher education;

(F) the underwriting criteria used by private educational lenders, including the use of cohort default rate (as such term is defined in section 435(m) of the Higher Education Act of 1965);

(G) the terms, conditions, and pricing of private education loans;

(H) the consumer protections available to private education loan borrowers, including the effectiveness of existing disclosures and requirements and borrowers' awareness and understanding about terms and conditions of various financial products;

(I) whether federal regulators and the public have access to information sufficient to provide them with assurances that private education loans are provided in accord with the Nation's fair lending laws and that allows public officials to determine lenders' compliance with fair lending laws; and

(J) any statutory or legislative recommendations necessary to improve consumer protections for private education loan borrowers and to better enable federal regulators and the public to ascertain private educational lender compliance with fair lending laws.

(d) REPORT.—Not later than 18 months after the issuance of regulations under subsection (b)(1), the Consumer Financial Protection Agency and the Secretary of Education shall jointly submit to Congress a report on the compliance of institutions and private educational lenders with the amendments made by this section. The report shall include the degree to which specific institutions utilize certifications in effectively encouraging the exhaustion of Federal student loan eligibility and lowering student debt.

Page 198, after line 15, insert the following new subtitle:

Subtitle K—Home Affordable Modification Program

SEC. 9911. HOME AFFORDABLE MODIFICATION PROGRAM GUIDELINES.

(a) NET PRESENT VALUE INPUT DATA.—The Secretary of the Treasury (in this section referred to as the ''Secretary'') shall revise the supplemental directives and other guidelines for the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary of the Treasury, authorized under the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), to require each mortgage servicer participating in such program to provide each borrower under a mortgage whose request for a mortgage modification under the Program is denied with all borrower-related and mortgage-related input data used in any net present value (NPV) analyses performed in connection with the subject mortgage. Such input data shall be provided to the borrower at the time of such denial.

(b) WEB-BASED SITE FOR NPV CALCULATOR AND APPLICATION.—

(1) NPV CALCULATOR.—In carrying out the Home Affordable Modification Program, the Secretary shall establish and maintain a site on the World Wide Web that provides a calculator for net present value analyses of a mortgage, based on the Secretary's methodology for calculating such value, that mortgagors can use to enter information regarding their own mortgages and that provides a determination after entering such information regarding a mortgage of whether such mortgage would be accepted or rejected for modification under the Program, using such methodology.

(2) DISCLOSURE.—Such Web site shall also prominently disclose that each mortgage servicer participating in such Program may use a method for calculating net present value of a mortgage that is different than the method used by such calculator.

(3) APPLICATION.—The Secretary shall make a reasonable effort to include on such World Wide Web site a method for homeowners to apply for a mortgage modification under the Home Affordable Modification Program.

(c) PUBLIC AVAILABILITY OF NPV METHODOLOGY, COMPUTER MODEL, AND VARIABLES.—The Secretary shall make publicly available, including by posting on a World Wide Web site of the Secretary—

(1) the Secretary's methodology and computer model, including all formulae used in such computer model, used for calculating net present value of a mortgage that is used by the calculator established pursuant to subsection (b); and

(2) all variables used in such net present value analysis.

Page 1068, after line 22, insert the following:

(c) REQUIREMENTS FOR LIABILITY.—Section 21D of the Securities Exchange Act of 1934 (15 U.S.C. 78u–4) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) REQUIREMENTS FOR LIABILITY.—A purchaser of a security given a rating by a nationally recognized statistical rating organization shall have the right to recover for damages if the process of determining the credit rating was—

''(1) grossly negligent, based on the facts and circumstances at the time the rating was issued; and

''(2) a substantial factor in the economic loss suffered by the investor.

No action shall be maintained to enforce any liability created under this subsection unless brought within 2 years after the discovery of the facts constituting the violation and within 3 years after the initial issuance of the rating.''.

Strike section 1109 and insert the following new section:

SEC. 1109. EMERGENCY FINANCIAL STABILIZATION.

(a) IN GENERAL.—Upon the written determination of the Council that a liquidity event exists that could destabilize the financial system (which determination shall be

made upon a vote of not less than two-thirds of the members of the Council then serving) and with the written consent of the Secretary of the Treasury (after certification by the President that an emergency exists), the Corporation may create a widely-available program designed to avoid or mitigate adverse effects on systemic economic conditions or financial stability by guaranteeing obligations of solvent insured depository institutions or solvent depository institution holding companies (including any affiliates thereof), if necessary to prevent systemic financial instability during times of severe economic distress, except that a guarantee of obligations under this section may not include provision of equity in any form.

(b) POLICIES AND PROCEDURES.—Prior to exercising any authority under this section, the Corporation shall establish policies and procedures governing the issuance of guarantees. The terms and conditions of any guarantees issued shall be established by the Corporation with the approval of the Secretary of the Treasury and the Financial Stability Oversight Council. Such terms and conditions may include the Corporation requiring collateral as a condition of any such guarantee.

(c) CAP FOR GUARANTEED AMOUNT.—

(1) IN GENERAL.—In connection with any program established pursuant to subsection (a) and subject to paragraph (2), the Corporation may not have guaranteed debt outstanding at any time of more than $500,000,000,000 (as indexed to reflect growth in assets of insured depository institutions and depository institution holding companies as determined by the Corporation).

(2) ADDITIONAL DEBT GUARANTEE AUTHORITY.—If the Corporation, with the concurrence of the Council and the Secretary (in consultation with the President), determines that the Corporation must guarantee debt in excess of $500,000,000,000 (as indexed pursuant to paragraph (1)) to prevent systemic financial instability, the Corporation may transmit to the Congress a request for authority to guarantee debt in excess of $500,000,000,000 (as indexed pursuant to paragraph (1)). Such request shall be considered granted by Congress upon adoption of a joint resolution approving such request. Such joint resolution shall be considered in the Senate under expedited procedures.

(d) FUNDING.—

(1) ADMINISTRATIVE EXPENSES AND COST OF GUARANTEES.—A program established pursuant to this section shall require funding only for the purposes of paying administrative expenses and for paying a guarantee in the event that a guaranteed loan defaults.

(2) FEES AND OTHER CHARGES.—The Corporation shall charge fees or other charges to all participants in such program established pursuant to this section to offset projected losses and administrative expenses. To the extent that a program established pursuant to this section has expenses or losses, the program will be funded entirely through fees or other charges assessed on participants in such program.

(3) EXCESS FUNDS.—If at the conclusion of such program there are any excess funds collected from the fees associated with such program, the funds will be deposited into the Systemic Dissolution Fund established pursuant to section 1609(n).

(4) AUTHORITY OF CORPORATION.—For purposes of conducting a program established pursuant to this section, the Corporation—

(A) may borrow funds from the Secretary of the Treasury, which shall be repaid in full with interest through fees and charges paid by participants in accordance with paragraph (2), and there shall be available to the Corporation amounts in the Treasury not otherwise appropriated, including for the payment of reasonable administrative expenses;

(B) may not borrow funds from the Deposit Insurance Fund established pursuant to section 11(a)(4) of the Federal Deposit Insurance Act; and

(C) may not borrow funds from the Systemic Dissolution Fund established pursuant to section 1609(n).

(5) BACK-UP SPECIAL ASSESSMENT.—To the extent that the funds collected pursuant to paragraph (2) are insufficient to cover any losses or expenses (including monies borrowed pursuant to paragraph (4)) arising from a program established pursuant to this section, the Corporation shall impose a special assessment solely on participants in the program.

(e) PLAN FOR MAINTENANCE OR INCREASE OF LENDING.—In connection with any application or request to participate in such program authorized pursuant to this section, a solvent entity seeking to participate in such program shall be required to submit to the Corporation a plan detailing how the use of such guaranteed funds will facilitate the increase or maintenance of such solvent company's level of lending to consumers or small businesses.

(f) SUNSET OF CORPORATION'S AUTHORITY.—The Corporation's authority under subsections (a) and (d) and the authority to borrow funds from the Treasury under section 1609(o) shall expire on December 31, 2013.

(g) RULE OF CONSTRUCTION.—For purposes of this section, a guarantee of deposits held by insured depository institutions shall not be treated as a debt guarantee program.

(h) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) CORPORATION.—The term ''Corporation'' means the Federal Deposit Insurance Corporation.

(2) DEPOSITORY INSTITUTION HOLDING COMPANY.—The term ''depository institution holding company'' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(3) INSURED DEPOSITORY INSTITUTION.—The term ''insured depository institution'' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(4) SOLVENT.—The term ''solvent'' means assets are more than the obligations to creditors.

Page 110, after line 7, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 1110. ADDITIONAL RELATED AMENDMENTS.

(a) FEDERAL DEPOSIT INSURANCE ACT RELATED AMENDMENTS.—

(1) SUSPENSION OF PARALLEL FEDERAL DEPOSIT INSURANCE ACT AUTHORITY.—Effective upon the date of the enactment of this section through December 31, 2013, the Corporation may not exercise its authority under section 13(c)(4)(G)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(i)) to establish any widely-available debt guarantee program for which section 1109 would provide authority.

(2) FEDERAL DEPOSIT INSURANCE ACT AUTHORITY PRESERVED.—Effective December 31, 2013, the Corporation shall have the same authority pursuant to section 13(c)(4)(G)(i) of the Federal Deposit Insurance Act as the Corporation had prior to the date of enactment of this Act.

(b) EFFECT OF DEFAULT ON AN FDIC GUARANTEE.—If an insured depository institution or depository institution holding company participating in a program under section 1109 or any participant in a debt guarantee program established pursuant to section 13(c)(4)(G)(i) of the Federal Deposit Insurance Act defaults on any obligation guaranteed by the Corporation after the date of enactment of this Act, the Corporation may—

(1) appoint itself as receiver for the insured depository institution that defaults;

(2) with respect to any other participating company that is not an insured depository institution that defaults—

(A) require consideration of whether a determination shall be made as provided in section 1603 to resolve the company under subtitle G; and

(B) if the Corporation is not appointed receiver pursuant to subtitle G within 30 days of the date of default, require the company to file a petition for bankruptcy under section 301 of title 11, United States Code, or file a petition for bankruptcy against the company under section 303 of title 11, United States Code.

(c) AUTHORITY TO FILE INVOLUNTARY PETITION FOR BANKRUPTCY.—Section 303 of title 11, United States Code, is amended by adding at the end the following:

''(m) Notwithstanding subsections (a) and (b), an involuntary case may be commenced by the Federal Deposit Insurance Corporation against a depository institution holding company as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) or other company participating in a guarantee program established by the Corporation on the ground that the company has defaulted on a debt or obligation guaranteed by the Corporation.''.

(d) BANKRUPTCY PRIORITY FOR DEFAULTS ON DEBT GUARANTEED PURSUANT TO SECTION 1109.—Section 507(a)(9) of title 11, United States Code, is amended by inserting before the period at the end the following: ''and allowed unsecured claims based upon any debt to the Federal Deposit Insurance Corporation that arose prior to the commencement of the case under this title, as a result of the debtor's default on a guarantee provided by the Corporation pursuant to section 1109 of the Financial Stability Improvement Act of 2009 or the Federal Deposit Insurance Act, under a program established by the Corporation after the date of enactment of the Financial Stability Improvement Act of 2009''.

Page 110, line 8, strike ''**MUST**'' and insert ''**MAY**''.

Page 110, strike line 10 and all that follows through line 18 and insert the following:

(a) IN GENERAL.—In connection with any payment, credit extension, or guarantee or any commitment under section 1109 or 1604, the Corporation may obtain from the insured depository institution, depository institution holding company (including any affiliates thereof), or covered financial company, as the case may be—

Page 110, line 19, strike ''financial company'' and insert ''insured depository institution, depository institution holding company (including any affiliates thereof), or covered financial company''.

Page 111, line 3, strike ''financial company'' and insert ''insured depository institution, depository institution holding company (including any affiliates thereof), or covered financial company''.

Strike section 1614 and insert the following new section:

SEC. 1614. APPLICATION OF EXECUTIVE COMPENSATION LIMITATIONS.

At any time that the Corporation has borrowed from the Treasury pursuant to section 1609(o) to resolve a covered financial company, the Corporation shall apply the executive compensation limits under section 111 of the Emergency Economic Stabilization Act of 2008 to such company for so long as such company is in receivership.

Page 436, after line 11, insert the following new section:

SEC. 1615. PRIORITY OF CLAIMS IN FEDERAL DEPOSIT INSURANCE ACT.

Section 11(d)(11)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(11)(A)) is amended—

(1) by redesignating clauses (iii) through (v) as clauses (iv) through (vi), respectively; and

(2) by inserting after clause (ii) the following new clause (iii):

''(iii) Any obligation of the institution owed to the Corporation as a result of the institution's default on a Corporation-guaranteed debt.''.

Page 825, after line 12, insert the following new section:

SEC. 4313. REGULATION OF PERSON-TO-PERSON LENDING.

(a) SCOPE OF EXEMPTION FROM FEDERAL SECURITIES REGULATION.—Section 3(a) of the Securities Act of 1933 (15 U.S.C. 77c(a)) is amended by adding at the end the following new paragraph:

''(15) PERSON-TO-PERSON LENDING.—

''(A) IN GENERAL.—Any consumer loan, and any note representing a whole or fractional interest in any such loan, funded or sold through a person-to-person lending platform.

''(B) DEFINITIONS.— For purposes of this paragraph:

''(i) CONSUMER LOAN.—The term 'consumer loan' means a loan made to a natural person, the proceeds of which are intended primarily for personal, family, educational, household, or business use.

''(ii) PERSON-TO-PERSON LENDING PLATFORM.—

''(I) IN GENERAL.—The term 'person-to-person lending platform' means an Internet website, the primary purpose of which is to provide a transaction platform for the funding or sale of individual consumer loans, or the sale of notes representing whole or fractional interests in individual consumer loans, by matching natural persons who wish to obtain such loans with persons who wish to fund them, or by matching persons who wish to sell such loans or notes with persons who wish to purchase them.

''(II) PROHIBITION ON MULTIPLE LOANS IN A SINGLE TRANSACTION.—The term 'person-to-person lending platform' does not include any platform on which multiple loans may be funded or sold in a single transaction, or on which a note representing an interest in multiple loans or other debt obligations may be sold.''.

(b) REGULATION BY THE AGENCY.—

(1) IN GENERAL.—Primary jurisdiction for the regulation of the lending activities of person-to-person lending and person-to-person lending platforms is hereby vested in the Agency.

(2) INTERIM REQUIREMENTS.—Until the Director issues and adopts disclosure requirements with respect to the sale of consumer loans, or notes representing whole or fractional interests therein, on person-to-person lending platforms, a person-to-person lending platform that registers the offer and sale of any such notes under the Securities Act of 1933 shall, with respect to such registered offer and sale, provide the disclosure required under the Securities Act of 1933 to be contained in the registration statement and prospectus and provide such disclosure required in any periodic reports required to be filed by such person-to-person lender pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934.

(3) DEFINITIONS.—For purposes of this subsection, the terms ''consumer loan'', ''person-to-person lending platform'', ''prospectus'', and ''registration statement'' shall have the meaning given such term under the Securities Act of 1933.

(c) RULEMAKING.—The Director may prescribe such regulations and issue such orders as the Director considers necessary or appropriate to implement the provisions of this section and to provide borrower protection, lender protection, consumer choice, and expanded consumer access to fair and reasonable credit choices.

(d) EFFECTIVE DATE.—Notwithstanding section 4310, this section shall take effect on the date of the enactment of this title.

Page 699, line 13, strike ''and''.

Page 699, line 17, insert ''and'' after ''services;''.

Page 699, after line 17, insert the following:

(vi) the nature, range, and size of variations between the credit scores sold to creditors and those sold to consumers by consumer reporting agencies that compile and maintain files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act; 15 U.S.C. 1681a(p)), and whether such variations disadvantage consumers;

Page 788, after line 10, insert the following:

(3) CONSIDER AS UNFAIR CERTAIN PRACTICES WITH REGARD TO THE PROVISION OF CREDIT SCORES.—Subject to regulations prescribed by the Director, it shall be considered unfair for any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act; 15 U.S.C. 1681a(p)) to make available for purchase by creditors any credit score for a consumer that is not also available for purchase by that consumer at the same price as other credit scores sold to consumers by such agency.

Page 699, line 17, insert '', and the impact of Federal policies, including resource limits in means-tested Federal benefit programs (as defined in section 318 of the Higher Education Act of 1965; 20 U.S.C. 1059e), on such consumers in influencing banking behavior'' after ''financial products or services''.

In section 4109(f) (as modified pursuant to the rule providing for the consideration of the bill and contained in the amendment designated MWB__05), strike paragraph (3) and insert the following:

(3) EXCEPTION.—Notwithstanding paragraph (1), an attorney's activities related to assisting another person in preventing a foreclosure shall be subject to this title except to the extent such activities constitute, or are incidental to, the provision of legal services to a client of the attorney.

Page 776, after line 19, insert the following new subsection:

(l) EXCLUSION FOR ACTIVITIES RELATING TO CHARITABLE CONTRIBUTIONS.—

(1) The Director and the Agency may not exercise any rulemaking, supervisory, enforcement, or other authority, including authority to order assessments or penalties, over any activities related to the solicitation or making of voluntary contributions to or through a tax-exempt organization as recognized by the Internal Revenue Service, by any agent, volunteer or representative of such organizations to the extent the organization, agent, volunteer or representative thereof is soliciting or providing advice, information, education or instruction to donor(s) or potential donor(s) relating to a contribution to or through the organization.

(2) This exclusion shall not apply to other activities not described in the paragraph above and are financial activities as described in any subparagraph of section 4002(19), or otherwise subject to any of the enumerated consumer laws, or the authorities transferred under subtitle F or H.

In the last section title I of the bill (as added pursuant to the rule providing for the consideration of the bill and contained in the amendment designated ''TARP—001''), strike ''$22,059,000,000,'' and insert ''23,625,000,000''.

It was decided in the affirmative ..... { Yeas ..... 240 / Nays 182

¶153.23 [Roll No. 953]

AYES—240

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

NOES—182

Aderholt	Biggert	Boustany
Adler (NJ)	Bilbray	Brady (TX)
Akin	Bilirakis	Bright
Alexander	Blackburn	Broun (GA)
Austria	Blunt	Brown (SC)
Bachmann	Boehner	Brown-Waite, Ginny
Bachus	Bonner	Buchanan
Bartlett	Bono Mack	Burgess
Barton (TX)	Boozman	Burton (IN)
Berry	Boren	

Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McKeon
McMorris Rodgers
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
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)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Baldwin
Barrett (SC)
Bordallo
Clarke
Deal (GA)
DeFazio
Hoyer
Johnson (GA)
Lofgren, Zoe
McHenry
Moran (VA)
Murtha
Radanovich
Richardson
Roybal-Allard
Schauer
Scott (GA)
Slaughter

So the amendment was agreed to.

¶153.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 111-370, submitted by Mr. SESSIONS:

Page 1068, strike lines 8 through 22.

It was decided in the negative ..... { Yeas ..... 172 / Nays 257

¶153.25 [Roll No. 954]

AYES—172

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

NOES—257

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
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.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—11

Baldwin
Barrett (SC)
Bordallo
Deal (GA)
Lofgren, Zoe
McCaul
Moran (VA)
Murtha
Radanovich
Richardson
Slaughter

So the amendment was not agreed to.

¶153.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in House Report 111-370, submitted by Mr. LYNCH:

At the end of title III, insert the following new section:

SEC. _____. CONFLICTS OF INTEREST IN CLEARING ORGANIZATIONS.

(a) COMMODITY EXCHANGE ACT.—

(1) DEFINITION OF RESTRICTED OWNER.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) (as amended by the preceding provisions of this Act) is further amended by adding at the end the following:

''(51) RESTRICTED OWNER.—The term 'restricted owner' means any swap dealer, security-based swap dealer, major swap participant, or major security-based swap participant, that is an identified financial holding company as defined in Section 1000(b)(5) of the Financial Stability Improvement Act of 2009, or a person associated with a swap dealer or a major swap participant that is an identified financial holding company, or a person associated with a security-based swap dealer or major security-based swap participant that is an identified financial holding company.''.

(2) CONFLICTS OF INTEREST.—

(A) Subparagraph (P) of section 5b(c)(2) of the Commodity Exchange Act (as added by the preceding provisions of this Act) is amended by adding at the end of such subparagraph the following: ''The rules of the derivatives clearing organization that clears swaps shall provide that a restricted owner shall not be permitted directly or indirectly to acquire beneficial ownership of interests in the organization or in persons with a controlling interest in the organization, to the extent that such an acquisition would result in restricted owners being entitled to vote, cause the voting of, or cause the withholding of votes of, more than 20 percent of the votes entitled to be cast on any matter by the holders of the ownership interests. The rules of the derivatives clearing organization shall provide that a majority of the directors of the organization shall not be associated with a restricted owner. This subparagraph shall not be construed to require divestiture of any interest of a restricted owner in an established and operational derivatives clearing organization acquired prior to January 1,

2010, provided that acquisitions by such restricted owner after such date shall be subject to this subparagraph. The Commission may determine whether any acquisition by a restricted owner during any interim period prior to the date of the enactment of this Act has been made for the purpose of avoiding the effect of this subparagraph.''.

(B) Section 4s(g)(1) of the Commodity Exchange Act (as added by the preceding provisions of this Act) is amended—

(i) by striking ''and'' at the end of subparagraph (C); and

(ii) by redesignating subparagraph (D) as subparagraph (E) and insert after subparagraph (C) the following:

''(D) the prevention of self-dealing, by limiting the extent to which such a swap dealer or major swap participant may conduct business with a derivatives clearing organization, a board of trade, or an alternative swap execution facility that clears or trades swaps and in which such a swap dealer or major swap participant has a material debt or equity investment; and''.

(C) Paragraph (12) of section 5h(d) of the Commodity Exchange Act (as added by the preceding provisions of this Act) is amended by adding at the end the following new subparagraph:

''(C) The rules of the swap execution facility shall provide that a restricted owner shall not be permitted directly or indirectly to acquire beneficial ownership of interests in the facility or in persons with a controlling interest in the facility, to the extent that such an acquisition would result in restricted owners being entitled to vote, cause the voting of, or cause the withholding of votes of, more than 20 percent of the votes entitled to be cast on any matter by the holders of the ownership interests. This subparagraph shall not be construed to require divestiture of any interest of a restricted owner in an established and operational swap execution facility acquired prior to January 1, 2010, provided that acquisitions by such restricted owner after such date shall be subject to this subparagraph. The Commission may determine whether any acquisition by a restricted owner during any interim period prior to the date of the enactment of this Act has been made for the purpose of avoiding the effect of this subparagraph.

''(D) The rules of the swap execution facility shall provide that a majority of the directors of the facility shall not be associated with a restricted owner.''.

(D) Section 5(d) of the Commodity Exchange Act (as amended by the preceding provisions of this Act) is further amended by striking paragraph (15) and inserting the following:

''(15) CONFLICTS OF INTEREST.—

''(A) The board of trade shall establish and enforce rules to minimize conflicts of interest in the decisionmaking process of the contract market, and establish a process for resolving any such conflicts of interest.

''(B) The rules of a board of trade that trades swaps shall provide that a restricted owner shall not be permitted directly or indirectly to acquire beneficial ownership of interests in the board of trade or in persons with a controlling interest in the board of trade, to the extent that such an acquisition would result in restricted owners being entitled to vote, cause the voting of, or cause the withholding of votes of, more than 20 percent of the votes entitled to be cast on any matter by the holders of the ownership interests. This paragraph shall not be construed to require divestiture of any interest of a restricted owner in an established and operational board of trade acquired prior to January 1, 2010, provided that acquisitions by such restricted owner after such date shall be subject to this paragraph. The Commission may determine whether any acquisition by a restricted owner during any interim period prior to the date of the enactment of this Act has been made for the purpose of avoiding the effect of this paragraph.

''(C) The rules of a board of trade that trades swaps shall provide that a majority of the directors of the board of trade shall not be associated with a restricted owner.''.

(b) SECURITIES EXCHANGE ACT OF 1934.—

(1) DEFINITION OF RESTRICTED OWNER.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) (as amended by the preceding provisions of this Act) is further amended by adding at the end the following:

''(78) RESTRICTED OWNER.—The term 'restricted owner' has the same meaning as in section 1a(51) of the Commodity Exchange Act.''.

(2) CONFLICTS OF INTEREST.—

(A) Paragraph (10) of section 3C(d) of the Securities Exchange Act of 1934 (as added by the preceding provisions of this Act) is amended by adding after subparagraph (B) the following:

''The rules of the swap execution facility shall provide that a restricted owner shall not be permitted directly or indirectly to acquire beneficial ownership of interests in the facility or in persons with a controlling interest in the facility, to the extent that such an acquisition would result in restricted owners being entitled to vote, cause the voting of, or cause the withholding of votes of, more than 20 percent of the votes entitled to be cast on any matter by the holders of the ownership interests. The rules of the swap execution facility shall provide that a majority of the directors of the facility shall not be associated with a restricted owner. This paragraph shall not be construed to require divestiture of any interest of a restricted owner in an established and operational swap execution facility acquired prior to January 1, 2010, provided that acquisitions by such restricted owner after such date shall be subject to this paragraph. The Commission may determine whether any acquisition by a restricted owner during any interim period prior to the date of the enactment of this Act has been made for the purpose of avoiding the effect of this paragraph.''.

(B) Section 15F(g)(1) of the Securities Exchange Act of 1934 (as added by the preceding provisions of this Act) is amended—

(i) in subparagraph (C), strike ''and''; and

(ii) insert after subparagraph (C) the following (and redesignate the succeeding subparagraph accordingly):

''(D) the prevention of self-dealing by limiting the extent to which a security-based swap dealer or major security-based swap participant may conduct business with a clearing agency, an exchange, or an alternative swap execution facility that clears or trades security-based swaps and in which such a dealer or participant has a material debt or equity investment; and''.

(C) Section 6(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(b)) is amended by adding at the end the following new paragraphs:

''(10) The rules of the exchange minimize conflicts of interest in its decision-making process and establish a process for resolving such conflicts of interest.

''(11) The rules of an exchange that trades security-based swaps provide that a majority of the directors of the exchange shall not be associated with a restricted owner.

''(12) The rules of an exchange that trades security-based swaps provide that a restricted owner shall not be permitted directly or indirectly to acquire beneficial ownership of interests in the exchange or in persons with a controlling interest in the exchange, to the extent that such an acquisition would result in restricted owners being entitled to vote, cause the voting of, or cause the withholding of votes of, more than 20 percent of the votes entitled to be cast on any matter by the holders of the ownership interests. This paragraph shall not be construed to require divestiture of any interest of a restricted owner in an established and operational exchange acquired prior to January 1, 2010, provided that acquisitions by such restricted owner after such date shall be subject to this paragraph. The Commission may determine whether any acquisition by a restricted owner during any interim period prior to the date of the enactment of this Act has been made for the purpose of avoiding the effect of this paragraph.''.

(D) Section 17A(b)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(b)) is amended by adding at the end the following new subparagraphs:

''(J) The rules of a clearing agency that clears security-based swaps shall provide that a restricted owner shall not be permitted directly or indirectly to acquire beneficial ownership of interests in the agency or in persons with a controlling interest in the agency, to the extent that such an acquisition would result in restricted owners being entitled to vote, cause the voting of, or cause the withholding of votes of, more than 20 percent of the votes entitled to be cast on any matter by the holders of the ownership interests. This subparagraph shall not be construed to require divestiture of any interest of a restricted owner in an established and operational clearing agency acquired prior to January 1, 2010, provided that acquisitions by such restricted owner after such date shall be subject to this subparagraph. The Commission may determine whether any acquisition by a restricted owner during any interim period prior to the date of the enactment of this Act has been made for the purpose of avoiding the effect of this subparagraph.

''(K) The rules of the clearing agency shall provide that a majority of the directors of the agency shall not be associated with a restricted owner.''.

It was decided in the affirmative ..... { Yeas ..... 228 / Nays 202

¶153.27 [Roll No. 955]

AYES—228

Abercrombie	Clay	Fudge
Ackerman	Cleaver	Garamendi
Andrews	Clyburn	Gerlach
Arcuri	Cohen	Giffords
Baca	Conyers	Gohmert
Baird	Costello	Gonzalez
Barrow	Courtney	Grayson
Barton (TX)	Cuellar	Green, Al
Becerra	Cummings	Green, Gene
Berkley	Dahlkemper	Grijalva
Berman	Davis (AL)	Hall (NY)
Berry	Davis (CA)	Hare
Bilbray	Davis (IL)	Harman
Bilirakis	DeFazio	Harper
Bishop (GA)	DeGette	Hastings (FL)
Bishop (NY)	Delahunt	Heinrich
Blumenauer	DeLauro	Herseth Sandlin
Boccieri	Dent	Higgins
Boren	Dicks	Hinchey
Boswell	Dingell	Hinojosa
Boucher	Doggett	Hirono
Brady (PA)	Donnelly (IN)	Hodes
Braley (IA)	Doyle	Holden
Brown, Corrine	Driehaus	Holt
Butterfield	Duncan	Honda
Capito	Edwards (MD)	Hoyer
Capps	Edwards (TX)	Inglis
Capuano	Ellison	Inslee
Carnahan	Ellsworth	Israel
Carney	Emerson	Jackson (IL)
Carson (IN)	Engel	Jackson-Lee (TX)
Castle	Eshoo	Johnson (GA)
Castor (FL)	Faleomavaega	Johnson, E. B.
Chandler	Farr	Jones
Childers	Fattah	Kagen
Christensen	Filner	Kanjorski
Chu	Fortenberry	Kaptur
Clarke	Frank (MA)	

Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (WI)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peterson
Pierluisi
Pingree (ME)
Platts
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—202

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Bean
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Cardoza
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Crenshaw
Crowley
Culberson
Davis (KY)
Davis (TN)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Ehlers
Etheridge
Fallin
Flake
Fleming
Forbes
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hastings (WA)
Heller
Hensarling
Herger
Hill
Himes
Hoekstra
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Marchant
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McHenry
McKeon
McMahon
McMorris Rodgers
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perlmutter
Peters
Petri
Pitts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Sullivan
Tanner
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Walden
Wamp
Weiner
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Baldwin
Barrett (SC)
Bordallo
Deal (GA)
Lofgren, Zoe
Moran (VA)
Murtha
Radanovich
Richardson
Slaughter

So the amendment was agreed to.

¶153.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in House Report 111-370, submitted by Mr. MURPHY of New York:

At the end of title III, insert the following new section:

SEC. _____. DEFINITIONS OF MAJOR SWAP PARTICIPANT AND MAJOR SECURITY-BASED SWAP PARTICIPANT.

(a) MAJOR SWAP PARTICIPANT.—Section 1a(39) of the Commodity Exchange Act (7 U.S.C. 1a), as added by the preceding provisions of this Act, is amended to read as follows:

''(39) MAJOR SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'major swap participant' means any person who is not a swap dealer, and—

''(i) maintains a substantial net position in outstanding swaps, excluding positions held primarily for hedging, reducing or otherwise mitigating its commercial risk; or

''(ii) whose outstanding swaps create substantial net counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets.

''(B) DEFINITION OF SUBSTANTIAL NET POSITION.—The Commission shall define by rule or regulation the term 'substantial net position' at a threshold that the Commission determines prudent for the effective monitoring, management, and oversight of entities which are systemically important or can significantly impact the financial system. In setting the definitions, the Commission shall consider the person's relative position in uncleared as opposed to cleared swaps.

''(C) A person may be designated a major swap participant for 1 or more individual types of swaps without being classified as a major swap participant for all classes of swaps.''.

(b) MAJOR SECURITY-BASED SWAP PARTICIPANT.—Section 3(a)(67) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), as added by the preceding provisions of this Act, is amended to read as follows:

''(67) MAJOR SECURITY-BASED SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'major security-based swap participant' means any person who is not a security-based swap dealer, and—

''(i) maintains a substantial net position in outstanding security-based swaps, excluding positions held primarily for hedging, reducing or otherwise mitigating its commercial risk; or

''(ii) whose outstanding security-based swaps create substantial net counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets.

''(B) DEFINITION OF SUBSTANTIAL NET POSITION.—The Commission shall define by rule or regulation the term 'substantial net position' at a threshold that the Commission determines prudent for the effective monitoring, management, and oversight of entities which are systemically important or can significantly impact the financial system. In setting the definitions, the Commission shall consider the person's relative position in uncleared as opposed to cleared security-based swaps.

''(C) A person may be designated a major security-based swap participant for 1 or more individual types of security-based swaps without being classified as a major security-based swap participant for all classes of security-based swaps.''.

(c) EFFECTIVE DATES.—

(1) MAJOR SWAP PARTICIPANT.—The amendment made by subsection (a)(1) shall take effect as if included in subtitle A.

(2) MAJOR SECURITY-BASED SWAP PARTICIPANT.—The amendment made by subsection (a)(2) shall take effect as if included in subtitle B.

It was decided in the affirmative ..... { Yeas ..... 304 / Nays 124

¶153.29 [Roll No. 956]

AYES—304

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Christensen
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Crenshaw
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hodes
Hoekstra
Holden
Hoyer
Hunter
Inglis
Inslee
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon

Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neal (MA)
Neugebauer
Nunes
Nye
Olson
Ortiz
Owens
Paul
Paulsen
Pence
Perlmutter
Peters
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Rahall
Rangel
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Scalise
Schauer
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walden
Walz
Wamp
Wasserman Schultz
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)
Young (FL)

NOES—124

Abercrombie
Ackerman
Andrews
Becerra
Berman
Bishop (NY)
Brady (PA)
Braley (IA)
Capps
Capuano
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Courtney
Dahlkemper
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Edwards (MD)
Ellsworth
Eshoo
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Grayson
Green, Al
Grijalva
Gutierrez
Hare
Hastings (FL)
Hinchey
Hinojosa
Hirono
Holt
Honda
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kucinich
Langevin
Larson (CT)
Lee (CA)
Loebsack
Lowey
Lynch
Markey (MA)
McCollum
McDermott
McGovern
Miller (NC)
Miller, George
Moore (WI)
Nadler (NY)
Napolitano
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peterson
Pierluisi
Pingree (ME)
Price (NC)
Quigley
Reyes
Rothman (NJ)
Roybal-Allard
Ryan (OH)
Sablan
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Sestak
Sherman
Sires
Speier
Stark
Stupak
Sutton
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu

NOT VOTING—12

Baldwin
Barrett (SC)
Bordallo
Costello
Deal (GA)
Lofgren, Zoe
Moran (VA)
Murtha
Radanovich
Richardson
Slaughter
Sullivan

So the amendment was agreed to.

¶153.30 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in House Report 111-370, submitted by Mr. FRANK of Massachusetts:

At the end of title III, add the following new section:

SEC. _____. AUTHORITY TO SET MARGIN OR COLLATERAL REQUIREMENT FOR SWAPS AND SECURITY-BASED SWAPS INVOLVING END USERS.

(a) IN GENERAL.—Subject to subsection (b):

(1) PRUDENTIAL REGULATORS.—A Prudential Regulator may impose a margin or collateral requirement with respect to a swap or security-based swap a counterparty to which is an end user which is a bank or bank holding company subject to regulation by the Prudential Regulator.

(2) COMMODITY FUTURES TRADING COMMISSION.—The Commodity Futures Trading Commission may impose a margin or collateral requirement with respect to a swap a counterparty to which is an end user (other than an end user described in paragraph (1)), and the other counterparty to which is a swap dealer or major swap participant for which there is no Prudential Regulator.

(3) SECURITIES AND EXCHANGE COMMISSION.—The Securities and Exchange Commission may impose a margin or collateral requirement with respect to a security-based swap a counterparty to which is an end user (other than an end user described in paragraph (1)), and the other counterparty to which is a security-based swap dealer or major security-based swap participant for which there is no Prudential Regulator.

(b) REQUIREMENTS.—Any margin or collateral requirement imposed under subsection (a) with respect to a transaction shall be commensurate with the risk involved in the transaction, and allow for the use of non-cash collateral.

(c) LIMITATION ON APPLICABILITY.—This section shall not apply to a swap or security-based swap entered into before the end of the 90-day period that begins with the effective date of this section.

(d) DEFINITIONS.—In this section:

(1) END USER.—The term ''end user'' means a person who is not a swap dealer, security-based swap dealer, major swap participant, or major security-based swap participant.

(2) OTHER TERMS.—The other terms shall have the meanings given the terms in section 1a of the Commodity Exchange Act.

(e) EFFECTIVE DATE.—

(1) PRUDENTIAL REGULATORS.—Subsection (a)(1) shall take effect—

(A) with respect to swaps, as if included in subtitle A; and

(B) with respect to security-based swaps, as if included in subtitle B.

(2) COMMODITY FUTURES TRADING COMMISSION.—Subsection (a)(2) shall take effect as if included in subtitle A.

(3) SECURITIES AND EXCHANGE COMMISSION.—Subsection (a)(3) shall take effect as if included in subtitle B.

It was decided in the negative { Yeas ..... 150 / Nays 280

¶153.31 [Roll No. 957]

AYES—150

Abercrombie
Ackerman
Andrews
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Courtney
Cummings
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Ellison
Engel
Eshoo
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Grayson
Green, Al
Grijalva
Hall (NY)
Hare
Hastings (FL)
Hinchey
Hinojosa
Hirono
Holt
Honda
Israel
Jackson (IL)
Johnson (GA)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lowey
Luján
Lynch
Maloney
Markey (MA)
Matsui
McCollum
McDermott
McGovern
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Pierluisi
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sablan
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Speier
Spratt
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—280

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (TX)
Halvorson
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hodes
Hoekstra
Holden
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Ortiz
Owens

Paul
Paulsen
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Rahall
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Scalise
Schauer
Schmidt
Schock
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Stearns
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walden
Walz
Wamp
Weiner
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Baldwin
Barrett (SC)
Bordallo
Deal (GA)
Lofgren, Zoe
Moran (VA)
Murtha
Radanovich
Richardson
Slaughter

So the amendment was not agreed to.

¶153.32 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8, printed in House Report 111-370, submitted by Mr. STUPAK:

At the end of title III, insert the following new section:

SEC. _____. ADDITIONAL RULES REGARDING EXECUTION AND CLEARING OF SWAPS AND SECURITY-BASED SWAPS.

(a) SWAPS.—Section 2(j)(7) of the Commodity Exchange Act (7 U.S.C. 2), as added by the preceding provisions of this Act, is amended—

(1) in subparagraph (A), by striking ''and where both counterparties are either swap dealers or major swap participants, such counterparties'' and inserting '', the parties''; and

(2) by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following:

''(C) CERTAIN SWAPS NOT REQUIRED TO BE CLEARED.—

''(i) IN GENERAL.—A swap that qualifies for the exception of paragraph (8)(A)(i) shall not be executed, except on or through a swap execution facility registered with the Commission.

''(ii) ADDITIONAL EXCEPTIONS.—Clause (i) shall not apply to a swap if no swap execution facility makes the swap available to trade or execute.

''(iii) RULE OF INTERPRETATION.—This subparagraph shall not be interpreted to require any swap to be cleared.''.

(b) SECURITY-BASED SWAPS.—Section 5A(a) of the Securities Exchange Act of 1934, as added by the preceding provisions of this Act, is amended—

(1) in paragraph (1), by striking ''section 3B and where both counterparties are either swap dealers or major swap participants, such counterparties'' and inserting ''section 3B(a)(1), the parties''; and

(2) by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following:

''(3) CERTAIN SECURITY-BASED SWAPS NOT REQUIRED TO BE CLEARED.—

''(A) IN GENERAL.—A security-based swap that qualifies for the exception of section 3B(h)(1)(A) shall not be executed except on a swap execution facility registered with the Commission.

''(B) ADDITIONAL EXCEPTIONS.—Subparagraph (A) shall not apply to a security-based swap if no swap execution facility makes the security-based swap available to trade or execute.

''(C) RULE OF INTERPRETATION.—This paragraph shall not be interpreted to require any security-based swap to be cleared.''.

(c) EFFECTIVE DATE.—

(1) SWAPS.—The amendments made by subsection (a) shall take effect as if included in subtitle A.

(2) SECURITY-BASED SWAPS.—The amendments made by subsection (b) shall take effect as if included in subtitle B.

It was decided in the negative ..... { Yeas ..... 98 / Nays 330

¶153.33 [Roll No. 958]

AYES—98

Abercrombie
Andrews
Barton (TX)
Becerra
Berman
Blumenauer
Braley (IA)
Brown-Waite, Ginny
Capps
Castor (FL)
Chandler
Christensen
Chu
Clarke
Clyburn
Cohen
Conyers
Courtney
Cummings
DeFazio
DeGette
DeLauro
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Ellison
Eshoo
Faleomavaega
Farr
Filner
Garamendi
Grayson
Grijalva
Hare
Heinrich
Hinchey
Hirono
Honda
Israel
Kaptur
Kennedy
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Markey (MA)
McDermott
McGovern
Michaud
Miller, George
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Pierluisi
Pingree (ME)
Rothman (NJ)
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Serrano
Shea-Porter
Sherman
Sires
Stark
Stearns
Stupak
Sutton
Tierney
Titus
Tonko
Tsongas
Van Hollen
Visclosky
Watson
Waxman
Welch
Woolsey
Wu
Yarmuth

NOES—330

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Childers
Clay
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Delahunt
Dent
Diaz-Balart, L.
Dicks
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Etheridge
Fallin
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Harman
Harper
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Olson
Ortiz
Owens
Paul
Paulsen
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Sablan
Salazar
Scalise
Schauer
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Velázquez
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watt
Weiner
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Baldwin
Barrett (SC)
Bordallo
Deal (GA)
Diaz-Balart, M.
Gutierrez
Lofgren, Zoe
Moran (VA)
Murtha
Radanovich
Richardson
Slaughter

So the amendment was not agreed to.

¶153.34 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 9, printed in House Report 111-370, submitted by Mr. STUPAK:

At the end of title III, insert the following new sections:

SEC. _____. AUTHORITY TO BAN ABUSIVE SWAPS.

The Commodity Futures Trading Commission and the Securities and Exchange Commission may jointly, by rule or order, prohibit transactions in any swap (as defined in section 1a(35) of the Commodity Exchange Act) or security-based swap (as defined in

section 1a(38) of such Act) which the Commodity Futures Trading Commission and the Securities Exchange Commission find would be detrimental to the stability of a financial market or of participants in a financial market.

SEC. _____. ELIMINATION OF CONSIDERATION OF BALANCE SHEET RISK IN DETERMINING THE COMMERICAL RISK OF BONA FIDE HEDGING END USERS.

(a) Section 1a(39)(A)(i) of the Commodity Exchange Act (7 U.S.C. 1a), as added by the preceding provisions of this Act, is amended by striking ''and balance sheet''.

(b) Section 2(j)(8)(A)(ii) of the Commodity Exchange Act (7 U.S.C. 2), as added by the preceding provisions of this Act, is amended by striking ''or balance sheet''.

(c) Section 3(a)(67)(A)(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), as added by the preceding provisions of this Act, is amended by striking ''and balance sheet''.

(d) Section 3B(h)(1)(B) of the Securities Exchange Act of 1934, as added by the preceding provisions of this Act, is amended by striking ''and balance sheet''.

(e)(1) The amendments made by subsections (a) and (b) shall take effect as if included in subtitle A.

(2) The amendments made by subsections (c) and (d) shall take effect as if included in subtitle B.

SEC. _____. LEGAL CERTAINTY OF CERTAIN SWAP CONTRACTS.

(a) IN GENERAL.—Section 22(a) of the Commodity Exchange Act (7 U.S.C. 25(a)), as amended by the preceding provisions of this Act, is amended—

(1) in paragraph (4)(A), by inserting '', and entered into before the effective date of this paragraph,'' after ''investor'';

(2) in paragraph (4)(B), by inserting '', and entered into before the effective date of this paragraph,'' after ''between eligible contract participants''; and

(3) in paragraph (5), by inserting '', and entered into before the effective date of this paragraph,'' after ''United States''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in subtitle A.

It was decided in the negative { Yeas ..... 150 / Nays 279

¶153.35 [Roll No. 959]

AYES—150

Abercrombie	Donnelly (IN)	Kennedy
Ackerman	Doyle	Kildee
Andrews	Driehaus	Kilpatrick (MI)
Becerra	Edwards (MD)	Kilroy
Berkley	Ellison	Klein (FL)
Berman	Engel	Kucinich
Bishop (NY)	Eshoo	Langevin
Blumenauer	Faleomavaega	Larson (CT)
Brady (PA)	Farr	Lee (CA)
Braley (IA)	Fattah	Levin
Butterfield	Filner	Lewis (GA)
Capps	Frank (MA)	Lipinski
Capuano	Fudge	Loebsack
Carney	Garamendi	Lowey
Carson (IN)	Gohmert	Luján
Cassidy	Grayson	Lynch
Castor (FL)	Green, Al	Markey (MA)
Chandler	Green, Gene	Matsui
Christensen	Gutierrez	McCollum
Chu	Hall (TX)	McDermott
Clarke	Hare	McGovern
Clay	Hastings (FL)	Michaud
Cleaver	Hinchey	Miller (NC)
Clyburn	Hinojosa	Miller, George
Cohen	Hirono	Moore (WI)
Courtney	Hodes	Murphy (CT)
Davis (IL)	Holt	Murphy, Patrick
DeFazio	Honda	Nadler (NY)
DeGette	Inslee	Napolitano
Delahunt	Israel	Neal (MA)
DeLauro	Jackson (IL)	Norton
Dicks	Johnson (GA)	Obey
Dingell	Kanjorski	Olver
Doggett	Kaptur	Pallone
Pascrell	Sánchez, Linda T.	Titus
Pastor (AZ)	Sarbanes	Tonko
Payne	Schakowsky	Tsongas
Perlmutter	Schiff	Van Hollen
Perriello	Scott (VA)	Velázquez
Petri	Sensenbrenner	Visclosky
Pierluisi	Serrano	Waters
Pingree (ME)	Sestak	Watson
Price (NC)	Shea-Porter	Watt
Rahall	Sherman	Waxman
Rangel	Sires	Weiner
Reyes	Stark	Welch
Rothman (NJ)	Stupak	Wexler
Roybal-Allard	Sutton	Woolsey
Ryan (OH)	Thompson (CA)	Wu
Sablan	Tierney	Yarmuth

NOES—279

Aderholt	Ehlers	Manzullo
Adler (NJ)	Ellsworth	Marchant
Akin	Emerson	Markey (CO)
Alexander	Etheridge	Marshall
Altmire	Fallin	Massa
Arcuri	Flake	Matheson
Austria	Fleming	McCarthy (CA)
Baca	Forbes	McCarthy (NY)
Bachmann	Fortenberry	McCaul
Bachus	Foster	McClintock
Baird	Foxx	McCotter
Barrow	Franks (AZ)	McHenry
Bartlett	Frelinghuysen	McIntyre
Barton (TX)	Gallegly	McKeon
Bean	Garrett (NJ)	McMahon
Berry	Gerlach	McMorris Rodgers
Biggert	Giffords	McNerney
Bilbray	Gingrey (GA)	Meek (FL)
Bilirakis	Gonzalez	Meeks (NY)
Bishop (GA)	Goodlatte	Melancon
Bishop (UT)	Gordon (TN)	Mica
Blackburn	Granger	Miller (FL)
Blunt	Graves	Miller (MI)
Boccieri	Griffith	Miller, Gary
Boehner	Guthrie	Minnick
Bonner	Hall (NY)	Mitchell
Bono Mack	Halvorson	Mollohan
Boozman	Harman	Moore (KS)
Boren	Harper	Moran (KS)
Boswell	Hastings (WA)	Murphy (NY)
Boucher	Heinrich	Murphy, Tim
Boustany	Heller	Myrick
Boyd	Hensarling	Neugebauer
Brady (TX)	Herger	Nunes
Bright	Herseth Sandlin	Nye
Broun (GA)	Higgins	Oberstar
Brown (SC)	Hill	Olson
Brown, Corrine	Himes	Ortiz
Brown-Waite, Ginny	Hoekstra	Owens
Buchanan	Holden	Paul
Burgess	Hoyer	Paulsen
Burton (IN)	Hunter	Pence
Buyer	Inglis	Peters
Calvert	Issa	Peterson
Camp	Jackson-Lee (TX)	Pitts
Campbell	Jenkins	Platts
Cantor	Johnson (IL)	Poe (TX)
Cao	Johnson, E. B.	Polis (CO)
Capito	Johnson, Sam	Pomeroy
Cardoza	Jones	Posey
Carnahan	Jordan (OH)	Price (GA)
Carter	Kagen	Putnam
Castle	Kind	Quigley
Chaffetz	King (IA)	Rehberg
Childers	King (NY)	Reichert
Coble	Kingston	Rodriguez
Coffman (CO)	Kirk	Roe (TN)
Cole	Kirkpatrick (AZ)	Rogers (AL)
Conaway	Kissell	Rogers (KY)
Connolly (VA)	Kline (MN)	Rogers (MI)
Conyers	Kosmas	Rohrabacher
Cooper	Kratovil	Rooney
Costa	Lamborn	Ros-Lehtinen
Costello	Lance	Roskam
Crenshaw	Larsen (WA)	Ross
Crowley	Latham	Royce
Cuellar	LaTourette	Ruppersberger
Culberson	Latta	Rush
Cummings	Lee (NY)	Ryan (WI)
Dahlkemper	Lewis (CA)	Salazar
Davis (AL)	Linder	Sanchez, Loretta
Davis (CA)	LoBiondo	Scalise
Davis (KY)	Lucas	Schauer
Davis (TN)	Luetkemeyer	Schmidt
Dent	Lummis	Schock
Diaz-Balart, L.	Lungren, Daniel E.	Schrader
Diaz-Balart, M.	Mack	Schwartz
Dreier	Maffei	Scott (GA)
Duncan	Maloney	Sessions
Edwards (TX)		Shadegg
Shimkus	Stearns	Walden
Shuler	Sullivan	Walz
Shuster	Tanner	Wamp
Simpson	Taylor	Wasserman Schultz
Skelton	Teague	Westmoreland
Smith (NE)	Terry	Whitfield
Smith (NJ)	Thompson (MS)	Wilson (OH)
Smith (TX)	Thompson (PA)	Wilson (SC)
Smith (WA)	Thornberry	Wittman
Snyder	Tiahrt	Wolf
Souder	Tiberi	Young (AK)
Space	Towns	Young (FL)
Speier	Turner	
Spratt	Upton	

NOT VOTING—11

Baldwin	Grijalva	Radanovich
Barrett (SC)	Lofgren, Zoe	Richardson
Bordallo	Moran (VA)	Slaughter
Deal (GA)	Murtha	

So the amendment was not agreed to.

The SPEAKER pro tempore, Ms. KILROY, assumed the Chair.

When Mr. SABLAN, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶153.36 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore, Ms. KILROY, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 10, 2009.

Hon. NANCY PELOSI,
Speaker, H–232, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, (22 U.S.C. 7002) amended by Division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), I am pleased to reappoint Mr. Peter T. R. Brookes of Virginia and Mr. Daniel M. Slane of Ohio to the United States-China Economic and Security Review Commission, effective January 1, 2010.

Both Mr. Brookes and Mr. Slane have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶153.37 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. BALDWIN, for today;

To Mr. MICA, for today after 6 p.m.; and

To Ms. SLAUGHTER, for today after 7 p.m. and balance of the week.

And then,

¶153.38 ADJOURNMENT

On motion of Mr. KUCINICH, at 10 o'clock and 30 minutes p.m., the House adjourned.

¶153.39 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 964. Resolution providing for further consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes (Rept. 111–370). Referred to the House Calendar.

Ms. ZOE LOFGREN of California: Committee on Standards of Official Conduct. In the matter of Marc Goldberg (Rept. 111–371). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 2843. A bill to provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the President pro tempore of the Senate, the Majority and Minority Leaders of the House of Representatives and Senate, and the chairs and ranking minority members of the committees of Congress with jurisdiction over the Office of the Architect of the Capitol, and for other purposes (Rept. 111–372, Pt. 1). Referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

¶153.40 COMMITTEE DISCHARGE

Pursuant to clause 2 of rule XIII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 2843 referred to the Committee of the Whole House on the state of the Union.

¶153.41 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. POLIS:

H.R. 4259. A bill to facilitate foreign investment by permanently reauthorizing the EB-5 regional center program, and for other purposes; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas (for himself, Ms. DEGETTE, Ms. BALDWIN, and Mr. ENGEL):

H.R. 4260. A bill to provide adjusted Federal medical assistance percentage rates during a transitional assistance period; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY:

H.R. 4261. A bill to amend the National Security Act of 1947 to provide additional procedures for congressional oversight; to the Committee on Intelligence (Permanent Select), and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCALISE (for himself, Mr. LAMBORN, Mr. POSEY, Mr. THOMPSON of Pennsylvania, Mr. AKIN, Mr. WAMP, Mr. BROUN of Georgia, Mr. HUNTER, Ms. FALLIN, Mr. LEE of New York, Mr. GINGREY of Georgia, Mr. PITTS, Mr. MARCHANT, Mr. SHADEGG, Mr. ALEXANDER, Mr. FRANKS of Arizona, Mr. CONAWAY, Mr. COLE, Mr. KING of Iowa, Mr. GOHMERT, Mr. HALL of Texas, Mr. ROE of Tennessee, Mr. BARTLETT, Mr. BISHOP of Utah, Mr. CHAFFETZ, Mr. FLEMING, Mr. BOUSTANY, Mr. PAULSEN, Mr. MORAN of Kansas, Mr. CARTER, Mr. GRAVES, Mr. ROONEY, Mr. SHIMKUS, Mrs. BLACKBURN, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. SOUDER, Mr. PAUL, Mr. CRENSHAW, Mr. WILSON of South Carolina, Mr. KINGSTON, Mr. JONES, Mr. LUETKEMEYER, Mrs. CAPITO, Mr. INGLIS, Mr. BLUNT, Mr. DAVIS of Kentucky, Mr. JORDAN of Ohio, Mr. HENSARLING, Mr. CULBERSON, and Mr. HELLER):

H.R. 4262. A bill to amend the Congressional Budget Act of 1974 to require a two-thirds recorded vote in the House of Representatives and in the Senate to increase the statutory limit on the public debt, and for other purposes; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. GENE GREEN of Texas, Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. GRIJALVA, Mr. MCGOVERN, Ms. PINGREE of Maine, and Mr. PIERLUISI):

H.R. 4263. A bill to amend the American Recovery and Reinvestment Act of 2009 to extend for 1 year the period of temporary increase in the Medicaid FMAP; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself and Ms. ESHOO):

H.R. 4264. A bill to provide for resolution of certain discrimination claims against the Department of Agriculture, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YARMUTH:

H.R. 4265. A bill to direct the Administrator of the Small Business Administration to establish and carry out a direct lending program for small business concerns, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Mr. EDWARDS of Texas, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. HALL of Texas, Mr. HINOJOSA, Mr. CUELLAR, Mr. DOGGETT, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, Mr. ORTIZ, and Mr. RODRIGUEZ):

H.R. 4266. A bill to designate the facility of the United States Postal Service located at 4110 Almeda Road in Houston, Texas, as the ''George Thomas 'Mickey' Leland Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. CARTER (for himself, Mr. ROGERS of Kentucky, Mr. WILSON of South Carolina, Mrs. SCHMIDT, Mr. OLSON, Mr. CULBERSON, Ms. GRANGER, Mr. MCCAUL, and Mr. ADERHOLT):

H.R. 4267. A bill to amend title 10, United States Code, to extend whistleblower protections to a member of the Armed Forces who alerts Department of Defense investigation or law enforcement organizations, a person or organization in the member's chain of command, and certain other persons or entities about the potentially dangerous ideologically based threats or actions of another member against United States interests or security; to the Committee on Armed Services.

By Mr. ELLISON (for himself, Ms. CHU, Mr. CONYERS, Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HARE, Ms. KILPATRICK of Michigan, Ms. FUDGE, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, Mr. CLEAVER, Mr. JACKSON of Illinois, Mr. SCOTT of Georgia, Ms. LEE of California, Mr. TOWNS, Mr. COSTA, Mr. COHEN, Mr. DELAHUNT, Mr. THOMPSON of Mississippi, Ms. CLARKE, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. WATT, Mr. PRICE of North Carolina, Mr. GRIJALVA, Mr. KENNEDY, Mr. CUMMINGS, Mr. GUTIERREZ, Ms. WATERS, Ms. KAPTUR, Mr. KUCINICH, Ms. EDWARDS of Maryland, Mr. BACA, Mr. SIRES, Ms. SCHAKOWSKY, Mr. HONDA, Mr. RAHALL, Mr. LOEBSACK, Ms. JACKSON-LEE of Texas, and Mr. CLAY):

H.R. 4268. A bill to direct the Secretary of Labor to make grants to States, units of general local government, and Indian tribes for the purpose of creating employment opportunities for unemployed and underemployed residents in distressed communities; to the Committee on Education and Labor.

By Mr. FILNER (for himself, Mr. OBERSTAR, Mr. HINCHEY, Mr. ANDREWS, Mr. MORAN of Virginia, Mr. JOHNSON of Georgia, Mr. STARK, Mr. FARR, Ms. KAPTUR, Mr. DICKS, Mr. PETERS, Mr. GUTIERREZ, Mr. ROTHMAN of New Jersey, and Mr. GRIJALVA):

H.R. 4269. A bill to amend title 10, United States Code, to require the Secretary of Defense to use only human-based methods for training members of the Armed Forces in the treatment of severe combat and chemical and biological injuries; to the Committee on Armed Services.

By Mr. FRELINGHUYSEN:

H.R. 4270. A bill to amend the Internal Revenue Code of 1986 to make permanent certain temporary provisions, including the sales tax deduction, the child credit, the repeal of the estate tax, the deduction for higher education expenses, and extending the current capital gains and dividend tax rates; to the Committee on Ways and Means.

By Mr. GUTHRIE (for himself, Mr. MCKEON, Mr. KLINE of Minnesota, Mr. SOUDER, Mr. WILSON of South Carolina, Mr. HUNTER, and Mr. ROE of Tennessee):

H.R. 4271. A bill to reform and strengthen the workforce investment system of the Nation to put Americans back to work and make the United States more competitive in the 21st Century; to the Committee on Education and Labor.

By Mr. HODES:

H.R. 4272. A bill to require the public tracking of undisbursed balances in expired grant accounts; to the Committee on Oversight and Government Reform.

By Ms. KILPATRICK of Michigan (for herself, Mr. GRIJALVA, and Mr. WILSON of Ohio):

H.R. 4273. A bill to establish and carry out a pediatric specialty loan repayment program; to the Committee on Energy and Commerce.

By Mr. LARSEN of Washington (for himself and Mrs. EMERSON):

H.R. 4274. A bill to amend section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) to permit certain service institutions in all States to provide year-round services; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia (for himself, Mr. JOHNSON of Georgia, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. MARSHALL, Mr. BARROW, Mr. DEAL of Georgia, Mr. WESTMORELAND, Mr. GINGREY of Georgia, Mr. PRICE of Georgia, Mr. BROUN of Georgia, Mr. KINGSTON, and Mr. LINDER):

H.R. 4275. A bill to designate the annex building under construction for the Elbert P.

Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the ''John C. Godbold United States Judicial Administration Building''; to the Committee on Transportation and Infrastructure.

By Mr. LUJÁN (for himself and Mr. HEINRICH):

H.R. 4276. A bill to authorize leases of up to 99 years for lands held in trust for Ohkay Owingeh Pueblo; to the Committee on Natural Resources.

By Mr. MELANCON (for himself, Mr. BOUSTANY, Mr. CAO, and Mr. ALEXANDER):

H.R. 4277. A bill to authorize the Secretary of Education to continue to waive certain requirements in order to ease fiscal burdens in States affected by Hurricane Katrina or Hurricane Rita; to the Committee on Education and Labor.

By Mr. NEAL of Massachusetts (for himself, Mr. BRADY of Texas, Mr. BLUMENAUER, Mr. HERGER, Mr. DEFAZIO, Mr. REHBERG, Mr. LYNCH, and Mr. DENT):

H.R. 4278. A bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers; to the Committee on Ways and Means.

By Mr. QUIGLEY:

H.R. 4279. A bill to amend titles 38 and 10, United States Code, to authorize accelerated payments of educational assistance to certain veterans and members of the reserve components of the Armed Forces; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VISCLOSKY:

H.R. 4280. A bill to prohibit business enterprises that lay off a greater percentage of their United States workers than workers in other countries from receiving any Federal assistance, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. VISCLOSKY:

H.R. 4281. A bill to amend the Employee Retirement Income Security Act of 1974 and title 11, United States Code, to provide necessary reforms for employee pension benefit plans; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH:

H.R. 4282. A bill to amend title XII of the Social Security Act to extend the provision waiving certain interest payments on advances made to States from the Federal unemployment account in the Unemployment Trust Fund; to the Committee on Ways and Means.

By Mr. SCHRADER:

H. Con. Res. 220. Concurrent resolution encouraging the Secretaries of the military departments to maximize opportunities for space-available travel for members of the Armed Forces in a leave or pass status who are traveling between December 18, 2009, and January 3, 2010; to the Committee on Armed Services.

¶153.42 MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

224. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 90 memorializing Congress to require that the forms for the 2010 census include a statement of citizenship; to the Committee on Oversight and Government Reform.

225. Also, a memorial of the House of Representatives of the State of Tennessee, relative to House Joint Resolution No. 108 affirming Tennessee's sovereignty under the Tenth Amendment; to the Committee on the Judiciary.

226. Also, a memorial of the House of Representatives of the State of California, relative to House Resolution No. 16 thanking the Congress for its support of the Local Law Enforcement Hate Crimes Prevention Act and calling for the Senate to pass the Matthew Shepard Hate Crimes Prevention Act; to the Committee on the Judiciary.

¶153.43 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Ms. JACKSON-LEE of Texas.
H.R. 39: Ms. DEGETTE.
H.R. 208: Mr. RODRIGUEZ and Mrs. DAHLKEMPER.
H.R. 272: Mr. WAMP and Mr. SHIMKUS.
H.R. 413: Mr. PIERLUISI, Mr. SCHOCK, and Mr. BUCHANAN.
H.R. 482: Mr. WITTMAN.
H.R. 537: Mr. SABLAN.
H.R. 644: Ms. DEGETTE and Mr. LIPINSKI.
H.R. 731: Mrs. DAVIS of California.
H.R. 836: Mr. CRENSHAW, Ms. RICHARDSON, Mr. SMITH of Nebraska, and Mr. GINGREY of Georgia.
H.R. 930: Mr. SCHRADER.
H.R. 1030: Mr. KISSELL.
H.R. 1132: Ms. FUDGE.
H.R. 1238: Mr. GOHMERT and Mr. KING of Iowa.
H.R. 1250: Mr. ROTHMAN of New Jersey and Mr. SCHOCK.
H.R. 1265: Ms. BALDWIN.
H.R. 1283: Mr. GARAMENDI.
H.R. 1351: Mr. JOHNSON of Georgia.
H.R. 1362: Mr. HALL of New York.
H.R. 1389: Mr. HALL of New York.
H.R. 1526: Ms. WATERS, Mr. JOHNSON of Georgia, Mr. JACKSON of Illinois, Mr. ROGERS of Michigan, Mr. ALEXANDER, Mr. SPRATT, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 1625: Mr. COURTNEY.
H.R. 1806: Mr. BOSWELL.
H.R. 1826: Mr. CASTLE.
H.R. 1844: Ms. WOOLSEY and Mr. HIGGINS.
H.R. 1944: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1964: Mr. DAVIS of Alabama, Ms. KILPATRICK of Michigan, Mr. CLEAVER, and Mrs. MALONEY.
H.R. 2006: Ms. LEE of California.
H.R. 2024: Mr. SCHAUER.
H.R. 2112: Ms. SCHWARTZ, Mr. WOLF, and Mr. MICHAUD.
H.R. 2135: Mr. SHUSTER.
H.R. 2142: Mr. CARNEY, Mr. CHILDERS, Mr. DONNELLY of Indiana, Mr. ELLSWORTH, Ms. GIFFORDS, Mr. MARSHALL, Mr. MICHAUD, Mr. SALAZAR, Mr. SCHRADER, and Mr. SPACE.
H.R. 2149: Mr. HEINRICH.
H.R. 2159: Mr. CROWLEY.
H.R. 2190: Ms. BERKLEY.
H.R. 2277: Mr. GERLACH.
H.R. 2429: Mr. BISHOP of Georgia.
H.R. 2502: Mr. MURPHY of New York.
H.R. 2528: Mr. NUNES.
H.R. 2567: Mr. DAVIS of Illinois.
H.R. 2584: Mr. COHEN, Mr. BLUNT, Ms. WASSERMAN SCHULTZ, and Mr. ROONEY.
H.R. 2590: Mr. BRALEY of Iowa.
H.R. 2698: Mr. CASTLE.
H.R. 2699: Mr. MOORE of Kansas.
H.R. 2748: Mr. PAUL.
H.R. 2766: Ms. BALDWIN.
H.R. 2777: Mr. CARNAHAN.
H.R. 2882: Mr. DAVIS of Illinois.
H.R. 3101: Mr. CAPUANO.
H.R. 3105: Mr. HUNTER.
H.R. 3171: Mr. CLAY.
H.R. 3212: Ms. DEGETTE.
H.R. 3227: Mr. LARSEN of Washington.
H.R. 3259: Mr. CASTLE.
H.R. 3339: Mr. BLUMENAUER.
H.R. 3343: Ms. CORRINE BROWN of Florida, Mr. MEEKS of New York, and Mr. MCGOVERN.
H.R. 3401: Mr. BISHOP of Georgia.
H.R. 3427: Mr. DAVIS of Illinois.
H.R. 3448: Mr. INGLIS.
H.R. 3464: Mr. ELLSWORTH and Mr. PETERSON.
H.R. 3560: Mr. JOHNSON of Georgia.
H.R. 3586: Mr. PETERS.
H.R. 3668: Mr. ARCURI, Mr. LUJÁN, Mr. DRIEHAUS, Mr. WU, Mr. HINCHEY, Mr. NEAL of Massachusetts, Mr. ABERCROMBIE, Mr. HEINRICH, Ms. RICHARDSON, Ms. HERSETH SANDLIN, and Mr. MASSA.
H.R. 3695: Ms. FUDGE.
H.R. 3734: Mr. SABLAN.
H.R. 3758: Mr. SHIMKUS and Mr. SENSENBRENNER.
H.R. 3764: Mr. ELLISON and Ms. CHU.
H.R. 3790: Mr. GRIJALVA, Mr. BROWN of South Carolina, Mr. LANGEVIN, Mr. HEINRICH, Ms. PINGREE of Maine, and Ms. CORRINE BROWN of Florida.
H.R. 3852: Mr. RUPPERSBERGER.
H.R. 3855: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3905: Mr. BARTON of Texas.
H.R. 3918: Mr. INSLEE.
H.R. 3936: Mr. ROSKAM, Mr. LINDER, and Mr. LEWIS of Georgia.
H.R. 3943: Mrs. LOWEY, Mrs. CAPPS, Mr. MEEKS of New York, Mr. BARROW, Ms. RICHARDSON, Mr. MCINTYRE, and Mr. DAVIS of Illinois.
H.R. 3982: Mr. ELLISON.
H.R. 4036: Ms. NORTON and Mr. CLAY.
H.R. 4058: Mr. MURPHY of New York.
H.R. 4079: Mr. SKELTON.
H.R. 4085: Mr. LEE of New York, Ms. TITUS, Mr. LEVIN, and Mr. MCNERNEY.
H.R. 4091: Mr. SALAZAR.
H.R. 4100: Mr. KLINE of Minnesota, Mr. DREIER, Mr. MCCLINTOCK, Mr. YOUNG of Alaska, Mr. PENCE, Mr. BONNER, and Mr. FLEMING.
H.R. 4111: Mr. MICA, Mrs. MYRICK, Mr. SIMPSON, and Mr. ADERHOLT.
H.R. 4112: Mr. BOREN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. LATTA, and Mr. UPTON.
H.R. 4127: Mr. MCCOTTER.
H.R. 4130: Ms. SPEIER.
H.R. 4138: Mr. MILLER of Florida and Mr. FRANKS of Arizona.
H.R. 4140: Mr. CUMMINGS, Ms. FUDGE, Ms. BALDWIN, Mr. MEEK of Florida, and Ms. DEGETTE.
H.R. 4149: Mr. CROWLEY.
H.R. 4177: Mr. THOMPSON of Mississippi and Mr. GRIFFITH.
H.R. 4179: Ms. JACKSON-LEE of Texas.
H.R. 4180: Mr. PASTOR of Arizona, Mr. HONDA, Mr. COURTNEY, Mr. JACKSON of Illinois, and Mr. SCOTT of Virginia.
H.R. 4188: Ms. DEGETTE.
H.R. 4204: Mr. DRIEHAUS.
H.R. 4216: Mr. BOUSTANY.
H.R. 4219: Ms. JENKINS and Mr. BROWN of South Carolina.
H.R. 4255: Mr. BARROW, Mr. ARCURI, Mr. GRIFFITH, Mr. MOORE of Kansas, Mr. LOEBSACK, Mr. SHIMKUS, Mr. CUELLAR, Mr. ALEXANDER, Mr. COBLE, Mr. BURGESS, and Mr. MASSA.
H. Con. Res. 158: Ms. KOSMAS.
H. Con. Res. 198: Mr. JACKSON of Illinois, Mr. FORBES, and Ms. TITUS.
H. Con. Res. 201: Mrs. CAPITO.
H. Res. 111: Mr. LIPINSKI.
H. Res. 200: Mr. HOEKSTRA.
H. Res. 278: Mr. FRANK of Massachusetts.
H. Res. 859: Mr. CONYERS, Mr. MILLER of North Carolina, and Ms. JACKSON-LEE of Texas.

H. Res. 864: Ms. BERKLEY, Mr. ADLER of New Jersey, Mr. CARNEY, Ms. DELAURO, Mr. FOSTER, Mr. MINNICK, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. SESTAK.

H. Res. 873: Mr. FALEOMAVAEGA and Mr. WILSON of South Carolina.

H. Res. 888: Mr. COLE, Mr. POE of Texas, and Mr. HOLT.

H. Res. 898: Mr. MASSA.

H. Res. 911: Mr. ROGERS of Michigan, Mr. MCCOTTER, Mr. WITTMAN, Mr. SMITH of New Jersey, and Mr. GOODLATTE.

H. Res. 943: Ms. MARKEY of Colorado.

H. Res. 946: Mr. BACA, Mr. HINCHEY, Mr. CARDOZA, Mrs. DAHLKEMPER, and Mr. FILNER.

H. Res. 951: Mr. WILSON of South Carolina, Mr. WHITFIELD, Mrs. CAPITO, Mr. OLSON, Mr. TIBERI, Mr. PRICE of Georgia, Mr. KING of Iowa, Mr. LATHAM, Mr. PENCE, Mr. BUCHANAN, Mr. CRENSHAW, Mr. ROGERS of Michigan, Mrs. LUMMIS, Mr. BURGESS, and Mr. WOLF.

H. Res. 954: Mr. POSEY, Mr. MARIO DIAZ-BALART of Florida, and Mr. BACHUS.

H. Res. 958: Mr. MCGOVERN, Mr. DOYLE, Mr. CAO, and Mr. ROTHMAN of New Jersey.

¶153.44 PETITIONS

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

90. The SPEAKER presented a petition of Jefferson County Board of Legislators, New York, relative to Resolution No. 255 urging the Congress to direct further stimulus programs focus on rural economies of the state and the nation; to the Committee on Agriculture.

91. Also, a petition of the President of the Republic of the Philippines, relative to Expressing the deep appreciation of the Filipino people to the United States House of Representitives for their concern over the loss of lives and destruction caused by Typhoons ''Ketsana'' and ''Parma''; to the Committee on Foreign Affairs.

¶153.45 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 951: Mr. DAVIS of Illinois.

FRIDAY, DECEMBER 11, 2009 (154)

¶154.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
December 11, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶154.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced she had examined and approved the Journal of the proceedings of Thursday, December 10, 2009.

Mr. KLEIN of Florida, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

Mr. KLEIN of Florida, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶154.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5006. A letter from the Regulatory Liaison, Department of Agriculture, transmitting the Department's final rule — Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2006 Tarrif-Rate Quota Year November 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5007. A letter from the Regulatory Liaison, Department of Agriculture, transmitting the Department's final rule — Technical Assistance for Specialty Crops (RIN: 0551-AA71) received November 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5008. A letter from the Division Chief, Division of Legislation and Regulations, Department of Transportation, transmitting the Department's final rule — U.S. Citizenship for Contracts on RRF Vessels [Docket No.: MARAD 2008 0076] (RIN: 2133-AB73) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5009. A letter from the Assistant General Counsel for Regulatory Services, Office of General Counsel, Department of Education, transmitting the Department's final rule — Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program [Docket ID: ED-2009-OPE-0004] received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5010. A letter from the Director, Defense Security Cooperation Agency, transmitting (Transmittal No. 09-65) pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5011. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-56, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5012. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-64, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5013. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-55, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5014. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-62, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5015. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 16-09 informing of an intent to sign a Project Agreement with Federal Republic of Germany; to the Committee on Foreign Affairs.

5016. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 127-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5017. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Sudanese Sanctions Regulations; Iranian Transactions Regulations received November 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5018. A letter from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5019. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Baker-Perkins Company in Saginaw, Michigan, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

5020. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No.: FAA-2009-1026; Directorate Identifier 2009-NM-197-AD; Amendment 39-16084; AD 2009-23-10] (RIN: 2120-AA64) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5021. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of the New York, NY, Class B Airspace Area; and Establishment of the New York Class B Airspace Hudson River and East River Exclusion Special Flight Rules Area [Docket No.: FAA-2009-0837; Airspace Docket No. 09-AWA-2; Amendment Nos. 71-34, 93-94] (RIN: 2120-AJ59) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5022. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Servicemembers' Group Life Insurance- Dependent Coverage (RIN: 2900-AN39) received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5023. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 108 Reduction of Tax Attributes for S Corporations [TD 9469] (RIN: 1545-BH54) received November 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5024. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2009-52) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5025. A letter from the Assistant Secretary, Legislative Affairs, Assistant Secretary of Defense, transmitting letter of issuance of certification, pursuant to Public Law 111-83, section 565; jointly to the Committees on Armed Services and Oversight and Government Reform.

¶154.4 WALL STREET REFORM AND CONSUMER PROTECTION

The SPEAKER pro tempore, Mr. HIMES, pursuant to House Resolution 964 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.

Ms. EDWARDS of Maryland, Acting Chairman, assumed the chair; and after some time spent therein,

The Committee rose informally to receive a message from the Senate.

The SPEAKER pro tempore, Mr. DRIEHAUS, assumed the Chair.

¶154.5 MESSAGE FROM THE SENATE

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

H.R. 4165. An Act to extend through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

H.R. 4217. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 4218. An Act to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators.

The Committee resumed its sitting; and after some further time spent therein,

¶154.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 12, printed in House Report 111-370, submitted by Mr. KANJORSKI:

Page 11, in the item relating to section 7606, strike ''Exemption for Non-accelerated Filers'' and insert ''Study on methods to reduce the burden of compliance on small companies''.

Page 1221, line 19, strike **"EXEMPTION FOR NONACCELERATED FILERS"** and insert ''**STUDY ON METHODS TO REDUCE THE BURDEN OF COMPLIANCE ON SMALL COMPANIES**''.

Page 1221, strike lines 20 through 25.

Page 1222, strike lines 1 through 2.

Page 1222, on line 3, strike ''(b) STUDY.—'' and adjust the indentation appropriately.

It was decided in the negative ..... { Yeas ..... 153 / Nays ..... 271 }

¶154.7 [Roll No. 960]

AYES—153

Abercrombie	Berman	Braley (IA)
Ackerman	Bishop (NY)	Brown, Corrine
Andrews	Blumenauer	Butterfield
Becerra	Boswell	Capps
Berkley	Brady (PA)	Capuano
Carson (IN)	Hodes	Pallone
Castor (FL)	Holt	Pascrell
Christensen	Hoyer	Pastor (AZ)
Chu	Israel	Payne
Clarke	Jackson (IL)	Perlmutter
Clay	Jackson-Lee (TX)	Pingree (ME)
Cleaver	Johnson (GA)	Price (NC)
Clyburn	Johnson, E. B.	Rahall
Cohen	Kanjorski	Rangel
Conaway	Kaptur	Reyes
Conyers	Kennedy	Rodriguez
Courtney	Kildee	Rothman (NJ)
Crowley	Kilpatrick (MI)	Roybal-Allard
Cummings	Kilroy	Sánchez, Linda T.
Dahlkemper	Klein (FL)	Sarbanes
Davis (CA)	Kratovil	Schakowsky
Davis (IL)	Kucinich	Schiff
DeFazio	Langevin	Scott (GA)
DeGette	Larson (CT)	Serrano
Delahunt	Lee (CA)	Sestak
DeLauro	Levin	Shea-Porter
Dingell	Lewis (GA)	Sherman
Doggett	Lipinski	Sires
Doyle	Loebsack	Speier
Edwards (MD)	Lowey	Stark
Ellison	Lynch	Sutton
Engel	Maloney	Taylor
Eshoo	Markey (MA)	Thompson (CA)
Farr	Massa	Thompson (MS)
Fattah	Matsui	Tierney
Frank (MA)	McDermott	Tonko
Fudge	McGovern	Towns
Garamendi	Meek (FL)	Tsongas
Giffords	Michaud	Van Hollen
Gonzalez	Miller (NC)	Wasserman Schultz
Grayson	Miller, George	Waters
Green, Al	Moore (KS)	Watson
Green, Gene	Moore (WI)	Watt
Grijalva	Murphy (CT)	Waxman
Gutierrez	Murphy, Patrick	Weiner
Hare	Nadler (NY)	Welch
Harman	Napolitano	Wilson (OH)
Hastings (FL)	Norton	Woolsey
Higgins	Oberstar	Wu
Himes	Obey	Yarmuth
Hinchey	Olver	
Hirono		

NOES—271

Adler (NJ)	Castle	Hall (NY)
Akin	Chaffetz	Hall (TX)
Alexander	Chandler	Halvorson
Altmire	Childers	Harper
Arcuri	Coble	Hastings (WA)
Austria	Coffman (CO)	Heinrich
Baca	Cole	Heller
Bachus	Connolly (VA)	Hensarling
Baird	Cooper	Herger
Barrow	Costa	Herseth Sandlin
Bartlett	Costello	Hill
Barton (TX)	Crenshaw	Hinojosa
Bean	Cuellar	Hoekstra
Berry	Culberson	Holden
Biggert	Davis (AL)	Honda
Bilbray	Davis (KY)	Hunter
Bilirakis	Davis (TN)	Inglis
Bishop (GA)	Deal (GA)	Inslee
Bishop (UT)	Dent	Issa
Blackburn	Diaz-Balart, L.	Jenkins
Blunt	Diaz-Balart, M.	Johnson (IL)
Boccieri	Dicks	Johnson, Sam
Boehner	Donnelly (IN)	Jones
Bonner	Dreier	Jordan (OH)
Bono Mack	Driehaus	Kagen
Boozman	Duncan	Kind
Boren	Edwards (TX)	King (IA)
Boucher	Ehlers	King (NY)
Boustany	Ellsworth	Kingston
Boyd	Emerson	Kirk
Brady (TX)	Etheridge	Kirkpatrick (AZ)
Bright	Fallin	Kissell
Broun (GA)	Flake	Kline (MN)
Brown (SC)	Fleming	Kosmas
Brown-Waite, Ginny	Forbes	Lamborn
Buchanan	Fortenberry	Lance
Burgess	Foster	Larsen (WA)
Burton (IN)	Foxx	Latham
Buyer	Franks (AZ)	LaTourette
Calvert	Frelinghuysen	Latta
Camp	Gallegly	Lee (NY)
Campbell	Garrett (NJ)	Lewis (CA)
Cantor	Gerlach	Linder
Cao	Gingrey (GA)	LoBiondo
Capito	Gohmert	Lucas
Cardoza	Goodlatte	Luetkemeyer
Carnahan	Gordon (TN)	Luján
Carney	Granger	Lummis
Carter	Graves	Lungren, Daniel E.
Cassidy	Griffith	Mack
	Guthrie	
Maffei	Pence	Sensenbrenner
Manzullo	Perriello	Shadegg
Marchant	Peters	Shimkus
Markey (CO)	Peterson	Shuler
Marshall	Petri	Shuster
Matheson	Pitts	Simpson
McCarthy (CA)	Platts	Skelton
McCarthy (NY)	Poe (TX)	Smith (NE)
McCaul	Polis (CO)	Smith (NJ)
McClintock	Pomeroy	Smith (TX)
McCollum	Posey	Smith (WA)
McCotter	Price (GA)	Snyder
McHenry	Putnam	Souder
McIntyre	Quigley	Space
McKeon	Rehberg	Spratt
McMahon	Reichert	Stearns
McMorris Rodgers	Richardson	Stupak
McNerney	Roe (TN)	Sullivan
Meeks (NY)	Rogers (AL)	Tanner
Melancon	Rogers (KY)	Teague
Mica	Rogers (MI)	Terry
Miller (FL)	Rohrabacher	Thompson (PA)
Miller (MI)	Rooney	Thornberry
Miller, Gary	Ros-Lehtinen	Tiahrt
Minnick	Roskam	Tiberi
Mitchell	Ross	Titus
Mollohan	Royce	Turner
Moran (KS)	Ruppersberger	Upton
Murphy (NY)	Rush	Velázquez
Murphy, Tim	Ryan (OH)	Visclosky
Myrick	Ryan (WI)	Walden
Neal (MA)	Sablan	Walz
Neugebauer	Salazar	Wamp
Nunes	Sanchez, Loretta	Westmoreland
Nye	Scalise	Whitfield
Olson	Schauer	Wilson (SC)
Ortiz	Schmidt	Wittman
Owens	Schock	Wolf
Paul	Schrader	Young (FL)
Paulsen	Schwartz	
	Scott (VA)	

NOT VOTING—16

Aderholt	Filner	Sessions
Bachmann	Lofgren, Zoe	Slaughter
Baldwin	Moran (VA)	Wexler
Barrett (SC)	Murtha	Young (AK)
Bordallo	Pierluisi	
Faleomavaega	Radanovich	

So the amendment was not agreed to.

¶154.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 14, printed in House Report 111-370, submitted by Mr. MCCARTHY of California:

Strike section 6012 (relating to ''Effect of Rule 436(G)'').

It was decided in the negative ..... { Yeas ..... 166 / Nays ..... 259 }

¶154.9 [Roll No. 961]

AYES—166

Aderholt	Cantor	Garrett (NJ)
Akin	Cao	Gerlach
Alexander	Capito	Gingrey (GA)
Austria	Carter	Goodlatte
Bachmann	Cassidy	Granger
Bachus	Castle	Graves
Bartlett	Chaffetz	Guthrie
Barton (TX)	Coble	Hall (TX)
Biggert	Coffman (CO)	Harper
Bilbray	Cohen	Hastings (WA)
Bilirakis	Cole	Heller
Bishop (UT)	Conaway	Hensarling
Blackburn	Crenshaw	Herger
Blunt	Culberson	Hoekstra
Boehner	Davis (KY)	Hunter
Bonner	Deal (GA)	Inglis
Bono Mack	Dent	Issa
Boozman	Dreier	Jenkins
Boustany	Duncan	Johnson, Sam
Brady (TX)	Ehlers	Jordan (OH)
Broun (GA)	Emerson	King (IA)
Brown (SC)	Fallin	King (NY)
Buchanan	Flake	Kingston
Burgess	Fleming	Kline (MN)
Burton (IN)	Forbes	Lamborn
Buyer	Foxx	Lance
Calvert	Franks (AZ)	Latham
Camp	Frelinghuysen	LaTourette
Campbell	Gallegly	Latta

Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Speier
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOES—259

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
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
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
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
Young (FL)

NOT VOTING—15

Baldwin
Barrett (SC)
Bordallo
Faleomavaega
Higgins
Kirk
Lofgren, Zoe
Moran (VA)
Murtha
Pierluisi
Radanovich
Sessions
Slaughter
Wexler
Young (AK)

So the amendment was not agreed to.

¶154.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 16, printed in House Report 111-370, submitted by Mr. PETERS:

Page 402, after line 18, insert the following subparagraph:

(E) ADDITIONAL AUTHORIZED ASSESSMENTS.—The Corporation is authorized to conduct risk-based assessments on financial companies in such amount and manner and subject to terms and conditions that the Corporation determines, with the concurrence of the Secretary of the Treasury and the Federal Reserve Board, are necessary to pay any shortfall in the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008 that would add to the deficit or national debt, as identified by the Director of the Office of Management and Budget, in consultation with the Director of the Congressional Budget Office pursuant to section 134 of such Act (12 U.S.C. §5239).

It was decided in the affirmative ..... { Yeas ..... 228 / Nays 198

¶154.11 [Roll No. 962]

AYES—228

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Grayson
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.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
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)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Snyder
Space
Speier
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—198

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (WI)
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock

Sensenbrenner	Spratt	Upton
Shadegg	Stearns	Visclosky
Shimkus	Sullivan	Walden
Shuster	Taylor	Wamp
Simpson	Terry	Westmoreland
Smith (NE)	Thompson (PA)	Whitfield
Smith (NJ)	Thornberry	Wilson (SC)
Smith (TX)	Tiahrt	Wittman
Smith (WA)	Tiberi	Wolf
Souder	Turner	Young (FL)

NOT VOTING—14

Baldwin	Lofgren, Zoe	Sessions
Barrett (SC)	Moran (VA)	Slaughter
Bordallo	Murtha	Wexler
Faleomavaega	Pierluisi	Young (AK)
Green, Al	Radanovich	

So the amendment was agreed to.

¶154.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 19, printed in House Report 111-370, submitted by Mr. MARSHALL:

At the end of the bill, insert the following (and make such technical and conforming changes as may be appropriate):

TITLE VII—PREVENTION OF MORTGAGE FORECLOSURES

Subtitle A—Modification of Residential Mortgages

SEC. 9001. DEFINITION.

Section 101 of title 11, United States Code, is amended by inserting after paragraph (43) the following (and make such technical and conforming changes as may be appropriate):

''(43A) The term 'qualified loan modification' means a loan modification agreement made in accordance with the guidelines of the Obama Administration's Homeowner Affordability and Stability Plan as implemented March 4, 2009, that—

''(A) reduces the debtor's payment (including principal and interest, and payments for real estate taxes, hazard insurance, mortgage insurance premium, homeowners' association dues, ground rent, and special assessments) on a loan secured by a senior security interest in the principal residence of the debtor, to a percentage of the debtor's income in accordance with such guidelines, without any period of negative amortization or under which the aggregate amount of the regular periodic payments would not fully amortize the outstanding principal amount of such loan;

''(B) requires no fees or charges to be paid by the debtor in order to obtain such modification; and

''(C) permits the debtor to continue to make payments under the modification agreement notwithstanding the filing of a case under this title, as if such case had not been filed.''.

SEC. 9002. ELIGIBILITY FOR RELIEF.

Section 109 of title 11, United States Code, is amended—

(1) by adding at the end of subsection (e) the following: ''For purposes of this subsection, the computation of debts shall not include the secured or unsecured portions of—

''(1) debts secured by the debtor's principal residence if the value of such residence as of the date of the order for relief under chapter 13 is less than the applicable maximum amount of noncontingent, liquidated, secured debts specified in this subsection; or

''(2) debts secured or formerly secured by what was the debtor's principal residence that was sold in foreclosure or that the debtor surrendered to the creditor if the value of such real property as of the date of the order for relief under chapter 13 was less than the applicable maximum amount of noncontingent, liquidated, secured debts specified in this subsection.'', and

(2) by adding at the end of subsection (h) the following:

''(5) Notwithstanding the 180-day period specified in paragraph (1), with respect to a debtor in a case under chapter 13 who submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor's principal residence may commence a foreclosure on the debtor's principal residence, the requirements of paragraph (1) shall be considered to be satisfied if the debtor satisfies such requirements not later than the expiration of the 30-day period beginning on the date of the filing of the petition.''.

SEC. 9003. PROHIBITING CLAIMS ARISING FROM VIOLATIONS OF THE TRUTH IN LENDING ACT.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8) by striking ''or'' at the end,

(2) in paragraph (9) by striking the period at the end and inserting ''; or'', and

(3) by adding at the end the following:

''(10) the claim for a loan secured by a security interest in the debtor's principal residence is subject to a remedy for rescission under the Truth in Lending Act notwithstanding the prior entry of a foreclosure judgment, except that nothing in this paragraph shall be construed to modify, impair, or supersede any other right of the debtor.''.

SEC. 9004. AUTHORITY TO MODIFY CERTAIN MORTGAGES.

Section 1322 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (11) as paragraph (12),

(B) in paragraph (10) by striking ''and'' at the end, and

(C) by inserting after paragraph (10) the following:

''(11) notwithstanding paragraph (2), with respect to a claim for a loan originated before the effective date of this paragraph and secured by a security interest in the debtor's principal residence that is the subject of a notice that a foreclosure may be commenced with respect to such loan, modify the rights of the holder of such claim (and the rights of the holder of any claim secured by a subordinate security interest in such residence)—

''(A) by providing for payment of the amount of the allowed secured claim as determined under section 506(a)(1);

''(B) if any applicable rate of interest is adjustable under the terms of such loan by prohibiting, reducing, or delaying adjustments to such rate of interest applicable on and after the date of filing of the plan;

''(C) by modifying the terms and conditions of such loan—

''(i) to extend the repayment period for a period that is no longer than the longer of 40 years (reduced by the period for which such loan has been outstanding) or the remaining term of such loan, beginning on the date of the order for relief under this chapter; and

''(ii) to provide for the payment of interest accruing after the date of the order for relief under this chapter at a fixed annual rate equal to the currently applicable average prime offer rate as of the date of the order for relief under this chapter, corresponding to the repayment term determined under the preceding paragraph, as published by the Federal Financial Institutions Examination Council in its table entitled 'Average Prime Offer Rates—Fixed', plus a reasonable premium for risk; and

''(D) by providing for payments of such modified loan directly to the holder of the claim or, at the discretion of the court, through the trustee during the term of the plan; and'', and

(2) by adding at the end the following:

''(g) A claim may be reduced under subsection (b)(11)(A) only on the condition that if the debtor sells the principal residence securing such claim, before completing all payments under the plan (or, if applicable, before receiving a discharge under section 1328(b)) and receives net proceeds from the sale of such residence, then the debtor agrees to pay to such holder not later than 15 days after receiving such proceeds—

''(1) if such residence is sold in the 1st year occurring after the effective date of the plan, 90 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection;

''(2) if such residence is sold in the 2d year occurring after the effective date of the plan, 70 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection;

''(3) if such residence is sold in the 3d year occurring after the effective date of the plan, 50 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection;

''(4) if such residence is sold in the 4th year occurring after the effective date of the plan, 30 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection; and

''(5) if such residence is sold in the 5th year occurring after the effective date of the plan, 10 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection.

''(h) With respect to a claim of the kind described in subsection (b)(11), the plan may not contain a modification under the authority of subsection (b)(11)—

''(1) in a case commenced under this chapter after the expiration of the 30-day period beginning on the effective date of this subsection, unless—

''(A) the debtor certifies that the debtor—

''(i) not less than 30 days before the commencement of the case, contacted the holder of such claim (or the entity collecting payments on behalf of such holder) regarding modification of the loan that is the subject of such claim;

''(ii) provided the holder of the claim (or the entity collecting payments on behalf of such holder) a written statement of the debtor's current income, expenses, and debt substantially conforming with the schedules required under section 521(a) or such other form as is promulgated by the Judicial Conference of the United States for such purpose; and

''(iii) considered any qualified loan modification offered to the debtor by the holder of the claim (or the entity collecting payments on behalf of such holder); or

''(B) a foreclosure sale is scheduled to occur on a date in the 30-day period beginning on the date the case is commenced;

''(2) in any other case pending under this chapter, unless the debtor certifies that the debtor attempted to contact the holder of such claim (or the entity collecting payments on behalf of such holder) regarding modification of the loan that is the subject of such claim, before—

''(A) filing a plan under section 1321 that contains a modification under the authority of subsection (b)(11); or

''(B) modifying a plan under section 1323 or 1329 to contain a modification under the authority of subsection (b)(11).

''(i) In determining the holder's allowed secured claim under section 506(a)(1) for purposes of subsection (b)(11)(A), the value of the debtor's principal residence shall be the fair market value of such residence on the date such value is determined and, if the issue of value is contested, the court shall determine such value in accordance with the appraisal rules used by the Federal Housing Administration.''.

SEC. 9005. COMBATING EXCESSIVE FEES.

Section 1322(c) of title 11, United States Code, is amended—

(1) in paragraph (1) by striking ''and'' at the end,

(2) in paragraph (2) by striking the period at the end and inserting a semicolon, and

(3) by adding at the end the following:

''(3) the debtor, the debtor's property, and property of the estate are not liable for a fee, cost, or charge that is incurred while the case is pending and arises from a debt that is secured by the debtor's principal residence except to the extent that—

''(A) the holder of the claim for such debt files with the court and serves on the trustee, the debtor, and the debtor's attorney (annually or, in order to permit filing consistent with clause (ii), at such more frequent periodicity as the court determines necessary) notice of such fee, cost, or charge before the earlier of—

''(i) 1 year after such fee, cost, or charge is incurred; or

''(ii) 60 days before the closing of the case; and

''(B) such fee, cost, or charge—

''(i) is lawful under applicable nonbankruptcy law, reasonable, and provided for in the applicable security agreement; and

''(ii) is secured by property the value of which is greater than the amount of such claim, including such fee, cost, or charge;

''(4) the failure of a party to give notice described in paragraph (3) shall be deemed a waiver of any claim for fees, costs, or charges described in paragraph (3) for all purposes, and any attempt to collect such fees, costs, or charges shall constitute a violation of section 524(a)(2) or, if the violation occurs before the date of discharge, of section 362(a); and

''(5) a plan may provide for the waiver of any prepayment penalty on a claim secured by the debtor's principal residence.''.

SEC. 9006. CONFIRMATION OF PLAN.

(a) Section 1325(a) of title 11, United States Code, is amended—

(1) in the matter preceding paragraph (1) strike ''subsection (b)'' and insert ''subsections (b) and (d)''.

(2) in paragraph (5)—

(A) by inserting ''except as otherwise provided in section 1322(b)(11),'' after ''(5)'', and

(B) in subparagraph (B)(iii)(I) by inserting ''(including payments of a claim modified under section 1322(b)(11))'' after ''payments'' the 1st place it appears,

(3) in paragraph (8) by striking ''and'' at the end,

(4) in paragraph (9) by striking the period at the end and inserting a semicolon, and

(5) by inserting after paragraph (9) the following:

''(10) notwithstanding subclause (I) of paragraph (5)(B)(i), whenever the plan modifies a claim in accordance with section 1322(b)(11), the holder of a claim whose rights are modified pursuant to section 1322(b)(11) shall retain the lien until the later of—

''(A) the payment of such holder's allowed secured claim; or

''(B) completion of all payments under the plan (or, if applicable, receipt of a discharge under section 1328(b)); and

''(11) whenever the plan modifies a claim in accordance with section 1322(b)(11), the court finds that such modification is in good faith (Lack of good faith exists if the debtor has no need for relief under this paragraph because the debtor can pay all of his or her debts and any future payment increases on such debts without difficulty for the foreseeable future, including the positive amortization of mortgage debt. In determining whether a reduction of the principal amount of the loan resulting from a modification made under the authority of section 1322(b)(11) is made in good faith, the court shall consider whether the holder of such claim (or the entity collecting payments on behalf of such holder) has offered to the debtor a qualified loan modification that would enable the debtor to pay such debts and such loan without reducing such principal amount.) and does not find that the debtor has been convicted of obtaining by actual fraud the extension, renewal, or refinancing of credit that gives rise to a modified claim.''.

(b) Section 1325 of title 11, United States Code, is amended by adding at the end the following (and make such technical and conforming changes as may be appropriate):

''(d) Notwithstanding section 1322(b)(11)(C)(ii), the court, on request of the debtor or the holder of a claim secured by a senior security interest in the debtor's principal residence, may confirm a plan proposing a reduction in the interest rate on the loan secured by such security interest and that does not reduce the principal, provided the total monthly mortgage payment is reduced to a percentage of the debtor's income in accordance with the guidelines of the Obama Administration's Homeowner Affordability and Stability Plan as implemented March 4, 2009, if, taking into account the debtor's financial situation, after allowance of expenses that would be permitted for a debtor under this chapter subject to paragraph (3) of subsection (b), regardless of whether the debtor is otherwise subject to such paragraph, and taking into account additional debts and fees that are to be paid in this chapter and thereafter, the debtor would be able to prevent foreclosure and pay a fully amortizing 30-year loan at such reduced interest rate without such reduction in principal.''.

SEC. 9007. DISCHARGE.

Section 1328(a) of title 11, United States Code, is amended—

(1) by inserting ''(other than payments to holders of claims whose rights are modified under section 1322(b)(11))'' after ''paid'', and

(2) in paragraph (1) by inserting ''or, to the extent of the unpaid portion of an allowed secured claim, provided for in section 1322(b)(11)'' after ''1322(b)(5)''.

SEC. 9008. STANDING TRUSTEE FEES.

(a) AMENDMENT TO TITLE 28.—Section 586(e)(1)(B)(i) of title 28, United States Code, is amended—

(1) by inserting ''(I) except as provided in subparagraph (II)'' after ''(i)'',

(2) by striking ''or'' at the end and inserting ''and'', and

(3) by adding at the end the following:

''(II) 4 percent with respect to payments received under section 1322(b)(11) of title 11 by the individual as a result of the operation of section 1322(b)(11)(D) of title 11, unless the bankruptcy court waives all fees with respect to such payments based on a determination that such individual has income less than 150 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved and payment of such fees would render the debtor's plan infeasible.''.

(b) CONFORMING PROVISION.—The amendments made by this section shall apply to any trustee to whom the provisions of section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554; 100 Stat. 3121) apply.

SEC. 9009. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this subtitle shall apply with respect to cases commenced under title 11 of the United States Code before, on, or after the date of the enactment of this Act.

(2) LIMITATION.—Paragraph (1) shall not apply with respect to cases closed under title 11 of the United States Code as of the date of the enactment of this Act that are neither pending on appeal in, nor appealable to, any court of the United States.

SEC. 9010. GAO STUDY.

The Comptroller General shall carry out a study, and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, not later than 2 years after the date of the enactment of this Act a report containing—

(1) the results of such study of—

(A) the number of debtors who filed, during the 1-year period beginning on the date of the enactment of this Act, cases under chapter 13 of title 11 of the United States Code for the purpose of restructuring their principal residence mortgages,

(B) the number of mortgages restructured under the amendments made by this subtitle that subsequently resulted in default and foreclosure,

(C) a comparison between the effectiveness of mortgages restructured under non-judicial voluntary mortgage modification programs and mortgages restructured under the amendments made by this subtitle,

(D) the number of cases presented to the bankruptcy courts where mortgages were restructured under the amendments made by this subtitle that were appealed,

(E) the number of cases presented to the bankruptcy courts where mortgages were restructured under the amendments made by this subtitle that were overturned on appeal, and

(F) the number of bankruptcy judges disciplined as a result of actions taken to restructure mortgages under the amendments made by this subtitle, and

(2) a recommendation as to whether such amendments should be amended to include a sunset clause.

SEC. 9011. REPORT TO CONGRESS.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General, in consultation with the Federal Housing Administration, shall submit to the Congress, a report containing—

(1) a comprehensive review of the effects of the amendments made by this subtitle on bankruptcy courts,

(2) a survey of whether the program should limit the types of homeowners eligible for the program, and

(3) a recommendation on whether such amendments should remain in effect.

Subtitle B—Related Mortgage Modification Provisions

SEC. 9021. ADJUSTMENTS AS A RESULT OF MODIFICATION IN BANKRUPTCY OF HOUSING LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3732 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (2) as subparagraph (A) of paragraph (2), and

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

''(B) In the event that a housing loan guaranteed under this chapter is modified under the authority provided under section 1322(b) of title 11, United States Code, the Secretary may pay the holder of the obligation the unpaid balance of the obligation due as of the date of the filing of the petition under title 11, United States Code, plus accrued interest, but only upon the assignment, transfer, and delivery to the Secretary (in a form and manner satisfactory to the Secretary) of all rights, interest, claims, evidence, and records with respect to the housing loan.''.

(b) MATURITY OF HOUSING LOANS.—Paragraph (1) of section (d) of section 3703 of title 38, United States Code, is amended by inserting ''at the time of origination'' after ''loan''.

(c) IMPLEMENTATION.—The Secretary of Veterans Affairs may implement the amendments made by this section through notice, procedure notice, or administrative notice.

SEC. 9022. PAYMENT OF FHA MORTGAGE INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (a) of section 204 of the National Housing Act (12 U.S.C. 1710(a)) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

''(E) MODIFICATION OF MORTGAGE IN BANKRUPTCY.—

''(i) AUTHORITY.—If an order is entered under the authority provided under section 1322(b) of title 11, United States Code, that (a) determines the amount of an allowed secured claim under a mortgage in accordance with section 506(a)(1) of title 11, United States Code, and the amount of such allowed secured claim is less than the amount due under the mortgage as of the date of the filing of the petition under title 11, United States Code, or (b) reduces the interest to be paid under a mortgage in accordance with section 1325 of such title, the Secretary may pay insurance benefits for the mortgage as follows:

''(I) FULL PAYMENT AND ASSIGNMENT.—The Secretary may pay the insurance benefits for the mortgage, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage specified in clauses (i) through (iv) of paragraph (1)(A). The insurance benefits shall be paid in the amount equal to the original principal obligation of the mortgage (with such additions and deductions as the Secretary determines are appropriate) which was unpaid upon the date of the filing of by the mortgagor of the petition under title 11 of the United States Code. Nothing in this Act may be construed to prevent the Secretary from providing insurance under this title for a mortgage that has previously been assigned to the Secretary under this subclause. The decision of whether to utilize the authority under this subclause for payment and assignment shall be at the election of the mortgagee, subject to such terms and conditions as the Secretary may establish.

''(II) ASSIGNMENT OF UNSECURED CLAIM.—The Secretary may make a partial payment of the insurance benefits for any unsecured claim under the mortgage, but only upon the assignment to the Secretary of any unsecured claim of the mortgagee against the mortgagor or others arising out of such order. Such assignment shall be deemed valid irrespective of whether such claim has been or will be discharged under title 11 of the United States Code. The insurance benefits shall be paid in the amount specified in subclause (I) of this clause, as such amount is reduced by the amount of the allowed secured claim. Such allowed secured claim shall continue to be insured under section 203.

''(III) INTEREST PAYMENTS.—The Secretary may make periodic payments, or a one-time payment, of insurance benefits for interest payments that are reduced pursuant to such order, as determined by the Secretary, but only upon assignment to the Secretary of all rights and interest related to such payments.

''(ii) DELIVERY OF EVIDENCE OF ENTRY OF ORDER.—Notwithstanding any other provision of this paragraph, no insurance benefits may be paid pursuant to this subparagraph for a mortgage before delivery to the Secretary of evidence of the entry of the order issued pursuant to title 11, United States Code, in a form satisfactory to the Secretary.'';

(2) in paragraph (5), in the matter preceding subparagraph (A), by inserting after ''section 520, and'' the following: '', except as provided in paragraph (1)(E),''; and

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

''(10) LOAN MODIFICATION PROGRAM.—

''(A) AUTHORITY.—The Secretary may carry out a program solely to encourage loan modifications for eligible delinquent mortgages through the payment of insurance benefits and assignment of the mortgage to the Secretary and the subsequent modification of the terms of the mortgage according to a loan modification approved by the mortgagee.

''(B) PAYMENT OF BENEFITS AND ASSIGNMENT.—Under the program under this paragraph, the Secretary may pay insurance benefits for a mortgage, in the amount determined in accordance with paragraph (5)(A), without reduction for any amounts modified, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage specified in clauses (i) through (iv) of paragraph (1)(A).

''(C) DISPOSITION.—After modification of a mortgage pursuant to this paragraph, the Secretary may provide insurance under this title for the mortgage. The Secretary may subsequently—

''(i) re-assign the mortgage to the mortgagee under terms and conditions as are agreed to by the mortgagee and the Secretary;

''(ii) act as a Government National Mortgage Association issuer, or contract with an entity for such purpose, in order to pool the mortgage into a Government National Mortgage Association security; or

''(iii) re-sell the mortgage in accordance with any program that has been established for purchase by the Federal Government of mortgages insured under this title, and the Secretary may coordinate standards for interest rate reductions available for loan modification with interest rates established for such purchase.

''(D) LOAN SERVICING.—In carrying out the program under this section, the Secretary may require the existing servicer of a mortgage assigned to the Secretary under the program to continue servicing the mortgage as an agent of the Secretary during the period that the Secretary acquires and holds the mortgage for the purpose of modifying the terms of the mortgage. If the mortgage is resold pursuant to subparagraph (C)(iii), the Secretary may provide for the existing servicer to continue to service the mortgage or may engage another entity to service the mortgage.''.

(b) AMENDMENT TO PARTIAL CLAIM AUTHORITY.—Paragraph (1) of section 230(b) of the National Housing Act (12 U.S.C. 1715u(b)(1)) is amended by striking ''12 of the monthly mortgage payments'' and inserting ''30 percent of the unpaid principal balance of the mortgage''.

(c) IMPLEMENTATION.—The Secretary of Housing and Urban Development may implement the amendments made by this section through notice or mortgagee letter.

SEC. 9023. ADJUSTMENTS AS RESULT OF MODIFICATION OF RURAL SINGLE FAMILY HOUSING LOANS IN BANKRUPTCY.

(a) GUARANTEED RURAL HOUSING LOANS.—Subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) in paragraph (7)—

(A) in subparagraph (A), by inserting before the period at the end the following: '', unless the maturity date of the loan is modified in a bankruptcy proceeding or at the discretion of the Secretary''; and

(B) in subparagraph (B), by inserting before the semicolon the following: '', unless such rate is modified in a bankruptcy proceeding'';

(2) by redesignating paragraphs (13) and (14) as paragraphs (14) and (15), respectively; and

(3) by inserting after paragraph (12) the following new paragraph:

''(13) PAYMENT OF GUARANTEE.—In addition to all other authorities to pay a guarantee claim, the Secretary may also pay the guaranteed portion of any losses incurred by the holder of a note or the servicer resulting from a modification of a note by a bankruptcy proceeding.''.

(b) INSURED RURAL HOUSING LOANS.—Subsection (j) of section 517 of the Housing Act of 1949 (42 U.S.C. 1487(j)) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

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

''(2) to pay for losses incurred by holders or servicers in the event of a modification pursuant to a bankruptcy proceeding;''.

(c) IMPLEMENTATION.—The Secretary of Agriculture may implement the amendments made by this section through notice, procedure notice, or administrative notice.

It was decided in the negative ..... { Yeas ..... 188 / Nays 241

¶154.13 [Roll No. 963]

AYES—188

Abercrombie	Christensen	Edwards (MD)
Ackerman	Chu	Ellison
Adler (NJ)	Clarke	Engel
Andrews	Clay	Eshoo
Baca	Cleaver	Etheridge
Baird	Clyburn	Faleomavaega
Barrow	Cohen	Farr
Bean	Conyers	Fattah
Becerra	Cooper	Filner
Berkley	Courtney	Foster
Berman	Crowley	Frank (MA)
Bishop (NY)	Cummings	Fudge
Blumenauer	Davis (AL)	Garamendi
Brady (PA)	Davis (CA)	Giffords
Braley (IA)	Davis (IL)	Gonzalez
Brown, Corrine	DeFazio	Grayson
Butterfield	DeGette	Green, Al
Capps	Delahunt	Green, Gene
Capuano	DeLauro	Grijalva
Cardoza	Dicks	Gutierrez
Carnahan	Dingell	Hall (NY)
Carson (IN)	Doggett	Hare
Castor (FL)	Doyle	Hastings (FL)

Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Klein (FL)
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Peters
Pingree (ME)
Price (NC)
Rangel
Richardson
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Snyder
Speier
Stark
Sutton
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu
Yarmuth

NOES—241

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Costello
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harman
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kissell
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Ortiz
Owens
Paulsen
Pence
Perriello
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Scott (GA)
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tanner
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Walz
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—11

Baldwin
Bordallo
Diaz-Balart, L.
Lofgren, Zoe
Moran (VA)
Murtha
Norton
Pierluisi
Sessions
Slaughter
Young (AK)

So the amendment was not agreed to.

¶154.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 32, printed in House Report 111-370, submitted by Ms. SCHAKOWSKY:

Page 825, after line 12, insert the following new section:

SEC. 4413. TREATMENT OF REVERSE MORTGAGES.

(a) IN GENERAL.—The Director shall examine the practices of covered persons in connection with any reverse mortgage transaction (as defined in section 103(bb) of the Truth in Lending Act (15 U.S.C. 1602)) and shall prescribe regulations identifying any acts or practices as unlawful, unfair, deceptive, or abusive in connection with a reverse mortgage transaction or the offering of a reverse mortgage.

(b) REGULATIONS.—In prescribing regulations under subsection (a), the Director shall ensure that such regulations shall—

(1) include requirements for—

(A) the purpose of preventing unlawful, unfair, deceptive or abusive acts and practices in connection with a reverse mortgage transaction; and

(B) the purpose of providing timely, appropriate, and effective disclosure to consumers in connection with a reverse mortgage transaction that are consistent with requirements prescribed by the Director in connection with other consumer mortgage products or services under this title;

(2) with respect to the requirements under paragraph (1), be consistent with requirements prescribed by the Director in connection with other consumer mortgage products or services under this title; and

(3) provide for an integrated disclosure standard and model disclosures for reverse mortgage transactions, consistent with section 4302(d), that combines the relevant disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.) and the Real Estate Settlement Procedures Act, with the disclosures required to be provided to consumers for Home Equity Conversion Mortgages under section 255 of the National Housing Act.

(c) CONSULTATION.—In connection with the issuance of any regulations under this section, the Director shall consult with the Federal banking agencies, State bank supervisors, the Federal Trade Commission, and the Department of Housing and Urban Development, as appropriate, to ensure that any proposed regulation—

(1) imposes substantially similar requirements on all covered persons; and

(2) is consistent with prudential, consumer protection, civil rights, market or systemic objectives administered by such agencies or supervisors.

(d) DEADLINE FOR RULEMAKING.—The Director shall commence the rulemaking required under subsection (a) not later than 12 months after the date of the enactment of this Act.

It was decided in the affirmative ..... { Yeas ..... 277 / Nays 149

¶154.15 [Roll No. 964]

AYES—277

Abercrombie
Ackerman
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
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.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky

Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—149

Aderholt
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
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
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—14

Baldwin
Bordallo
Clyburn
Kilpatrick (MI)
Lofgren, Zoe
Moran (VA)
Murtha
Norton
Pierluisi
Rangel
Sessions
Slaughter
Waters
Young (AK)

So the amendment was agreed to.

¶154.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 35, printed in House Report 111-370, submitted by Mr. MINNICK:

Strike title IV and insert the following:

TITLE IV—CONSUMER FINANCIAL PROTECTION ACT

SECTION 4001. SHORT TITLE.

This title may be cited as the ''Consumer Financial Protection Act of 2009''.

SEC. 4002. CONSUMER FINANCIAL PROTECTION COUNCIL.

(a) ESTABLISHMENT.—There is hereby established the Consumer Financial Protection Council (hereinafter in this title referred to as the ''Council'') as an independent establishment of the executive branch, which shall consist of—

(1) the Chairman of the Board of Governors of the Federal Reserve System;

(2) the Comptroller of the Currency;

(3) the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation;

(4) the Director of the Office of Thrift Supervision;

(5) the Administrator of the National Credit Union Administration;

(6) the Secretary of the Department of Housing and Urban Development;

(7) the Secretary of the Treasury;

(8) the Chairman of the Securities and Exchange Commission;

(9) the Chairman of the Commodities Futures Trading Commission;

(10) the Chairman of the Federal Trade Commission; and

(11) one individual selected by the State Advisory Committee established under section 4005.

(b) STAFFING.—The Secretary of the Treasury shall provide appropriate staffing for the Council.

SEC. 4003. CONSUMER FINANCIAL PROTECTION SUBCOMMITTEE.

(a) ESTABLISHMENT.—There is hereby established within the Council the Consumer Financial Protection Subcommittee (hereinafter in this title referred to as the ''CFPS''), which shall consist of the members of the Council.

(b) PURPOSE.—The purpose of the CFPS is to ensure that all providers of a financial product or service to consumers are subject to meaningful and uniform consumer protection requirements, and that functionally equivalent products are subject to equivalent consumer protection standards.

(c) CHAIRMANSHIP.—

(1) INITIAL CHAIRMAN.—The Chairman of the Federal Trade Commission shall serve as the Chairman of the CFPS for the 2-year period beginning on the date of the enactment of this title.

(2) SUBSEQUENT SELECTION.—After the 2-year period described under paragraph (1), the President shall appoint the Chairman of the CFPS from among the members of the CFPS. The term of the Chairmanship shall be 2 years.

(d) VOTING.—Decisions of the CFPS shall be made by a majority vote of the members of the CFPS.

(e) DUTIES.—The CFPS shall review existing consumer protection regulations and issue new or revised regulations where needed to prevent unfair or deceptive practices.

(f) PROCEDURES FOR PROPOSING AND ISSUING REGULATIONS.—

(1) PROPOSAL.—Any member of the CFPS may propose that the CFPS consider the need for the modification of an existing regulation or for the issuing of a new regulation with respect to a particular consumer financial product or service. After such proposal is made, the CFPS shall develop an analysis of the proposal and prepare a report that either—

(A) recommends that no action be taken; or

(B) recommends the modification of existing regulations or the issuing of new regulations.

(2) PUBLICATION.—With respect to a report prepared under paragraph (1)—

(A) if the CFPS recommends that no action be taken, the CFPS shall make a copy of the report publicly available; and

(B) if the CFPS recommends the modification of existing regulations or the issuing of new regulations, the CFPS shall publish such report in the Federal Register and solicit public comments on such recommendation, pursuant to the Administrative Procedure Act.

(3) MODIFICATION OR ACCEPTANCE.—With respect to each recommendation described under paragraph (2)(B) for the modification of existing regulations or the issuing of new regulations, after the CFPS has considered the public comments on such recommendation, the CFPS shall vote on whether such recommendations should be withdrawn, modified, or published as a final regulation.

(4) REGULATIONS ISSUED BY CFPS CONTROL.—Notwithstanding any other provision of law, to the extent that any other regulation conflicts with a regulation issued by the CFPS under this subsection, such other regulation shall have no force or effect to the extent of such conflict.

(5) PROPOSALS BY STATE ADVISORY COMMITTEE.—

(A) IN GENERAL.—Any proposal made under paragraph (1) by the member of the CFPS selected by the State Advisory Committee shall be accompanied by a certification from such member stating that more than half of the States support such proposal.

(B) METHOD OF DETERMINATION.—For purposes of this paragraph, the State Advisory Committee shall determine the method for determining if a State supports a proposal.

(6) REPORT ON APPROVAL OR OPPOSITION.—Each member of the CFPS shall issue an annual report to the Congress containing a detailed explanation, for each proposal made under paragraph (1), why such member supported or opposed such proposal.

(7) PROCEDURES TO BE APPLIED TO ALL RULEMAKINGS.—The procedures under this subsection shall be used by the CFPS when issuing any regulation under the authority of this title.

(g) CONSUMER FINANCIAL PRODUCTS OR SERVICES EXPRESSLY PERMITTED BY STATE OR FEDERAL LAW.—

(1) VOTING REQUIREMENTS.—Any votes taken by the CFPS to prevent the offering of any consumer financial product or service that is expressly permitted by State or Federal law shall only be agreed to by a two-thirds vote.

(2) RECOMMENDATIONS TO THE CONGRESS.—If the CFPS determines a need to prevent the offering of any consumer financial product or service expressly permitted by State or Federal law, the CFPS shall issue a report to the Congress containing such determination and including—

(A) a description of the specific financial product or service that the CFPS is recommending the Congress should prevent from being offered;

(B) an estimate of the amount of credit provided by and the number of consumers using any such financial product or service;

(C) a list of any States which have expressly permitted any such financial product or service;

(D) the identities of persons known by the CFPS to be offering any such financial product or service;

(E) an analysis of whether there are ample other alternative reasonably priced financial products or services available to meet consumers' credit needs, and a description of such alternative financial products or services; and

(F) the basis and reasoning on which the CFPS has based its recommendation.

(3) DEFINITION.—For purposes of this subsection, the term ''prevent the offering of any consumer financial product or service'' shall mean taking any action that could reasonably result in the direct or indirect prohibition of, or materially interfere with the ability of any person to offer, any consumer financial product or service.

SEC. 4004. FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

Section 1004(a) of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3303(a)) is amended by inserting after ''established'' the following: ''as a subcommittee within the Consumer Financial Protection Council''.

SEC. 4005. STATE ADVISORY COMMITTEE.

There is hereby established within the Council the State Advisory Committee, which shall consist of one representative from each of the following:

(1) The Conference of State Bank Supervisors.

(2) The American Council of State Savings Supervisors.

(3) The National Association of State Credit Union Supervisors.

SEC. 4006. EQUALITY OF CONSUMER PROTECTION ENFORCEMENT RESPONSIBILITIES.

With respect to each consumer protection agency, the enforcement of the provisions of the consumer protection laws under such agency's jurisdiction shall be of equal importance to such agency as the enforcement of the provisions of other laws under such agency's jurisdiction.

SEC. 4007. DIRECTOR OF THE CONSUMER FINANCIAL PROTECTION DIVISION.

(a) ESTABLISHMENT.—There is hereby established within each consumer protection agency a position of Director of the Consumer Financial Protection Division.

(b) COMPENSATION.—With respect to a consumer protection agency, the Director of the Consumer Financial Protection Division shall be compensated in an amount no less than the amount of compensation provided to the head of other subdivisions of such agency of a comparable size.

(c) DIRECT REPORTING.—Each Director of the Consumer Financial Protection Division established under subsection (a) shall report directly to the head of the agency within which such Director is located.

(d) ANNUAL REPORT TO THE CONGRESS.—Each consumer protection agency shall issue an annual report to the Congress detailing the activities of the Director of the Consumer Financial Protection Division and how such activities advanced the agency's consumer protection functions.

SEC. 4008. PROHIBITING UNFAIR OR DECEPTIVE ACTS OR PRACTICES.

(a) IN GENERAL.—Each consumer protection agency may prevent a person from committing or engaging in an unfair or deceptive act or practice in connection with any transaction with a consumer for a consumer financial product or service under such agency's jurisdiction.

(b) RULEMAKING.—Each consumer protection agency may prescribe regulations identifying as unlawful, unfair, or deceptive acts or practices in connection with any transaction with a consumer for a consumer financial product or service under such agency's jurisdiction.

(c) REFERRAL TO CFPS.—With respect to each regulation issued pursuant to subsection (b), the consumer protection agency issuing such regulation shall propose such regulation to the CFPS under section 4003(f), unless the CFPS already has a substantially similar proposal under consideration.

(d) UNFAIRNESS.—

(1) IN GENERAL.—A consumer protection agency shall have no authority under this section to declare an act or practice in connection with a transaction with a consumer for a consumer financial product or service to be unlawful on the grounds that such act or practice is unfair unless such agency has a reasonable basis to conclude that the act or practice causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers and such substantial injury is not outweighed by countervailing benefits to consumers or to competition.

(2) EXISTING PUBLISHED GUIDELINES AS FACTOR.—In determining whether an act or practice is unfair, a consumer protection agency shall consider established public policies and regulations, interpretations, guidance, and staff commentaries issued by the consumer protection agencies under the consumer protection laws they enforce.

(e) DEFINITIONS.—For purposes of this section, the terms ''unfair'' and ''deceptive'' shall have the meanings given such terms under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

SEC. 4009. ADOPTING OPERATIONAL STANDARDS TO DETER UNFAIR OR DECEPTIVE PRACTICES.

(a) AUTHORITY TO PRESCRIBE STANDARDS.—The consumer protection agencies shall prescribe standards applicable to covered persons to deter and detect unfair or deceptive acts or practices in the provision of consumer financial products or services under such agency's jurisdiction, including standards for—

(1) background checks for principals, officers, directors, or key personnel of the covered person;

(2) registration, licensing, or certification;

(3) bond or other appropriate financial requirements to provide reasonable assurance of the ability of the covered person to perform its obligations to consumers;

(4) creating and maintaining records of transactions or accounts; and

(5) procedures and operations of the covered person relating to the provision of, or maintenance of accounts for, consumer financial products or services.

(b) CFPS AUTHORITY TO ISSUE REGULATIONS.—The CFPS may issue regulations establishing minimum standards under this section for any class of covered persons.

(c) EXCEPTION FOR ENFORCEMENT OF GRAMM-LEACH-BLILEY PRIVACY LAWS AGAINST INSURERS.—Neither the consumer protection agencies nor the CFPS shall have authority to issue or enforce regulations with respect to authorities that are granted to State insurance regulators under section 505(a)(6) of the Gramm-Leach-Bliley Act.

SEC. 4010. PRESUMPTION OF ABILITY TO REPAY.

(a) PROHIBITION ON RESIDENTIAL MORTGAGE LOANS THAT WON'T REASONABLY BE REPAID.—

(1) IN GENERAL.—No creditor shall make a residential mortgage loan unless it has a reasonable basis for determining that the consumer can repay the loan.

(2) BASIS FOR DETERMINATION.—A determination under this subsection of a consumer's ability to repay a residential mortgage loan shall include consideration of the consumer's credit history, current income, expected income the consumer is reasonably assured of receiving, current obligations, debt-to-income ratio, employment status, and other financial resources other than the consumer's equity in the dwelling or real property that secures repayment of the loan.

(b) EXEMPTION FOR CERTAIN MODEL TERMS AND CONDITIONS.—Subsection (a) shall not apply to residential mortgage loans containing the model terms and conditions contained in regulations issued by the Council under subsection (c).

(c) PROCEDURE FOR ADOPTING MODEL TERMS AND CONDITIONS.—

(1) IN GENERAL.—Not later than 1 years after the date of the enactment of this title, the Council shall issue regulations containing model terms and conditions for residential mortgage loans, for purposes of subsection (b).

(2) VOTING.—The Council may only issue a regulation under paragraph (1)—

(A) by a majority vote of the Council's members; and

(B) in a vote where each member of the Council casts a vote.

(3) REVISION OF MODEL TERMS AND CONDITIONS.—The Council shall update regulations issued under this subsection from time to time as appropriate.

(4) RULEMAKING PROCEDURES.—In issuing any regulation under this subsection, the Council shall, to the extent practicable, follow the procedures set forth under section 4003(f) for the consideration of proposals by the CFPS.

(d) ENFORCEMENT.—The prohibition under subsection (a) shall be enforced by each member of the Council with jurisdiction over the provision of residential mortgage loans.

SEC. 4011. EXAMINATIONS BY CONSUMER PROTECTION AGENCIES.

(a) IN GENERAL.—Each consumer protection agency shall carry out regular examinations of covered persons regulated by such agency.

(b) SCOPE OF EXAMINATIONS.—Examinations carried out pursuant to subsection (a) shall be comparable to those examinations carried out by the Federal banking agencies of insured depository institutions.

SEC. 4012. CONSUMER RIGHTS TO ACCESS INFORMATION.

(a) IN GENERAL.—Subject to regulations prescribed by the consumer protection agencies, a covered person shall make available to a consumer, in an electronic form usable by the consumer, information in the control or possession of the covered person concerning the consumer financial product or service that the consumer obtained from such covered person including information relating to any transaction, series of transactions, or to the account, including charges and usage data.

(b) EXCEPTIONS.—A covered person shall not be required by this section to make available to the consumer—

(1) any confidential commercial information, including an algorithm used to derive credit scores or other risk scores or predictors;

(2) any information collected by the covered person for the purpose of preventing fraud or money laundering, or detecting, or making any report regarding other unlawful or potentially unlawful conduct;

(3) any information required to be kept confidential by any other law; or

(4) any information that the covered person cannot retrieve in the ordinary course of its business with respect to that information.

(c) NO DUTY TO MAINTAIN RECORDS.—No provision of this section shall be construed as imposing any duty on a covered person to maintain or keep any information about a consumer.

(d) STANDARDIZED FORMATS FOR DATA.—The consumer protection agencies, by regulation, shall prescribe standards applicable to covered persons to promote the development and use of standardized formats for information, including through the use of machine readable files, to be made available to consumers under this section.

SEC. 4013. PROHIBITED ACTS.

It shall be unlawful for any person to—

(1) advertise, market, offer, sell, enforce, or attempt to enforce, any term, agreement, change in terms, fee or charge in connection with a consumer financial product or service that is not in conformity with this title and applicable regulation prescribed or order issued by the consumer protection agencies, the CFPS, or the Council;

(2) fail or refuse to permit access to or copying of records, or fail or refuse to establish or maintain records, or fail or refuse to make reports or provide information to a

consumer protection agency, the CFPS, or the Council, as required by this title, a consumer protection law or any regulation prescribed or order issued by a consumer protection agency, the CFPS, or the Council under this title or pursuant to any such authority; or

(3) knowingly or recklessly provide substantial assistance to another person in violation of the provisions of section 4008, or any regulation prescribed or order issued under such section, and any such person shall be deemed to be in violation of that section to the same extent as the person to whom such assistance is provided.

SEC. 4014. STATE ATTORNEYS GENERAL RIGHT TO SUE.

No provision of this title shall be construed to limit the applicability or the effect of the decision of the Supreme Court in Cuomo v. Clearing House Assn., L.L.C., 557 U.S. _____ (2009).

SEC. 4015. ENFORCEMENT.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) CIVIL INVESTIGATIVE DEMAND AND DEMAND.—The terms ''civil investigative demand'' and ''demand'' mean any demand issued by a consumer protection agency.

(2) CONSUMER PROTECTION AGENCY.—The term ''consumer protection agency'' means—

(A) the appropriate Federal banking agency (as such term is defined in section 3(q) of the Federal Deposit Insurance Act), with respect to entities regulated by the appropriate Federal banking agencies;

(B) the National Credit Union Administration, with respect to a credit union;

(C) the Securities and Exchange Commission, with respect to an entity regulated by such Commission;

(D) the Commodity Futures Trading Commission, with respect to an entity regulated by such Commission; and

(E) the Federal Trade Commission, with respect to any entity not regulated by the appropriate Federal banking agencies, the National Credit Union Administration, the Securities and Exchange Commission, or the Commodity Futures Trading Commission.

(3) CONSUMER PROTECTION AGENCY INVESTIGATION.—The term ''consumer protection agency investigation'' means any inquiry conducted by a consumer protection agency investigator for the purpose of ascertaining whether any person is or has been engaged in any conduct that violates this title, any consumer protection law, or any regulation prescribed or order issued by the consumer protection agencies, the CFPS, or the Council under this title.

(4) CONSUMER PROTECTION AGENCY INVESTIGATOR.—The term ''consumer protection agency investigator'' means any attorney or investigator employed by a consumer protection agency who is charged with the duty of enforcing or carrying into effect any provisions of this title, any consumer protection law, or any regulation prescribed or order issued under this title or pursuant to any such authority by the consumer protection agency, the CFPS, or the Council.

(5) CUSTODIAN.—The term ''custodian'' means the custodian or any deputy custodian designated by a consumer protection agency.

(6) DOCUMENTARY MATERIAL.—The term ''documentary material'' includes the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document.

(7) VIOLATION.—The term ''violation'' means any act or omission that, if proved, would constitute a violation of any provision of this title, any consumer protection law, or of any regulation prescribed or order issued by a consumer protection agency, the CFPS, of the Council under this title or pursuant to any such authority.

(b) INVESTIGATIONS AND ADMINISTRATIVE DISCOVERY.—

(1) SUBPOENAS.—

(A) IN GENERAL.—A consumer protection agency or a consumer protection agency investigator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, documents, or other material in connection with hearings under this title.

(B) FAILURE TO OBEY.—In case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by a consumer protection agency or a consumer protection agency investigator and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents or other material, or both.

(C) CONTEMPT.—Any failure to obey an order of the court under this subsection may be punished by the court as a contempt thereof.

(2) DEMANDS.—

(A) IN GENERAL.—Whenever a consumer protection agency has reason to believe that any person may be in possession, custody, or control of any documentary material or tangible things, or may have any information, relevant to a violation, a consumer protection agency may, before the institution of any proceedings under this title or under any consumer protection law, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to—

(i) produce such documentary material for inspection and copying or reproduction;

(ii) submit such tangible things;

(iii) file written reports or answers to questions;

(iv) give oral testimony concerning documentary material or other information; or

(v) furnish any combination of such material, answers, or testimony.

(B) REQUIREMENTS.—Each civil investigative demand shall state the nature of the conduct constituting the alleged violation which is under investigation and the provision of law applicable to such violation.

(C) PRODUCTION OF DOCUMENTS.—Each civil investigative demand for the production of documentary material shall—

(i) describe each class of documentary material to be produced under the demand with such definiteness and certainty as to permit such material to be fairly identified;

(ii) prescribe a return date or dates which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

(iii) identify the custodian to whom such material shall be made available.

(D) PRODUCTION OF THINGS.—Each civil investigative demand for the submission of tangible things shall—

(i) describe each class of tangible things to be submitted under the demand with such definiteness and certainty as to permit such things to be fairly identified;

(ii) prescribe a return date or dates which will provide a reasonable period of time within which the things so demanded may be assembled and submitted; and

(iii) identify the custodian to whom such things shall be submitted.

(E) DEMAND FOR WRITTEN REPORTS OR ANSWERS.—Each civil investigative demand for written reports or answers to questions shall—

(i) propound with definiteness and certainty the reports to be produced or the questions to be answered;

(ii) prescribe a date or dates at which time written reports or answers to questions shall be submitted; and

(iii) identify the custodian to whom such reports or answers shall be submitted.

(F) ORAL TESTIMONY.—Each civil investigative demand for the giving of oral testimony shall—

(i) prescribe a date, time, and place at which oral testimony shall be commenced; and

(ii) identify a consumer protection agency investigator who shall conduct the investigation and the custodian to whom the transcript of such investigation shall be submitted.

(G) SERVICE.—

(i) Any civil investigative demand may be served by any consumer protection agency investigator at any place within the territorial jurisdiction of any court of the United States.

(ii) Any such demand or any enforcement petition filed under this section may be served upon any person who is not found within the territorial jurisdiction of any court of the United States, in such manner as the Federal Rules of Civil Procedure prescribe for service in a foreign nation.

(iii) To the extent that the courts of the United States have authority to assert jurisdiction over such person consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such district court would have if such person were personally within the jurisdiction of such district court.

(H) METHOD OF SERVICE.—Service of any civil investigative demand or any enforcement petition filed under this section may be made upon a person, including any legal entity, by—

(i) delivering a duly executed copy of such demand or petition to the individual or to any partner, executive officer, managing agent, or general agent of such person, or to any agent of such person authorized by appointment or by law to receive service of process on behalf of such person;

(ii) delivering a duly executed copy of such demand or petition to the principal office or place of business of the person to be served; or

(iii) depositing a duly executed copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such person at its principal office or place of business.

(I) PROOF OF SERVICE.—

(i) A verified return by the individual serving any civil investigative demand or any enforcement petition filed under this section setting forth the manner of such service shall be proof of such service.

(ii) In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand or enforcement petition.

(J) PRODUCTION OF DOCUMENTARY MATERIAL.—The production of documentary material in response to a civil investigative demand shall be made under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by any person having knowledge of the facts and circumstances relating to such production, to the effect that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the custodian.

(K) SUBMISSION OF TANGIBLE THINGS.—The submission of tangible things in response to a civil investigative demand shall be made

under a sworn certificate, in such form as the demand designates, by the person to whom the demand is directed or, if not a natural person, by any person having knowledge of the facts and circumstances relating to such production, to the effect that all of the tangible things required by the demand and in the possession, custody, or control of the person to whom the demand is directed have been submitted to the custodian.

(L) SEPARATE ANSWERS.—Each reporting requirement or question in a civil investigative demand shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for the objection shall be stated in lieu of an answer, and it shall be submitted under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by any person responsible for answering each reporting requirement or question, to the effect that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted.

(M) TESTIMONY.—

(i) PROCEDURE.—

(I) OATH AND RECORDATION.—Any consumer protection agency investigator before whom oral testimony is to be taken shall put the witness on oath or affirmation and shall personally, or by any individual acting under his direction and in his presence, record the testimony of the witness.

(II) TRANSCRIPTIONS.—The testimony shall be taken stenographically and transcribed.

(III) COPY TO CUSTODIAN.—After the testimony is fully transcribed, the consumer protection agency investigator before whom the testimony is taken shall promptly transmit a copy of the transcript of the testimony to the custodian.

(ii) PARTIES PRESENT.—Any consumer protection agency investigator before whom oral testimony is to be taken shall exclude from the place where the testimony is to be taken all other persons except the person giving the testimony, his or her attorney, the officer before whom the testimony is to be taken, and any stenographer taking such testimony.

(iii) LOCATION.—The oral testimony of any person taken pursuant to a civil investigative demand shall be taken in the judicial district of the United States in which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the consumer protection agency investigator before whom the oral testimony of such person is to be taken and such person.

(iv) ATTORNEY REPRESENTATION.—

(I) IN GENERAL.—Any person compelled to appear under a civil investigative demand for oral testimony pursuant to this section may be accompanied, represented, and advised by an attorney.

(II) CONFIDENTIAL ADVICE.—The attorney may advise the person summoned, in confidence, either upon the request of such person or upon the initiative of the attorney, with respect to any question asked of such person.

(III) OBJECTIONS.—The person summoned or the attorney may object on the record to any question, in whole or in part, and shall briefly state for the record the reason for the objection.

(IV) REFUSAL TO ANSWER.—An objection may properly be made, received, and entered upon the record when it is claimed that the person summoned is entitled to refuse to answer the question on grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination, but such person shall not otherwise object to or refuse to answer any question, and shall not otherwise interrupt the oral examination, directly or through such person's attorney.

(V) PETITION FOR ORDER.—If such person refuses to answer any question, a consumer protection agency may petition the district court of the United States pursuant to this section for an order compelling such person to answer such question.

(VI) BASIS FOR COMPELLING TESTIMONY.—If such person refuses to answer any question on grounds of the privilege against self-incrimination, the testimony of such person may be compelled in accordance with the provisions of section 6004 of title 18, United States Code.

(v) TRANSCRIPTS.—

(I) RIGHT TO EXAMINE.—After the testimony of any witness is fully transcribed, the consumer protection agency investigator shall afford the witness (who may be accompanied by an attorney) a reasonable opportunity to examine the transcript.

(II) READING THE TRANSCRIPT.—The transcript shall be read to or by the witness, unless such examination and reading are waived by the witness.

(III) REQUEST FOR CHANGES.—Any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the consumer protection agency investigator with a statement of the reasons given by the witness for making such changes.

(IV) SIGNATURE.—The transcript shall be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign.

(V) CONSUMER PROTECTION AGENCY ACTION IN LIEU OF SIGNATURE.—If the transcript is not signed by the witness during the 30-day period following the date upon which the witness is first afforded a reasonable opportunity to examine it, the consumer protection agency investigator shall sign the transcript and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with any reasons given for the failure to sign.

(vi) CERTIFICATION BY INVESTIGATOR.—The consumer protection agency investigator shall certify on the transcript that the witness was duly sworn by the investigator and that the transcript is a true record of the testimony given by the witness, and the consumer protection agency investigator shall promptly deliver the transcript or send it by registered or certified mail to the custodian.

(vii) COPY OF TRANSCRIPT.—The consumer protection agency investigator shall furnish a copy of the transcript (upon payment of reasonable charges for the transcript) to the witness only, except that the consumer protection agency may for good cause limit such witness to inspection of the official transcript of his testimony.

(viii) WITNESS FEES.—Any witness appearing for the taking of oral testimony pursuant to a civil investigative demand shall be entitled to the same fees and mileage which are paid to witnesses in the district courts of the United States.

(3) CONFIDENTIAL TREATMENT OF DEMAND MATERIAL.—

(A) IN GENERAL.—Materials received as a result of a civil investigative demand shall be subject to requirements and procedures regarding confidentiality, in accordance with regulations established by the consumer protection agency.

(B) DISCLOSURE TO CONGRESS.—No regulation established by a consumer protection agency regarding the confidentiality of materials submitted to, or otherwise obtained by, the consumer protection agency shall be intended to prevent disclosure to either House of Congress or to an appropriate committee of the Congress, except that the consumer protection agency may prescribe regulations allowing prior notice to any party that owns or otherwise provided the material to the consumer protection agency and has designated such material as confidential.

(4) PETITION FOR ENFORCEMENT.—

(A) IN GENERAL.—Whenever any person fails to comply with any civil investigative demand duly served upon such person under this section, or whenever satisfactory copying or reproduction of material requested pursuant to the demand cannot be accomplished and such person refuses to surrender such material, the consumer protection agency, through such officers or attorneys as it may designate, may file, in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person, a petition for an order of such court for the enforcement of this section.

(B) SERVICE OF PROCESS.—All process of any court to which application may be made as provided in this subsection may be served in any judicial district.

(5) PETITION FOR ORDER MODIFYING OR SETTING ASIDE DEMAND.—

(A) IN GENERAL.—Not later than 20 days after the service of any civil investigative demand upon any person under subsection (b), or at any time before the return date specified in the demand, whichever period is shorter, or within such period exceeding 20 days after service or in excess of such return date as may be prescribed in writing, subsequent to service, by any consumer protection agency investigator named in the demand, such person may file with the consumer protection agency a petition for an order by the consumer protection agency modifying or setting aside the demand.

(B) COMPLIANCE DURING PENDENCY.—The time permitted for compliance with the demand in whole or in part, as deemed proper and ordered by the consumer protection agency, shall not run during the pendency of such petition at the consumer protection agency, except that such person shall comply with any portions of the demand not sought to be modified or set aside.

(C) SPECIFIC GROUNDS.—Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of the demand to comply with the provisions of this section, or upon any constitutional or other legal right or privilege of such person.

(6) CUSTODIAL CONTROL.—At any time during which any custodian is in custody or control of any documentary material, tangible things, reports, answers to questions, or transcripts of oral testimony given by any person in compliance with any civil investigative demand, such person may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian, a petition for an order of such court requiring the performance by such custodian of any duty imposed upon such custodian by this section or regulation prescribed by the consumer protection agency.

(7) JURISDICTION OF COURT.—

(A) IN GENERAL.—Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section.

(B) APPEAL.—Any final order so entered shall be subject to appeal pursuant to section 1291 of title 28, United States Code.

(c) HEARINGS AND ADJUDICATION PROCEEDINGS.—

(1) IN GENERAL.—A consumer protection agency may conduct hearings and adjudication proceedings with respect to any person in the manner prescribed by chapter 5 of

title 5, United States Code in order to ensure or enforce compliance with—

(A) the provisions of this title, including any regulations prescribed by the consumer protection agency under this title; and

(B) any other Federal law that the consumer protection agency is authorized to enforce, including a consumer protection law, and any regulations or order prescribed thereunder, unless such Federal law specifically limits the consumer protection agency from conducting a hearing or adjudication proceeding and only to the extent of such limitation.

(2) SPECIAL RULES FOR CEASE-AND-DESIST PROCEEDINGS.—

(A) ISSUANCE.—

(i) NOTICE OF CHARGES.—If, in the opinion of a consumer protection agency, any covered person is engaging or has engaged in an activity that violates a law, regulation, or any condition imposed in writing on the person by the consumer protection agency, the consumer protection agency may issue and serve upon the person a notice of charges with respect to such violation.

(ii) CONTENTS OF NOTICE.—The notice shall contain a statement of the facts constituting any alleged violation and shall fix a time and place at which a hearing will be held to determine whether an order to cease-and-desist there from should issue against the person.

(iii) TIME OF HEARING.—A hearing under this subsection shall be fixed for a date not earlier than 30 days nor later than 60 days after service of such notice unless an earlier or a later date is set by the consumer protection agency at the request of any party so served.

(iv) NONAPPEARANCE DEEMED TO BE CONSENT TO ORDER.—Unless the party or parties so served shall appear at the hearing personally or by a duly authorized representative, they shall be deemed to have consented to the issuance of the cease-and-desist order.

(v) ISSUANCE OF ORDER.—In the event of such consent, or if upon the record made at any such hearing, the consumer protection agency shall find that any violation specified in the notice of charges has been established, the consumer protection agency may issue and serve upon the person an order to cease-and-desist from any such violation or practice.

(vi) INCLUDES REQUIREMENT FOR CORRECTIVE ACTION.—Such order may, by provisions which may be mandatory or otherwise, require the person to cease-and-desist from the same, and, further, to take affirmative action to correct the conditions resulting from any such violation.

(B) EFFECTIVENESS OF ORDER.—A cease-and-desist order shall take effect at the end of the 30-day period beginning on the date of the service of such order upon the covered person concerned (except in the case of a cease-and-desist order issued upon consent, which shall take effect at the time specified therein), and shall remain effective and enforceable as provided therein, except to such extent as it is stayed, modified, terminated, or set aside by action of the consumer protection agency or a reviewing court.

(C) DECISION AND APPEAL.—

(i) PLACE OF AND PROCEDURES FOR HEARING.—Any hearing provided for in this subsection shall be held in the Federal judicial district or in the territory in which the residence or home office of the person is located unless the person consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code.

(ii) TIME LIMIT FOR DECISION.—After such hearing, and within 90 days after the consumer protection agency has notified the parties that the case has been submitted to it for final decision, the consumer protection agency shall—

(I) render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue; and

(II) serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection.

(iii) MODIFICATION OF ORDER GENERALLY.—Unless a petition for review is timely filed in a court of appeals of the United States, as hereinafter provided in subparagraph (D), and thereafter until the record in the proceeding has been filed as so provided, the consumer protection agency may at any time, upon such notice and in such manner as it shall deem proper, modify, terminate, or set aside any such order.

(iv) MODIFICATION OF ORDER AFTER FILING RECORD ON APPEAL.—Upon such filing of the record, the consumer protection agency may modify, terminate, or set aside any such order with permission of the court.

(D) APPEAL TO COURT OF APPEALS.—

(i) IN GENERAL.—Any party to any proceeding under this subsection may obtain a review of any order served pursuant to this subsection (other than an order issued with the consent of the person concerned) by the filing in the court of appeals of the United States for the circuit in which the principal office of the covered person is located, or in the United States Court of Appeals for the District of Columbia Circuit, within 30 days after the date of service of such order, a written petition praying that the order of the consumer protection agency be modified, terminated, or set aside.

(ii) TRANSMITTAL OF COPY TO THE CONSUMER PROTECTION AGENCY.—A copy of such petition shall be forthwith transmitted by the clerk of the court to the consumer protection agency, and thereupon the consumer protection agency shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code.

(iii) JURISDICTION OF COURT.—Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall except as otherwise provided be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the consumer protection agency.

(iv) SCOPE OF REVIEW.—Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code.

(v) FINALITY.—The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

(E) NO STAY.—The commencement of proceedings for judicial review under subparagraph (D) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the agency.

(3) SPECIAL RULES FOR TEMPORARY CEASE-AND-DESIST PROCEEDINGS.—

(A) ISSUANCE.—

(i) IN GENERAL.—Whenever the consumer protection agency determines that the violation specified in the notice of charges served upon a person pursuant to paragraph (2), or the continuation thereof, is likely to cause the person to be insolvent or otherwise prejudice the interests of consumers before the completion of the proceedings conducted pursuant to paragraph (2), the consumer protection agency may issue a temporary order requiring the covered person to cease-and-desist from any such violation or practice and to take affirmative action to prevent or remedy such insolvency or other condition pending completion of such proceedings.

(ii) OTHER REQUIREMENTS.—Any temporary order issued under this paragraph may include any requirement authorized under this section.

(iii) EFFECT DATE OF ORDER.—Any temporary order issued under this paragraph shall take effect upon service upon the person and, unless set aside, limited, or suspended by a court in proceedings authorized by subparagraph (B), shall remain effective and enforceable pending the completion of the administrative proceedings pursuant to such notice and until such time as the consumer protection agency shall dismiss the charges specified in such notice, or if a cease-and-desist order is issued against the person, until the effective date of such order.

(B) APPEAL.—Within 10 days after the person concerned has been served with a temporary cease-and-desist order, the person may apply to the United States district court for the judicial district in which the home office of the covered person is located, or the United States District Court for the District of Columbia, for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order pending the completion of the administrative proceedings pursuant to the notice of charges served upon the person under paragraph (2), and such court shall have jurisdiction to issue such injunction.

(C) INCOMPLETE OR INACCURATE RECORDS.—

(i) TEMPORARY ORDER.—If a notice of charges served under paragraph (2) specifies, on the basis of particular facts and circumstances, that a person's books and records are so incomplete or inaccurate that the consumer protection agency is unable to determine the financial condition of that person or the details or purpose of any transaction or transactions that may have a material effect on the financial condition of that person, the consumer protection agency may issue a temporary order requiring—

(I) the cessation of any activity or practice which gave rise, whether in whole or in part, to the incomplete or inaccurate state of the books or records; or

(II) affirmative action to restore such books or records to a complete and accurate state, until the completion of the proceedings under paragraph(2)(A).

(ii) EFFECTIVE PERIOD.—Any temporary order issued under clause (i)—

(I) shall take effect upon service; and

(II) unless set aside, limited, or suspended by a court in proceedings under subparagraph (B), shall remain in effect and enforceable until the earlier of—

(aa) the completion of the proceeding initiated under paragraph (2) in connection with the notice of charges; or

(bb) the date the consumer protection agency determines, by examination or otherwise, that the person's books and records are accurate and reflect the financial condition of the person.

(4) SPECIAL RULES FOR ENFORCEMENT OF ORDERS.—

(A) IN GENERAL.—The consumer protection agency may in its discretion apply to the United States district court within the jurisdiction of which the principal office of the covered person is located, for the enforcement of any effective and outstanding notice or order issued under this section, and such court shall have jurisdiction and power to order and require compliance herewith.

(B) EXCEPTION.—Except as otherwise provided in this subsection, no court shall have jurisdiction to affect by injunction or otherwise the issuance or enforcement of any notice or order or to review, modify, suspend, terminate, or set aside any such notice or order.

(5) REGULATIONS.—The consumer protection agencies shall prescribe regulations establishing such procedures as may be necessary to carry out this section.

(d) LITIGATION AUTHORITY.—

(1) IN GENERAL.—If any person violates a provision of this title, any consumer protection law or any regulation prescribed or order issued by a consumer protection agency, the CFPS, or the Council under this title or pursuant to any such authority, a consumer protection agency may commence a civil action against such person to impose a civil penalty or to seek all appropriate legal or equitable relief including a permanent or temporary injunction as permitted by law.

(2) REPRESENTATION.—A consumer protection agency may act in its own name and through its own attorneys in enforcing any provision of this title, regulations under this title, or any other law or regulation, or in any action, suit, or proceeding to which the consumer protection agency is a party.

(3) COMPROMISE OF ACTIONS.—A consumer protection agency may compromise or settle any action if such compromise is approved by the court.

(4) NOTICE TO THE ATTORNEY GENERAL.—When commencing a civil action under this title, any consumer protection law or any regulation thereunder, a consumer protection agency shall notify the Attorney General.

(5) FORUM.—Any civil action brought under this title may be brought in a United States district court or in any court of competent jurisdiction of a State in a district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to enjoin such person and to require compliance with this title, any consumer protection law or any regulation prescribed or order issued by a consumer protection agency, the CFPS, or the Council under this title or pursuant to any such authority.

(6) TIME FOR BRINGING ACTION.—

(A) IN GENERAL.—Except as otherwise permitted by law, no action may be brought under this title more than 3 years after the violation to which an action relates.

(B) LIMITATIONS UNDER OTHER FEDERAL LAWS.—

(i) For purposes of this subsection, an action arising under this title shall not include claims arising solely under consumer protection laws.

(ii) In any action arising solely under a consumer protection law, a consumer protection agency may commence, defend, or intervene in the action in accordance with the requirements of that law, as applicable.

(e) RELIEF AVAILABLE.—

(1) ADMINISTRATIVE PROCEEDINGS OR COURT ACTIONS.—

(A) JURISDICTION.—The court (or consumer protection agency, as the case may be) in an action or adjudication proceeding brought under this title or any consumer protection law shall have jurisdiction to grant any appropriate legal or equitable relief with respect to a violation of this title or any consumer protection law, including a violation of a regulation prescribed or order issued under this title or any consumer protection law.

(B) RELIEF.—Such relief may include—

(i) rescission or reformation of contracts;

(ii) refund of moneys or return of real property;

(iii) restitution;

(iv) compensation for unjust enrichment;

(v) payment of damages;

(vi) public notification regarding the violation, including the costs of notification;

(vii) limits on the activities or functions of the person; and

(viii) civil money penalties, as set forth more fully in paragraph (4).

(C) NO EXEMPLARY OR PUNITIVE DAMAGES.—Nothing in this paragraph shall be construed as authorizing the imposition of exemplary or punitive damages.

(2) RECOVERY OF COSTS.—In any action brought by a consumer protection agency to enforce any provision of this title, any consumer protection law, or any regulation prescribed or order issued by a consumer protection agency, the CFPS, or the Council under this title or pursuant to any such authority, a consumer protection agency may recover its costs in connection with prosecuting such action if the consumer protection agency is the prevailing party in the action.

(3) CIVIL MONEY PENALTY IN COURT AND ADMINISTRATIVE ACTIONS.—

(A) Any person that violates any provision of this title, any consumer protection law, or any regulation prescribed or order issued by a consumer protection agency, the CFPS, or the Council under this title shall forfeit and pay a civil penalty pursuant to this paragraph determined as follows:

(i) FIRST TIER.—For any violation of a final order or condition imposed in writing by a consumer protection agency, a civil penalty shall not exceed $5,000 for each day during which such violation continues.

(ii) SECOND TIER.—Notwithstanding clause (i), for any person that knowingly violates this title, any consumer protection law, or any regulation prescribed or order issued by a consumer protection agency, the CFPS, or the Council under this title, a civil penalty shall not exceed $1,000,000 for each day during which such violation continues.

(B) MITIGATING FACTORS.—In determining the amount of any penalty assessed under subparagraph (A), the consumer protection agency or the court shall take into account the appropriateness of the penalty with respect to—

(i) the size of financial resources and good faith of the person charged;

(ii) the gravity of the violation;

(iii) the severity of the risks to or losses of the consumer, which may take into account the number of products or services sold or provided;

(iv) the history of previous violations; and

(v) such other matters as justice may require.

(C) AUTHORITY TO MODIFY OR REMIT PENALTY.—The consumer protection agency may compromise, modify, or remit any penalty which may be assessed or had already been assessed under subparagraph (A). The amount of such penalty, when finally determined, shall be exclusive of any sums owed by the person to the United States in connection with the costs of the proceeding, and may be deducted from any sums owing by the United States to the person charged.

(D) NOTICE AND HEARING.—No civil penalty may be assessed with respect to a violation of this title, any consumer protection law, or any regulation prescribed or order issued by a consumer protection agency, the CFPS, or the Council, unless—

(i) the consumer protection agency gives notice and an opportunity for a hearing to the person accused of the violation; or

(ii) the appropriate court has ordered such assessment and entered judgment in favor of the consumer protection agency.

(f) REFERRALS FOR CRIMINAL PROCEEDINGS.—Whenever a consumer protection agency obtains evidence that any person, either domestic or foreign, has engaged in conduct that may constitute a violation of Federal criminal law, the consumer protection agency shall have the power to transmit such evidence to the Attorney General, who may institute criminal proceedings under appropriate law. Nothing in this section affects any other authority of the consumer protection agency to disclose information.

(g) EMPLOYEE PROTECTION.—

(1) IN GENERAL.—No person shall terminate or in any other way discriminate against, or cause to be terminated or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has provided information to a consumer protection agency, the CFPS, or the Council, filed, instituted or caused to be filed or instituted any proceeding under this title, any consumer protection law, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this title.

(2) CONSUMER PROTECTION AGENCY REVIEW OF TERMINATION.—

(A) APPLICATION FOR REVIEW.—Any employee or representative of employees who believes that he has been terminated or otherwise discriminated against by any person in violation of paragraph (1) may, within 45 days after such alleged violated occurs, apply to a consumer protection agency for review of such termination or alleged discrimination.

(B) COPY TO RESPONDENT.—A copy of the application shall be sent to the person who is alleged to have terminated or otherwise discriminated against an employee, and such person shall be the respondent.

(C) INVESTIGATION.—Upon receipt of such application, the consumer protection agency shall cause such investigation to be made as the consumer protection agency deems appropriate.

(D) HEARING.—Any investigation under this paragraph shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation.

(E) NOTICE OF TIME AND PLACE FOR HEARING.—The parties shall be given written notice of the time and place of the hearing at least 5 days prior to the hearing.

(F) PROCEDURE.—Any hearing under this paragraph shall be of record and shall be subject to section 554 of title 5, United States Code.

(G) DETERMINATION.—

(i) IN GENERAL.—Upon receiving the report of such investigation, the consumer protection agency shall make findings of fact.

(ii) ISSUANCE OF DECISION.—If the consumer protection agency finds that there is sufficient evidence in the record to conclude that such a violation did occur, the consumer protection agency shall issue a decision, incorporating an order therein and the consumer protection agency's findings, requiring the party committing such violation to take such affirmative action to abate the violation as the consumer protection agency deems appropriate, including reinstating or rehiring the employee or representative of employees to the former position with compensation.

(iii) DENIAL OF APPLICATION.—If the consumer protection agency finds insufficient evidence to support the allegations made in the application, the consumer protection agency shall deny the application.

(H) JUDICIAL REVIEW.—An order issued by the consumer protection agency under this paragraph (2) shall be subject to judicial review in the same manner as orders and decisions are subject to judicial review under this title or any consumer protection law.

(3) COSTS AND EXPENSES.—Whenever an order is issued under this subsection to abate such violation, at the request of the applicant a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) determined by the consumer protection agency to have been reasonably incurred by the applicant for, or in connection with, the application and prosecution of such proceedings shall be assessed against the person committing such violation.

(4) EXCEPTION.—This subsection shall not apply to any employee who acting without discretion from the employer of such employee (or the employer's agent) deliberately violates any requirement of this title or any consumer protection law.

(h) EXCLUSION FOR PERSONS REGULATED BY A STATE INSURANCE REGULATOR.—

(1) IN GENERAL.—No provision of this title shall be construed as altering, amending, or affecting the authority of any State insurance regulator to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by any State insurance regulator. Except as provided in paragraphs (2) and (3), the Council and the CFPS shall have no authority to exercise any power to enforce this title with respect to a person regulated by any State insurance regulator.

(2) DESCRIPTION OF ACTIVITIES.—Paragraph (1) shall not apply to any person described in such paragraph to the extent such person is engaged in any financial activity described in any subparagraph of section 4018(15) or is otherwise subject to any of the enumerated consumer laws or the authorities transferred under section 4018(6).

(3) PRESERVATION OF CERTAIN AUTHORITIES.—Nothing in this title shall be construed as limiting the authority of the Council or the CFPS from exercising powers under this Act with respect to a person, other than a person regulated by a State insurance regulator, who provides a product or service for or on behalf of a person regulated by a State insurance regulator in connection with a financial activity.

SEC. 4016. COLLECTION OF DEPOSIT ACCOUNT DATA.

(a) PURPOSE.—The purpose of this section is to promote awareness and understanding of the access of individuals and communities to financial services, and to identify business and community development needs and opportunities.

(b) IN GENERAL.—

(1) RECORDS REQUIRED.—For each branch, automated teller machine at which deposits are accepted, and other deposit taking service facility with respect to any financial institution, the financial institution shall maintain records of the number and dollar amounts of deposit accounts of customers.

(2) GEO-CODED ADDRESSES OF DEPOSITORS.—The customers' addresses maintained pursuant to paragraph (1) shall be geo-coded so that data shall be collected regarding the census tracts of the residence or business location of the customers.

(3) IDENTIFICATION OF DEPOSITOR TYPE.—In maintaining records on any deposit account under this section, the financial institution shall also record whether the deposit account is for a residential or commercial customer.

(4) PUBLIC AVAILABILITY.—

(A) IN GENERAL.—The following information shall be publicly available on an annual basis—

(i) the address and census tracts of each branch, automated teller machine at which deposits are accepted, and other deposit taking service facility with respect to any financial institution;

(ii) the type of deposit account including whether the account was a checking or savings account; and

(iii) data on the number and dollar amounts of the accounts, presented by census tract location of the residential and commercial customers.

(B) PROTECTION OF IDENTITY.—In the publicly available data, any personally identifiable data element shall be removed so as to protect the identities of the commercial and residential customers.

(c) AVAILABILITY OF INFORMATION.—

(1) SUBMISSION TO AGENCIES.—The data required to be compiled and maintained under this section by any financial institution shall be submitted annually to the a Federal banking agency, in accordance with rules prescribed by the Federal banking agencies.

(2) AVAILABILITY OF INFORMATION.—Information compiled and maintained under this section shall be retained for not less than 3 years after the date of preparation and shall be made available to the public, upon request, in the form required under rules prescribed by the Federal banking agencies.

(d) FEDERAL BANKING AGENCY USE.—The Federal banking agencies—

(1) shall assess the distribution of residential and commercial accounts at such financial institution across income and minority level of census tracts; and

(2) may use the data for any other purpose as permitted by law.

(e) REGULATIONS AND GUIDANCE.—

(1) IN GENERAL.—The Federal banking agencies shall prescribe such regulations and issue guidance as may be necessary to carry out, enforce, and compile data pursuant to this section.

(2) DATA COMPILATION REGULATIONS.—The Federal banking agencies shall prescribe regulations regarding the provision of data compiled under this section to such agencies to carry out the purposes of this section and shall issue guidance to financial institutions regarding measures to facilitate compliance with the this section and the requirements of regulations prescribed under this section.

(f) DEFINITIONS.—For purposes of this section, and notwithstanding section 4018, the following definitions shall apply:

(1) CREDIT UNION.—The term ''credit union'' means a Federal credit union or a State-chartered credit union (as such terms are defined in section 101 of the Federal Credit Union Act).

(2) DEPOSIT ACCOUNT.—The term ''deposit account'' includes any checking account, savings account, credit union share account, and other type of account as defined by the consumer protection agencies.

(3) FEDERAL BANKING AGENCY.—The term ''Federal banking agency'' means the Board of Governors of the Federal Reserve System, the head of the agency responsible for chartering and regulating national banks, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration; and the term ''Federal banking agencies'' means all of those agencies.

(4) FINANCIAL INSTITUTION.—The term ''financial institution''—

(A) has the meaning given to the term ''insured depository institution'' in section 3(c)(2) of the Federal Deposit Insurance Act; and

(B) includes any credit union.

SEC. 4017. CONFIDENTIALITY.

The Council, the Financial Institutions Examination Council, the CFPS, and the consumer protection agencies shall each issue regulations regarding the confidential treatment of information obtained from persons in connection with the exercise of such entity's authorities under this title. Such regulations shall, to the extent practicable, mirror the provisions provided for the confidential treatment of financial records under the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401).

SEC. 4018. DEFINITIONS.

For purposes of this title:

(1) AFFILIATE.—The term ''affiliate'' means any person that controls, is controlled by, or is under common control with another person.

(2) BOARD OF GOVERNORS.—The term ''Board of Governors'' means the Board of Governors of the Federal Reserve System.

(3) CFPS.—The term ''CFPS'' means the Consumer Financial Protection Subcommittee established under section 4003.

(4) CONSUMER.—The term ''consumer'' means an individual or an agent, trustee, or representative acting on behalf of an individual.

(5) CONSUMER FINANCIAL PRODUCT OR SERVICE.—The term ''consumer financial product or service'' means any financial product or service to be used by a consumer primarily for personal, family, or household purposes.

(6) CONSUMER PROTECTION LAWS.—The term ''consumer protection laws'' means each of the following:

(A) The Alternative Mortgage Transaction Parity Act (12 U.S.C. 3801 et seq.).

(B) The Electronic Funds Transfer Act (15 U.S.C. 1693 et seq.)

(C) The Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.).

(D) The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), except with respect to sections 615(e), 624, and 628.

(E) The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.).

(F) Subsections (c), (d), (e), and (f) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

(G) Sections 502, 503, 504, 505, 506, 507, 508, and 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802 et seq.).

(H) The Home Mortgage Disclosure Act (12 U.S.C. 2801 et seq.).

(I) The Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.).

(J) The Secure and Fair Enforcement for Mortgage Licensing Act (12 U.S.C. 5101 et seq.).

(K) The Truth in Lending Act (15 U.S.C. 1601 et seq.).

(L) The Truth in Savings Act (12 U.S.C. 4301 et seq.).

(7) CONSUMER PROTECTION AGENCY.—Except as provided in section 4015, the term ''consumer protection agency'' means—

(A) the Federal Reserve System;

(B) the Office of the Comptroller of the Currency;

(C) the Office of Thrift Supervision;

(D) the Federal Deposit Insurance Corporation;

(E) the Federal Trade Commission;

(F) the National Credit Union Administration;

(G) the Department of the Treasury;

(H) the Department of Housing and Urban Development;

(I) the Securities and Exchange Commission; and

(J) the Commodity Futures Trading Commission.

(8) COUNCIL.—The term ''council'' means the Consumer Financial Protection Council established under section 2.

(9) COVERED PERSON.—

(A) IN GENERAL.—The term ''covered person'' means—

(i) any person who engages directly or indirectly in a financial activity, in connection with the provision of a consumer financial product or service; or

(ii) any person who, in connection with the provision of a consumer financial product or service, provides a material service to, or processes a transaction on behalf of, a person described in subparagraph (A).

(B) EXCEPTION.—The term ''covered person'' does not include a person regulated by a State insurance regulator.

(10) CREDIT.—The term ''credit'' means the right granted by a person to a consumer to defer payment of a debt, incur debt and defer its payment, or purchase property or services and defer payment for such purchase.

(11) CREDIT UNION.—The term ''credit union'' means a Federal credit union, State credit union, or State-chartered credit union as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(12) DEPOSIT.—The term ''deposit''—

(A) has the same meaning as in section 3(l) of the Federal Deposit Insurance Act; and

(B) includes a share in a member account (as defined in section 101(5) of the Federal Credit Union Act) at a credit union.

(13) DEPOSIT-TAKING ACTIVITY.—The term ''deposit-taking activity'' means—

(A) the acceptance of deposits, the provision of other services related to the acceptance of deposits, or the maintenance of deposit accounts;

(B) the acceptance of money, the provision of other services related to the acceptance of money, or the maintenance of members' share accounts by a credit union; or

(C) the receipt of money or its equivalent, as a consumer protection agency may determine by regulation or order, received or held by the covered person (or an agent for the person) for the purpose of facilitating a payment or transferring funds or value of funds by a consumer to a third party.

For the purposes of this title, the consumer protection agencies may determine that the term ''deposit-taking activity'' includes the receipt of money or its equivalent in connection with the sale or issuance of any payment instrument or stored value product or service.

(14) FEDERAL BANKING AGENCY.—The term ''Federal banking agency'' means the Board of Governors, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, or the National Credit Union Administration and the term ''Federal banking agencies'' means all of those agencies.

(15) FINANCIAL ACTIVITY.—The term ''financial activity'' means any of the following activities:

(A) Deposit-taking activities.

(B) Extending credit and servicing loans, including—

(i) acquiring, brokering, or servicing loans or other extensions of credit;

(ii) engaging in any other activity usual in connection with extending credit or servicing loans, including performing appraisals of real estate and personal property and selling or servicing credit insurance or mortgage insurance.

(C) Check-guaranty services, including—

(i) authorizing a subscribing merchant to accept personal checks tendered by the merchant's customers in payment for goods and services; and

(ii) purchasing from a subscribing merchant validly authorized checks that are subsequently dishonored.

(D) Collecting, analyzing, maintaining, and providing consumer report information or other account information by covered persons, including information relating to the credit history of consumers and providing the information to a credit grantor who is considering a consumer application for credit or who has extended credit to the borrower.

(E) Collection of debt related to any consumer financial product or service.

(F) Providing real estate settlement services, including providing title insurance.

(G) Leasing personal or real property or acting as agent, broker, or adviser in leasing such property if—

(i) the lease is on a non-operating basis;

(ii) the initial term of the lease is at least 90 days; and

(iii) in the case of leases involving real property, at the inception of the initial lease, the transaction is intended to result in ownership of the leased property to be transferred to the lessee, subject to standards prescribed by the consumer protection agencies.

(H) Acting as an investment adviser to any person (not subject to regulation by or required to register with the Commodity Futures Trading Commission or the Securities and Exchange Commission).

(I) Acting as financial adviser to any person, including—

(i) providing financial and other related advisory services;

(ii) providing educational courses, and instructional materials to consumers on individual financial management matters; or

(iii) providing credit counseling, tax-planning or tax-preparation services to any person.

(J) Financial data processing, including providing data processing and data transmission services, facilities (including data processing and data transmission hardware, software, documentation, or operating personnel), databases, advice, and access to such services, facilities, or databases by any technological means, if—

(i) the data to be processed or furnished are financial, banking, or economic; and

(ii) the hardware provided in connection therewith is offered only in conjunction with software designed and marketed for the processing and transmission of financial, banking, or economic data, and where the general purpose hardware does not constitute more than 30 percent of the cost of any packaged offering.

(K) Money transmitting.

(L) Sale or issuance of stored value.

(M) Acting as a money services business.

(N) Acting as a custodian of money or any financial instrument.

(O) Any other activity that the consumer protection agencies define, by regulation, as a financial activity for the purposes of this title.

(P) Except that the term ''financial activity'' shall not include the business of insurance.

(16) FINANCIAL PRODUCT OR SERVICE.—The term ''financial product or service'' means any product or service that, directly or indirectly, results from or is related to engaging in 1 or more financial activities.

(17) FOREIGN EXCHANGE.—The term ''foreign exchange'' means the exchange, for compensation, of currency of the United States or of a foreign government for currency of another government.

(18) INSURED DEPOSITORY INSTITUTION.—The term ''insured depository institution'' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(19) MONEY SERVICES BUSINESS.—The term ''money services business'' means a covered person that—

(A) receives currency, monetary value, or payment instruments for the purpose of exchanging or transmitting the same by any means, including transmission by wire, facsimile, electronic transfer, courier, the Internet, or through bill payment services, or other businesses that facilitate third-party transfers within the United States or to or from the United States; or

(B) issues payment instruments or stored value.

(20) MONEY TRANSMITTING.—The term ''money transmitting'' means the receipt by a covered person of currency, monetary value, or payment instruments for the purpose of transmitting the same to any third-party by any means, including transmission by wire, facsimile, electronic transfer, courier, the Internet, or through bill payment services.

(21) PAYMENT INSTRUMENT.—The term ''payment instrument'' means a check, draft, warrant, money order, traveler's check, electronic instrument, or other instrument, payment of money, or monetary value (other than currency).

(22) PERSON.—The term ''person'' means an individual, partnership, company, corporation, association (incorporated or unincorporated), trust, estate, cooperative organization, or other entity.

(23) PERSON REGULATED BY A STATE INSURANCE REGULATOR.—The term ''person regulated by a State insurance regulator'' means any person who is—

(A) engaged in the business of insurance; and

(B) subject to regulation by any State insurance regulator, but only to the extent that such person acts in such capacity.

(24) PERSON REGULATED BY THE COMMODITY FUTURES TRADING COMMISSION.—The term ''person regulated by the Commodity Futures Trading Commission'' means any futures commission merchant, commodity trading adviser, commodity pool operator, or introducing broker that is subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act, but only to the extent that the person acts in such capacity.

(25) PERSON REGULATED BY THE SECURITIES AND EXCHANGE COMMISSION.—The term ''person regulated by the Securities and Exchange Commission'' means—

(A) a broker or dealer that is required to be registered under the Securities Exchange Act of 1934;

(B) an investment adviser that is required to be registered under the Investment Advisers Act of 1940; or

(C) an investment company that is required to be registered under the Investment Company Act of 1940—

but only to the extent that the person acts in a registered capacity.

(26) PROVISION OF A CONSUMER FINANCIAL PRODUCT OR SERVICE.—The term ''provision of (or providing) a consumer financial product or service'' means the advertisement, marketing, solicitation, sale, disclosure, delivery, or account maintenance or servicing of a consumer financial product or service.

(27) RESIDENTIAL MORTGAGE LOAN.—The term ''residential mortgage loan'' shall have the meaning given such term in section 1503(8) of the Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

(28) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

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

(30) STORED VALUE.—The term ''stored value'' means funds or monetary value represented in any electronic format, whether or not specially encrypted, and stored or capable of storage on electronic media in such a way as to be retrievable and transferred electronically, and includes a prepaid debit card or product, or any other similar product, regardless of whether the amount of the funds or monetary value may be increased or reloaded.

SEC. 4019. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out this title.

It was decided in the negative ..... { Yeas ..... 208 / Nays 223

¶154.17 [Roll No. 965]

AYES—208

Aderholt	Blunt	Burton (IN)
Akin	Boehner	Buyer
Alexander	Bonner	Calvert
Austria	Bono Mack	Camp
Bachmann	Boozman	Campbell
Bachus	Boren	Cantor
Barrett (SC)	Boucher	Cao
Barrow	Boustany	Capito
Bartlett	Boyd	Carter
Barton (TX)	Brady (TX)	Cassidy
Berry	Bright	Castle
Biggert	Broun (GA)	Chaffetz
Bilbray	Brown (SC)	Chandler
Bilirakis	Brown-Waite, Ginny	Childers
Bishop (GA)	Buchanan	Coble
Bishop (UT)	Burgess	Coffman (CO)
Blackburn		Cole

Conaway
Costa
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
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)
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
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Ortiz
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—223

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boccieri
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
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
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
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
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
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
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
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—10

Baldwin
Bordallo
Lofgren, Zoe
Moran (VA)
Murtha
Norton
Pierluisi
Sessions
Slaughter
Young (AK)

So the amendment was not agreed to.
After some further time,

¶154.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute numbered 36, as modified, printed in House Report 111-370, submitted by Mr. BACHUS:

Strike all after the enacting clause and insert the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the ''Consumer and Taxpayer Protection Act of 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—NO MORE BAILOUTS ACT
Sec. 1001. Short title.
Sec. 1002. Amendments to title 28 of the United States Code.
Sec. 1003. Amendments to title 11 of the United States Code.
Sec. 1004. Effective date; application of amendments.
Sec. 1005. Reforms of section 13 emergency powers.
Sec. 1006. Establishment of Market Stability and Capital Adequacy Board.
Sec. 1007. Functions of Board.
Sec. 1008. Powers of Board.
Sec. 1009. Responsibilities of Federal functional regulators.
Sec. 1010. Staff of Board.
Sec. 1011. Compensation and travel expenses.
TITLE II—FINANCIAL INSTITUTIONS CONSUMER PROTECTION AND EXAMINATION COUNCIL
Sec. 2001. Short title.
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TITLE IV—OVER-THE-COUNTER DERIVATIVES MARKETS
Sec. 4001. Short title.
Subtitle A—Amendments to the Commodity Exchange Act
Sec. 4100. Definitions.
Sec. 4101. Swap repositories.
Sec. 4102. Margin for swaps between swaps dealers and major swap participants.
Sec. 4103. Segregation of assets held as collateral in swap transactions.
Subtitle B—Amendments to the Securities Exchange Act of 1934
Sec. 4201. Definitions.
Sec. 4202. Swap repositories.
Sec. 4203. Margin requirements.
Sec. 4204. Segregation of assets held as collateral in swap transactions.
Subtitle C—Common Provisions
Sec. 4301. Report to the congress.
Sec. 4302. Capital requirements.
Sec. 4303. Centralized clearing.
Sec. 4304. Definitions.
TITLE V—CORPORATE AND FINANCIAL INSTITUTION COMPENSATION FAIRNESS
Sec. 5001. Short title.
Sec. 5002. Shareholder vote on executive compensation.
Sec. 5003. Compensation committee independence.
TITLE VI—CREDIT RATING AGENCIES
Sec. 6001. Changes to designation.
Sec. 6002. Removal of statutory references to credit ratings.
Sec. 6003. Review of reliance on ratings.
TITLE VII—GOVERNMENT-SPONSORED ENTERPRISES REFORM
Sec. 7001. Short title.
Sec. 7002. Definitions.
Sec. 7003. Termination of current conservatorship.
Sec. 7004. Limitation of enterprise authority upon emergence from conservatorship.
Sec. 7005. Requirement to periodically renew charter until wind down and dissolution.
Sec. 7006. Required wind down of operations and dissolution of enterprise.
TITLE VIII—FEDERAL INSURANCE OFFICE
Sec. 8001. Short title.
Sec. 8002. Federal Insurance Office established.
Sec. 8003. Report on global reinsurance market.
Sec. 8004. Study on modernization and improvement of insurance regulation in the United States.

TITLE I—NO MORE BAILOUTS ACT

SEC. 1001. SHORT TITLE.

This title may be cited as the ''No More Bailouts Act of 2009''.

SEC. 1002. AMENDMENTS TO TITLE 28 OF THE UNITED STATES CODE.

Title 28 of the United States Code is amended—

(1) in section 1408 by striking ''section 1410'' and inserting ''sections 1409A and 1410'',

(2) by inserting after section 1409 the following:

"§ 1409A. Venue of cases involving non-bank financial institutions

''A case under chapter 14 may be commenced in the district court of the United States for the district—

''(1) in which the debtor has its principal place of business in the United States, principal assets in the United States, or in which there is pending a case under title 11 concerning the debtor's affiliate or subsidiary, if a Federal Reserve Bank is located in that district;

''(2) if venue does not exist under paragraph (1), in which there is a Federal Reserve Bank and in a Federal Reserve district in which the debtor has its principal place of business in the United States, principal assets in the United States, or in which there is pending a case under title 11 concerning the debtor's affiliate or subsidiary; or

''(3) if venue does not exist under paragraph (1) or (2), in which there is a Federal Reserve Bank and in a Federal circuit adjacent to the Federal circuit in which the debtor has its principal place of business or principal assets in the United States.'', and

(3) by amending the table of sections of chapter 87 of such title to insert after the item relating to section 1408 the following:

''1409A. Venue of cases involving non-bank financial institutions.''.

SEC. 1003. AMENDMENTS TO TITLE 11 OF THE UNITED STATES CODE.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (26) the following:

''(26A) The term 'functional regulator' means the Federal regulatory agency with the primary Federal regulatory authority over the debtor, such as an agency listed in section 509 of the Gramm-Leach-Bliley Act.'',

(2) by redesignating paragraphs (38A) and (38B) as paragraphs (38B) and (38C), respectively,

(3) by inserting after paragraph (38) the following:

''(38A) the term 'Market Stability and Capital Adequacy Board' means the entity established in section 1006 of the No More Bailouts Act of 2009.'', and

(4) by inserting after paragraph (40) the following:

''(40A) The term 'non-bank financial institution' means an institution the business of which is engaging in financial activities that is not an insured depository institution.''.

(b) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a) by striking ''13'' and inserting ''13, and 14'',

(2) by redesignating subsection (k) as subsection (l), and

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

''(k) Chapter 14 applies only in a case under such chapter.''.

(c) WHO MAY BE A DEBTOR.—Section 109 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2) by striking ''or'' at the end,

(B) in paragraph (3) by striking the period at the end and insert and inserting ''; or'', and

(C) by adding at the end the following:

''(4) a non-bank financial institution that has not been a debtor under chapter 14 of this title.'',

(2) in subsection (d) by striking ''or commodity broker'' and inserting '', commodity broker, or a non-bank financial institution'', and

(3) by adding at the end the following:

''(i) Only a non-bank financial institution may be a debtor under chapter 14 of this title.''.

(d) INVOLUNTARY CASES.—Section 303 of title 11, the United States Code, is amended—

(1) in subsection (a) by striking ''or 11'' and inserting '', 11, or 14'', and

(2) in subsection (b) by striking ''or 11'' and inserting '', 11, or 14''.

(e) OBTAINING CREDIT.—Section 364 of title 11, United States Code, is amended by adding at the end the following:

''(g) Notwithstanding any other provision of this section, the trustee may not, and the court may not authorize the trustee to, obtain credit, if the source of that credit either directly or indirectly is the United States.''.

(f) CHAPTER 14.—Title 11, United States Code, is amended—

(1) by inserting the following after chapter 13:

''CHAPTER 14—ADJUSTMENT TO THE DEBTS OF A NON-BANK FINANCIAL INSTITUTION

''1401. Inapplicability of other sections.
''1402. Applicability of chapter 11 to cases under this chapter.
''1403. Prepetition consultation.
''1404. Appointment of trustee.
''1405. Right to be heard.
''1406. Right to communicate.
''1407. Exemption with respect to certain contracts or agreements.
''1408. Conversion or dismissal.

''§ 1401. Inapplicability of other sections

''Except as provided in section 1407, sections 362(b)(6), 362(b)(7), 362(b)(17), 546(e), 546(f), 546(g), 555, 556, 559, 560, and 561 do not apply in a case under this chapter.

''§ 1402. Applicability of chapter 11 to cases under this chapter

''With the exception of sections 1104(d), 1109, 1112(a), 1115, and 1116, subchapters I, II, and III of chapter 11 apply in a case under this chapter.

''§ 1403. Prepetition consultation

''(a) Subject to subsection (b)—

''(1) a non-bank financial institution may not be a debtor under this chapter unless that institution has, at least 10 days prior to the date of the filing of the petition by such institution, taken part in the consultation described in subsection (c); and

''(2) a creditor may not commence an involuntary case under this chapter unless, at least 10 days prior to the date of the filing of the petition by such creditor, the creditor notifies the non-bank financial institution, the functional regulator, and the Market Stability and Capital Adequacy Board of its intent to file a petition and requests a consultation as described in subsection (c).

''(b) If the non-bank financial institution, the functional regulator, and the Market Stability and Capital Adequacy Board, in consultation with any agency charged with administering a nonbankruptcy insolvency regime for any component of the debtor, certify that the immediate filing of a petition under section 301 or 303 is necessary, or that an immediate filing would be in the interests of justice, a petition may be filed notwithstanding subsection (a).

''(c) The non-bank financial institution, the functional regulator, the Market Stability and Capital Adequacy Board, and any agency charged with administering a nonbankruptcy insolvency regime for any component of the debtor shall engage in prepetition consultation in order to attempt to avoid the need for the non-bank financial institution's liquidation or reorganization in bankruptcy, to make any liquidation or reorganization of the non-bank financial institution under this title more orderly, or to aid in the nonbankruptcy resolution of any of the non-bank financial institution's components under its nonbankruptcy insolvency regime. Such consultation shall specifically include the attempt to negotiate forbearance of claims between the non-bank financial institution and its creditors if such forbearance would likely help to avoid the commencement of a case under this title, would make any liquidation or reorganization under this title more orderly, or would aid in the nonbankruptcy resolution of any of the non-bank financial institution's components under its nonbankruptcy insolvency regime. Additionally, the consultation shall consider whether, if a petition is filed under section 301 or 303, the debtor should file a motion for an exemption authorized by section 1407.

''(d) The court may allow the consultation process to continue for 30 days after the petition, upon motion by the debtor or a creditor. Any post-petition consultation proceedings authorized should be facilitated by the court's mediation services, under seal, and exclude ex parte communications.

''(e) The Market Stability and Capital Adequacy Board and the functional regulator shall publish and transmit to Congress a report documenting the course of any consultation. Such report shall be published and transmitted to Congress within 30 days of the conclusion of the consultation.

''(f) Nothing in this section shall be interpreted to set aside any of the limitations on the use of Federal funds set forth in the No More Bailouts Act of 2009 or the amendments made by such Act.

''§ 1404. Appointment of trustee

''In applying section 1104 to a case under this chapter, if the court orders the appointment of a trustee or an examiner, if the trustee or an examiner dies or resigns during the case or is removed under section 324, or if a trustee fails to qualify under section 322, the functional regulator, in consultation with the Market Stability and Capital Adequacy Board, shall submit a list of five disinterested persons that are qualified and willing to serve as trustees in the case and the United States trustee shall appoint, subject to the court's approval, one of such persons to serve as trustee in the case.

''§ 1405. Right to be heard

''(a) The functional regulator, the Market Stability and Capital Adequacy Board, the Federal Reserve, the Department of the Treasury, the Securities and Exchange Commission, and any domestic or foreign agency charged with administering a nonbankruptcy insolvency regime for any component of the debtor may raise and may appear and be heard on any issue in a case under this chapter, but may not appeal from any judgment, order, or decree entered in the case.

''(b) A party in interest, including the debtor, the trustee, a creditors' committee, an equity security holders' committee, a creditor, an equity security holder, or any indenture trustee may raise, and may appear and be heard on, any issue in a case under this chapter.

''§ 1406. Right to communicate

''The court is entitled to communicate directly with, or to request information or assistance directly from, the functional regulator, the Market Stability and Capital Adequacy Board, the Board of Governors of the Federal Reserve System, the Department of the Treasury, or any agency charged with administering a nonbankruptcy insolvency regime for any component of the debtor, subject to the rights of a party in interest to notice and participation.

''§ 1407. Exemption with respect to certain contracts or agreements

''(a) Subject to subsection (b)—

''(1) upon motion of the debtor, consented to by the Market Stability and Capital Adequacy Board—

''(A) the debtor and the estate shall be exempt from the operation of sections 362(b)(6), 362(b)(7), 362(b)(17), 546(e), 546(f), 546(g), 555, 556, 559, 560, and 561;

''(B) if the Market Stability and Capital Adequacy Board consents to the filing of such motion by the debtor, the Board shall inform the court of its reasons for consenting; and

''(C) the debtor may limit its motion, or the board may limit its consent, to exempt the debtor and the estate from the operation of section 362(b)(6), 362(b)(7), 362(b)(17), 546(e), 546(f), 546(g), 555, 556, 559, 560, or 561, or any combination thereof; and

''(2) if the Market Stability and Capital Adequacy Board does not consent to the filing of a motion by the debtor under paragraph (1), the debtor may file a motion to exempt the debtor and the estate from the operation of sections 362(b)(6), 362(b)(7), 362(b)(17), 546(e), 546(f), 546(g), 555, 556, 559, 560, and 561, or any combination thereof.

''(b) The court shall commence a hearing on a motion under subsection (a) not later than 5 days after the filing of the motion to determine whether to maintain, terminate, annul, modify, or condition the exemption under subsection (a)(1) or, in the case of a motion under subsection (a)(2), grant the exemption. The court shall request the filing or briefs by the functional regulator and the Market Stability and Capital Adequacy Board. The court shall decide the motion not later than 5 days after commencing such hearing unless—

''(1) the parties in interest consent to a extension for a specific period of time; or

''(2) except with respect to an exemption from the operation of section 559, the court sua sponte extends for 5 additional days the period for decision if such extension would be in the interests of justice or is required by compelling circumstances.

''(c) The court shall maintain, terminate, annul, modify, or condition the exemption under subsection (a)(1), or, in the case of a motion under subsection (a)(2), grant the exemption only upon showing of good cause. In determining whether good cause has been shown, the court shall balance the interests of both debtor and creditors while attempting to preserve the debtor's assets for repayment and reorganization of the debtors obligations, or to provide for a more orderly liquidation.

''(d) For purposes of timing under section 562 of this title, if a motion is filed under subsection (a)(1) or if a motion is granted under subsection (a)(2), the date or dates of liquidation, termination, or acceleration shall be measured from the earlier of—

''(1) the actual date or dates of liquidation, termination, or acceleration; or

''(2) the date on which a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant files a notice with the court that it would have liquidated, terminated, or accelerated a contract or agreement covered by section 562 of this title had a stay under this section not been in place.

''§ 1408. Conversion or dismissal

''In applying section 1112 to a case under this chapter, the debtor may convert a case under this chapter to a case under chapter 7 of this title if the debtor may be a debtor under such chapter unless the debtor is not a debtor in possession.'', and

(2) by amending the table of chapters of such title by adding at the end the following:

''14. Adjustment to the Debts of a Non-Bank Financial Institution .. 1401''.

SEC. 1004. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this title.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to cases commenced under title 11 of the United States Code on or after the date of the enactment of this title.

SEC. 1005. REFORMS OF SECTION 13 EMERGENCY POWERS.

(a) RESTRICTIONS ON EMERGENCY POWERS.—The third undesignated paragraph of section 13 of the Federal Reserve Act is amended—

(1) by striking ''In unusual and exigent'' and inserting the following:

''(3) EMERGENCY AUTHORITY.—

''(A) IN GENERAL.—In unusual and exigent''; and

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

''(B) REQUIREMENT FOR BROAD AVAILABILITY OF DISCOUNTS.—Subject to the limitations provided under subparagraph (A), any authorization made pursuant to the authority provided under subparagraph (A) shall require discounts to be made broadly available to individuals, partnerships, and corporations within the market sector for which such authorization is being made.

''(C) TRANSPARENCY AND OVERSIGHT.—

''(i) SECRETARY OF THE TREASURY APPROVAL REQUIRED; NOTICE TO THE CONGRESS.—No authorization may be made pursuant to the authority provided under subparagraph (A) unless—

''(I) such authorization is first approved by the Secretary of the Treasury; and

''(II) the Secretary of the Treasury issues a notice to the Congress detailing what authorization the Secretary has approved.

''(ii) PROGRAMS MOVED ON-BUDGET AFTER 90 DAYS.—On and after the date that is 90 days after the date on which any authorization is made pursuant to the authority provided under subparagraph (A), all receipts and disbursements resulting from such authorization shall be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

''(I) the budget of the United States Government as submitted by the President;

''(II) the congressional budget; and

''(III) the Balanced Budget and Emergency Deficit Control Act of 1985.

''(D) JOINT RESOLUTION OF DISAPPROVAL.—

''(i) IN GENERAL.—With respect to an authorization made pursuant to the authority provided under subparagraph (A), if, during the 90-day period beginning on the date the Congress receives a notice described under subparagraph (C)(i)(II) with respect to such authorization, there is enacted into law a joint resolution disapproving such authorization, any action taken under such authorization must be discontinued and unwound not later than the end of the 180-day period beginning on the date that such authorization was made.

''(ii) CONTENTS OF JOINT RESOLUTION.—For the purpose of this paragraph, the term 'joint resolution' means only a joint resolution—

''(I) that is introduced not later than 3 calendar days after the date on which the notice referred to in clause (i) is received by the Congress;

''(II) which does not have a preamble;

''(III) the title of which is as follows: 'Joint resolution relating to the disapproval of authorization under the emergency powers of the Federal Reserve Act'; and

''(IV) the matter after the resolving clause of which is as follows: 'That Congress disapproves the authorization contained in the notice submitted to the Congress by the Secretary of the Treasury on the date of _____ relating to _____.' (The blank spaces being appropriately filled in.).

''(E) FAST TRACK CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

''(i) RECONVENING.—Upon receipt of a notice referred to in subparagraph (D)(i), the Speaker, if the House would otherwise be adjourned, shall notify the Members of the House that, pursuant to this section, the House shall convene not later than the second calendar day after receipt of such report.

''(ii) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House not later than 5 calendar days after the date of receipt of the notice referred to in subparagraph (D)(i). If a committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be referred to the appropriate calendar.

''(iii) PROCEEDING TO CONSIDERATION.—After each committee authorized to consider a joint resolution reports it to the House or has been discharged from its consideration, it shall be in order, not later than the sixth day after Congress receives the notice referred to in subparagraph (D)(i), to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(iv) CONSIDERATION.—The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except two hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

''(F) FAST TRACK CONSIDERATION IN SENATE.—

''(i) RECONVENING.—Upon receipt of a notice referred to in subparagraph (D)(i), if the Senate has adjourned or recessed for more than 2 days, the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate that, pursuant to this section, the Senate shall convene not later than the second calendar day after receipt of such message.

''(ii) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

''(iii) FLOOR CONSIDERATION.—

''(I) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time during the period beginning on the 4th day after the date on which Congress receives a notice referred to in subparagraph (D)(i) and ending on the 6th day after the date on which Congress receives a notice referred to in subparagraph (D)(i) (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

''(II) DEBATE.—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(III) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

''(IV) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

''(G) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

''(i) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

''(I) The joint resolution of the other House shall not be referred to a committee.

''(II) With respect to a joint resolution of the House receiving the resolution—

''(aa) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(bb) the vote on passage shall be on the joint resolution of the other House.

''(ii) TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.—If one House fails to introduce or consider a joint resolution under this section, the joint resolution of the other House shall be entitled to expedited floor procedures under this section.

''(iii) TREATMENT OF COMPANION MEASURES.—If, following passage of the joint resolution in the Senate, the Senate then receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

''(iv) VETOES.—If the President vetoes the joint resolution, debate on a veto message in the Senate under this section shall be 1 hour equally divided between the majority and minority leaders or their designees.

''(v) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subparagraph and subparagraphs (D), (E), and (F) are enacted by Congress—

''(I) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(II) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.''.

(b) CURRENT PROGRAMS MOVED ON-BUDGET.—Not later than 90 days after the date of the enactment of this title, all receipts and disbursements resulting from any authorization made before the date of the enactment of this title pursuant to the authority granted by the third undesignated paragraph of section 13 of the Federal Reserve Act shall be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President;

(2) the congressional budget; and

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1006. ESTABLISHMENT OF MARKET STABILITY AND CAPITAL ADEQUACY BOARD.

(a) IN GENERAL.—There is hereby established the Market Stability and Capital Adequacy Board (hereafter in this title referred to as the ''Board'') as an independent establishment in the Executive Branch.

(b) CONSTITUTION OF BOARD.—Subject to paragraph (4), the Board shall have 12 members as follows:

(1) PUBLIC MEMBERS.—The following shall be members of the Board—

(A) The Secretary of the Treasury.

(B) The Chairman of the Board of Governors of the Federal Reserve System.

(C) The Chairman of the Securities and Exchange Commission.

(D) The Chairperson of the Federal Deposit Insurance Corporation.

(E) The Chairman of the Commodity Futures Trading Commission.

(F) The Comptroller of the Currency.

(G) The Director of the Office of Thrift Supervision.

(2) PRIVATE MEMBERS.—The Board shall also have 5 members appointed by the President, by and with the advice and consent of the Senate, who shall be appointed from among individuals who—

(A) are specially qualified to serve on the Board by virtue of their education, training, and experience; and

(B) are not officers or employees of the Federal Government, including the Board of Governors of the Federal Reserve System.

(3) CHAIRPERSON.—The Secretary of the Treasury shall serve as the Chairperson of the Board.

(4) DIRECTOR OF FHFA AS INTERIM MEMBER.—Until such time as the charters of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation are both repealed pursuant to section 7006(d), the Board shall consist of 13 members with the Director of the Federal Housing Finance Agency serving as a public member under paragraph (1).

(c) APPOINTMENTS.—

(1) TERM.—

(A) IN GENERAL.—Each appointed member shall be appointed for a term of 5 years.

(B) STAGGERED TERMS.—Of the members of the Board first appointed under subsection (b)(2), as designated by the President at the time of appointment—

(i) 1 shall be appointed for a term of 5 years;

(ii) 1 shall be appointed for a term of 4 years;

(iii) 1 shall be appointed for a term of 3 years;

(iv) 1 shall be appointed for a term of 2 years; and

(v) 1 shall be appointed for a term of 1 year.

(2) INTERIM APPOINTMENTS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

(3) CONTINUATION OF SERVICE.—Each appointed member may continue to serve after the expiration of the term of office to which such member was appointed until a successor has been appointed and qualified.

(4) REAPPOINTMENT TO A 2ND TERM.—Each member appointed to a term on the Board under subsection (b)(2), including an interim appointment under paragraph (2), may be reappointed by the President to serve 1 additional term.

(d) VACANCY.—

(1) IN GENERAL.—Any vacancy on the Board shall be filled in the manner in which the original appointment was made.

(2) ACTING OFFICIALS MAY SERVE.—In the event of a vacancy in any position listed in subsection (b)(1) and pending the appointment of a successor, or during the absence or disability of the individual serving in such position, any acting official in such position shall be a member of the Board while such vacancy, absence or disability continues and the acting official continues acting in such position.

(e) INELIGIBILITY FOR OTHER OFFICES.—

(1) POSTSERVICE RESTRICTION.—No member of the Board may hold any office, position, or employment in any financial institution or affiliate of a financial institution during—

(A) the time such member is in office; and

(B) the 2-year period beginning on the date such member ceases to serve on the Board.

(2) CERTIFICATION.—Upon taking office, each member of the Board shall certify under oath that such member has complied with this subsection and such certification shall be filed with the secretary of the Board.

(f) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 3 members of the Board appointed under subsection (b)(2) shall be from the same political party.

(2) QUALIFICATIONS GENERALLY.—It is the sense of the Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience commensurate with the duties of the Board.

(3) SPECIFIC APPOINTMENT QUALIFICATIONS FOR CERTAIN APPOINTED MEMBERS.—

(A) STATE BANK.—Of the members appointed to the Board under subsection (b)(2), at least 1 shall be appointed from among individuals who have had experience as a State bank supervisor or senior management executive with a State depository institution.

(B) INSURANCE COMMISSIONER.—Of the members appointed to the Board under subsection (b)(2), at least 1 shall be appointed from among individuals who have served as a State insurance commissioner or supervisor.

(4) INITIAL MEETING.—The Board shall meet and begin the operations of the Board as soon as practicable but not later than the end of the 180-day period beginning the date of the enactment of this title.

(g) QUORUM.—Four of the members of the Board designated under subsection (b)(1) and 3 members of the Board appointed under (b)(2) shall constitute a quorum.

(h) QUARTERLY MEETINGS.—The Board shall meet upon the call of the chairperson or a majority of the members at least once in each calendar quarter

SEC. 1007. FUNCTIONS OF BOARD.

(a) PRINCIPAL FUNCTIONS.—The principal functions of the Board shall be to—

(1) monitor the interactions of various sectors of the financial system; and

(2) identify risks that could endanger the stability and soundness of the system.

(b) SPECIFIC REVIEW FUNCTIONS INCLUDED.—In carrying out the functions described in subsection (a), the Board shall—

(1) review financial industry data collected from the appropriate functional regulators;

(2) review insurance industry data, in coordination with State insurance supervisors, for all lines of insurance other than health insurance;

(3) monitor government policies and initiatives;

(4) review risk management practices within financial regulatory agencies;

(5) review capital standards set by the appropriate functional regulators and make recommendations to ensure capital and leverage ratios match risks regulated entities are taking on;

(6) review transparency and regulatory understanding of risk exposures in the over-the-counter derivatives markets and make recommendations regarding the appropriate clearing of trades in those markets through central counterparties;

(7) make recommendations regarding any government or industry policies and practices that are exacerbating systemic risk; and

(8) take such other actions and make such other recommendations as the Board, in the discretion of the Board, determines to be appropriate.

(c) REPORTS TO FEDERAL FUNCTIONAL REGULATORS AND THE CONGRESS.—The Board shall periodically make a report to the Congress and the functional regulators on the findings, conclusions, and recommendations of the Board in a manner and within a time frame that allows the Congress and such regulators to act to contain risks posed by specific firms, industry practices, activities and interactions of entities under different regulatory regimes, or government policies.

(d) TESTIMONY TO CONGRESS.—Not later than February 20 and July 20 of each year, the Chairperson of the Board shall testify to the Congress at semiannual hearings before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, about the state of systemic risk in the financial services industry and proposals or recommendations by the Board to address any undue risk.

(e) RULE OF CONSTRUCTION.—No provision of this title shall be construed as giving the Board any enforcement authority over any financial institution.

SEC. 1008. POWERS OF BOARD.

(a) CONTRACTING.—The Board may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Board to discharge its duties under this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Board may secure directly from any executive department, agency, or independent establishment, or any other instrumentality of the United States information and recommendations for the purposes of this title.

(2) DELIVERY OF REQUESTED INFORMATION.—Each executive department, agency, or independent establishment, or any other instrumentality of the United States shall, to the extent authorized by law, furnish any information and recommendations requested under paragraph (1) directly to the Board, upon request made by the chairperson or any member designated by a majority of the Commission.

(3) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Board and its staff consistent with all applicable statutes, regulations, and Executive orders.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Board on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law, including agencies represented on the Board under section 1006(b)(1).

SEC. 1009. RESPONSIBILITIES OF FEDERAL FUNCTIONAL REGULATORS.

(a) FEDERAL FUNCTIONAL REGULATOR DEFINED.—For purposes of this title, the term ''Federal functional regulator'' has the same meaning as in section 509(2) of the Gramm-Leach-Bliley Act, except that such term includes the Commodity Futures Trading Commission.

(b) ASSESSMENTS AND REVIEWS.—In order to address current regulatory gaps, each Federal functional regulator shall, before each quarterly meeting of the Board—

(1) assess the effects on macroeconomic stability of the activities of financial institutions that are subject to the jurisdiction of such agency;

(2) review how such financial institutions interact with entities outside the jurisdiction of such agency; and

(3) report the results of such assessment and review to the Board, together with such recommendations for administrative action as the agency determines to be appropriate.

SEC. 1010. STAFF OF BOARD.

(a) APPOINTMENT AND COMPENSATION.—The chairperson, in accordance with rules agreed upon by the Board and title 5, United States Code, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Board to carry out its functions.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Board and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Board may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 1011. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Board appointed under section 1006(b)(2) may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

At the end of title I, add the following new section:

SEC. 1012. GAO AUDIT OF THE FEDERAL RESERVE.

Section 714 of title 31, United States Code, is amended—

(1) in subsection (b), by striking all after ''has consented in writing.'' and inserting the following: ''Audits of the Federal Reserve Board and Federal reserve banks shall not include unreleased transcripts or minutes of meetings of the Board of Governors or of the Federal Open Market Committee. To the extent that an audit deals with individual market actions, records related to such actions shall only be released by the Comptroller General after 180 days have elapsed following the effective date of such actions.'';

(2) in subsection (c)(1), in the first sentence, by striking ''subsection,'' and inserting ''subsection or in the audits or audit reports referring or relating to the Federal Reserve Board or Reserve Banks,''; and

(3) by adding at the end the following:

''(f) AUDIT AND REPORT OF THE FEDERAL RESERVE SYSTEM.—

''(1) IN GENERAL.—An audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) shall be completed within 12 months of the enactment of the Consumer and Taxpayer Protection Act of 2009.

''(2) REPORT.—

''(A) REQUIRED.—A report on the audit referred to in paragraph (1) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to—

''(i) the Speaker of the House of Representatives;

''(ii) the majority and minority leaders of the House of Representatives;

''(iii) the majority and minority leaders of the Senate;

''(iv) the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate; and

''(v) any other Member of Congress who requests it.

''(B) CONTENTS.—The report under subparagraph (A) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed—

''(A) as interference in or dictation of monetary policy to the Federal Reserve System by the Congress or the Government Accountability Office; or

''(B) to limit the ability of the Government Accountability Office to perform additional audits of the Board of Governors of the Federal Reserve System or of the Federal reserve banks.''.

TITLE II—FINANCIAL INSTITUTIONS CONSUMER PROTECTION AND EXAMINATION COUNCIL

SEC. 2001. SHORT TITLE.

This title may be cited as the ''Financial Institutions Consumer Protection and Examination Council Act of 2009''.

SEC. 2002. DEFINITIONS.

(a) RENAMING COUNCIL.—The Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3301 et seq.) is amended by striking ''Financial Institutions Examination Council'' each place it appears, except for in section 1001 of such Act, and inserting ''Financial Institutions Consumer Protection and Examination Council''.

(b) DEFINITIONS RELATING TO CONSUMER PROTECTION.—Section 1003 of such Act (12 U.S.C. 3302) is amended—

(1) in paragraph (2), by striking ''and''; and

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

''(4) the term 'enumerated consumer laws' means—

''(A) the Alternative Mortgage Transaction Parity Act (12 U.S.C. 3801 et seq.);

''(B) the Community Reinvestment Act;

''(C) the Consumer Leasing Act;

''(D) the Electronic Funds Transfer Act (15 U.S.C. 1693 et seq.);

''(E) the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.);

''(F) the Fair Credit Billing Act;

''(G) the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);

''(H) the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.);

''(I) subsections (c), (d), (e), and (f) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t);

''(J) sections 502, 503, 504, 505, 506, 507, 508, and 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802 et seq.);

''(K) the Home Mortgage Disclosure Act (12 U.S.C. 2801 et seq.);

''(L) the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.);

''(M) the Secure and Fair Enforcement for Mortgage Licensing Act (12 U.S.C. 5101 et seq.);

''(N) the Truth in Lending Act (15 U.S.C. 1601 et seq.);

''(O) the Truth in Savings Act (12 U.S.C. 4301 et seq.); and

''(5) the term 'expanded Board' means——

''(A) the members of the Council described under section 1004(a);

''(B) the Secretary of Housing and Urban Development;

''(C) the Chairman of the Securities and Exchange Commission;

''(D) the Chairman of the Commodities Futures Trading Commission;

''(E) the Chairman of the Federal Trade Commission;

''(F) the Director of the Federal Housing Finance Agency;

''(G) the Director of the Pension Benefit Guarantee Corporation;

''(H) the Secretary of the Treasury;

''(I) the Secretary of Defense; and

''(J) the Secretary of Veterans' Affairs.''.

(c) DEFINITIONS RELATED TO THE STATE LIAISON COMMITTEE.—Section 1007 of such Act (12 U.S.C. 3306) is amended by inserting after ''financial institutions'' the following: ''and one representative of the National Association of Insurance Commissioners''.

SEC. 2003. FINANCIAL INSTITUTIONS CONSUMER PROTECTION AND EXAMINATION COUNCIL.

(a) CONSUMER PROTECTION DUTIES.—Section 1006 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3305) is amended by adding at the end the following new subsection:

''(h) CONSUMER PROTECTION REGULATIONS.—

''(1) IN GENERAL.—The Council shall study the need for revised or new regulations for the protection of consumers under the enumerated consumer laws and shall vote on suggested model regulations that the Council determines necessary for the protection of consumers under the enumerated consumer laws.

''(2) REGULATIONS ISSUED BY COUNCIL MEMBERS.—Not later than the end of the 1-month period beginning on the date a suggested model regulation is agreed to by the Council by a majority vote of the members of the Council, the members of the Council, other than the Chairman of the State Liaison Committee, shall jointly issue regulations based on such suggested model regulation, where applicable.

''(3) EXPANDED BOARD REQUIRED.—For purposes of any action taken pursuant to this subsection and any reference to the members of the Council under this subsection, the Council shall consist of the expanded Board.

''(4) NO COUNCIL ENFORCEMENT POWER.—No provision of this subsection shall be construed as conferring any enforcement authority to the Council.

''(5) REQUIREMENTS FOR REGULATIONS PROPOSED BY THE CHAIRMAN OF THE STATE LIAISON COMMITTEE.—

''(A) IN GENERAL.—The Chairman of the State Liaison Committee may not propose any suggested model regulation for the Council to vote on under this subsection unless such proposed suggested model regulation is accompanied by a certification from the Chairman of the State Liaison Committee stating that more than half of the States support such proposal.

''(B) METHOD OF DETERMINATION.—For purposes of this paragraph, the Chairman of the State Liaison Committee shall determine the method for determining if a State supports a proposal.''.

(b) ADDITIONAL STAFF.—Section 1008 of such Act (12 U.S.C. 3307) is amended by adding at the end the following new subsection:

''(d) CONSUMER PROTECTION STAFF.—

''(1) IN GENERAL.—At the request of the Council, any member of the expanded Board, other than the Chairman of the State Liaison Committee, may detail, on a reimbursable basis, any of the personnel of that member's department or agency to the Council to assist it in carrying out the Council's duties under subsection (h).

''(2) EXPANDED BOARD REQUIRED.—When making any request under this subsection, the Council shall consist of the expanded Board.''.

SEC. 2004. OFFICE OF CONSUMER PROTECTION.

The Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3301 et seq.) is amended by adding at the end the following new section:

''SEC. 1012. OFFICE OF CONSUMER PROTECTION.

''(a) OFFICE OF CONSUMER PROTECTION.—There is hereby established within the Council an Office of Consumer Protection (hereinafter in this section referred to as the 'Office').

''(b) CONSUMER COMPLAINT HOTLINE AND WEBSITE.—The Office shall establish a toll-free hotline and a website for consumers to contact regarding inquiries or complaints related to consumer protection. Such hotline and website shall then refer such inquiries or complaints to the appropriate Council member, which will then respond to the inquiry or complaint.

''(c) DISCLOSURE REVIEW.—Not less often than once every 7 years, the Office shall undertake a comprehensive review of the rules and regulations regarding disclosures made by entities under the jurisdiction of the members of the Council to consumers. In making such review the Office shall perform a cost and benefit analysis of each such disclosure and determine if the policy of the members of the Council towards such disclosure should remain the same or be revised.

''(d) CONSUMER TESTING REQUIREMENT.—Before prescribing any regulation pursuant to section 1006(h), the Council shall have the Office carry out consumer testing with respect to such proposed model regulation.

''(e) PERIODIC REVIEW OF REGULATIONS.—

''(1) REVIEW.—Not less than once every 7 years, the Office shall undertake a comprehensive review of all regulations issued by the members of the Council pursuant to section 1006(h)(2). In making such review, the Office shall perform a cost and benefit analysis of each regulation and determine if such regulation should remain the same or if such regulation should be revised.

''(2) REPORT.—After performing a review required by paragraph (1), the Office shall issue a report to the Congress describing the review process, any determinations made by the Office, and any revisions to regulations that the Office determined were needed.''.

SEC. 2005. STATE ENFORCEMENT AUTHORITY.

(a) ENFORCEMENT OF COUNCIL REGULATIONS.—The Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3301 et seq.), as amended by section 2004, is further amended by adding at the end the following new section:

''SEC. 1013. STATE ENFORCEMENT AUTHORITY.

''The chief law enforcement officer of a State, or an official or agency designated by a State, shall have the authority to enforce any regulations issued by the members of the Council pursuant to section 1006(h)(2) against entities regulated by such State.''.

(b) ENFORCEMENT OF STATE CONSUMER PROTECTION LAWS AGAINST NATIONAL BANKS AND THRIFTS.—Notwithstanding any other provision of law, other than section 5240 of the Revised Statutes and the comparable limitation on visitorial authority applicable to federal savings associations, the chief law enforcement officer of a State, or an official or agency designated by a State, shall have the right to enforce such State's non-preempted consumer protection laws against national banks.

SEC. 2006. UNFAIR OR DECEPTIVE ACTS OR PRACTICES AUTHORITY TRANSFERRED.

Section 18(f)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(1)) is amended—

(1) by striking ''(with respect to banks) and the Federal Home Loan Bank Board (with respect to savings and loan institutions described in paragraph (3))'' and inserting the following: ''(with respect to entities described in paragraph (2)(B)), the Comptroller of the Currency (with respect to entities described in paragraph (2)(A)), the Board of Directors of the Federal Deposit Insurance Corporation (with respect to entities described under paragraph (2)(C)), the Director of the Office of Thrift Supervision (with respect to savings associations or any savings and loan institutions described in paragraph (3)),'';

(2) by striking ''each such Board'' and inserting ''each such entity''; and

(3) by striking ''any such Board'' and inserting ''any such entity''.

SEC. 2007. EQUALITY OF CONSUMER PROTECTION FUNCTIONS; CONSUMER PROTECTION DIVISIONS.

(a) EQUALITY OF CONSUMER PROTECTION FUNCTIONS.—With respect to each regulatory agency, the functions of such agency related to consumer protection shall be of equal importance to such agency as the other functions of such agency.

(b) CONSUMER PROTECTION DIVISIONS.—

(1) IN GENERAL.—There is hereby established within each regulatory agency a consumer protection division.

(2) REPORT.—The head of each consumer protection division established under paragraph (1) shall submit an annual report to the Congress detailing the performance of the regulatory agency in which such division is located in enforcing the consumer protection laws.

(c) REGULATORY AGENCY DEFINED.—For purposes of this section, the term ''regulatory agency'' means the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, the National Credit Union Administration, the Federal Trade Commission, and the Department of Housing and Urban Development.

SEC. 2008. PROHIBITION ON CHARTER CONVERSIONS WHILE UNDER REGULATORY SANCTION.

With respect to an entity for which there is an appropriate Federal banking agency, as such term is defined under section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), such agency shall issue regulations prohibiting such an entity from converting the type of such entity's charter during any time in which such entity is under a regulatory sanction by such agency.

TITLE III—ANTI-FRAUD PROVISIONS

SEC. 3001. AUTHORITY TO IMPOSE CIVIL PENALTIES IN CEASE AND DESIST PROCEEDINGS.

(a) UNDER THE SECURITIES ACT OF 1933.—Section 8A of the Securities Act of 1933 (15 U.S.C. 77h–1) is amended by adding at the end the following new subsection:

''(g) AUTHORITY TO IMPOSE MONEY PENALTIES.—

''(1) GROUNDS FOR IMPOSING.—In any cease-and-desist proceeding under subsection (a), the Commission may impose a civil penalty on a person if it finds, on the record after notice and opportunity for hearing, that—

''(A) such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation thereunder; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder; and

''(B) such penalty is in the public interest.

''(2) MAXIMUM AMOUNT OF PENALTY.—

''(A) FIRST TIER.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $6,500 for a natural person or $65,000 for any other person.

''(B) SECOND TIER.—Notwithstanding paragraph (A), the maximum amount of penalty for each such act or omission shall be $65,000 for a natural person or $325,000 for any other person if the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement.

''(C) THIRD TIER.—Notwithstanding paragraphs (A) and (B), the maximum amount of penalty for each such act or omission shall be $130,000 for a natural person or $650,000 for any other person if—

''(i) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(ii) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.

''(3) EVIDENCE CONCERNING ABILITY TO PAY.—In any proceeding in which the Commission may impose a penalty under this section, a respondent may present evidence of the respondent's ability to pay such penalty. The Commission may, in its discretion, consider such evidence in determining whether such penalty is in the public interest. Such evidence may relate to the extent of such person's ability to continue in business and the collectability of a penalty, taking into account any other claims of the United States or third parties upon such person's assets and the amount of such person's assets.''.

(b) UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Subsection (a) of section 21B of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(a)) is amended—

(1) by striking ''(a) COMMISSION AUTHORITY TO ASSESS MONEY PENALTIES.—In any proceeding'' and inserting the following:

''(a) COMMISSION AUTHORITY TO ASSESS MONEY PENALTIES.—

''(1) IN GENERAL.—In any proceeding'';

(2) by redesignating paragraphs (1) through (4) of such subsection as subparagraphs (A) through (D), respectively and moving such redesignated subparagraphs and the matter following such subparagraphs 2 ems to the right; and

(3) by adding at the end of such subsection the following new paragraph:

''(2) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to section 21C of this title against any person, the Commission may impose a civil penalty if it finds, on the record after notice and opportunity for hearing, that such person—

''(A) is violating or has violated any provision of this title, or any rule or regulation thereunder; or

''(B) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder.''.

(c) UNDER THE INVESTMENT COMPANY ACT OF 1940.—Paragraph (1) of section 9(d) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(1)) is amended—

(1) by striking ''(1) AUTHORITY OF COMMISSION.—In any proceeding'' and inserting the following:

''(1) AUTHORITY OF COMMISSION.—

''(A) IN GENERAL.—In any proceeding'';

(2) by redesignating subparagraphs (A) through (C) of such paragraph as clauses (i) through (iii), respectively and by moving such redesignated clauses and the matter following such subparagraphs 2 ems to the right; and

(3) by adding at the end of such paragraph the following new subparagraph:

''(B) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to subsection (f) against any person, the Commission may impose a civil penalty if it finds, on the record after notice and opportunity for hearing, that such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation thereunder; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder.''.

(d) UNDER THE INVESTMENT ADVISERS ACT OF 1940.—Paragraph (1) of section 203(i) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(i)(1)) is amended—

(1) by striking ''(1) AUTHORITY OF COMMISSION.—In any proceeding'' and inserting the following:

''(1) AUTHORITY OF COMMISSION.—

''(A) IN GENERAL.—In any proceeding'';

(2) by redesignating subparagraphs (A) through (D) of such paragraph as clauses (i) through (iv), respectively and moving such redesignated clauses and the matter following such subparagraphs 2 ems to the right; and

(3) by adding at the end of such paragraph the following new subparagraph:

''(B) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to subsection (k) against any person, the Commission may impose a civil penalty if it finds, on the record after notice and opportunity for hearing, that such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation thereunder; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder.''.

SEC. 3002. FORMERLY ASSOCIATED PERSONS.

(a) MEMBER OR EMPLOYEE OF THE MUNICIPAL SECURITIES RULEMAKING BOARD.—Section 15B(c)(8) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)(8)) is amended by striking ''any member or employee'' and inserting ''any person who is, or at the time of the alleged misconduct was, a member or employee''.

(b) PERSON ASSOCIATED WITH A GOVERNMENT SECURITIES BROKER OR DEALER.—Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5) is amended—

(1) in subsection (c)(1)(C), by striking ''or seeking to become associated,'' and inserting ''seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'';

(2) in subsection (c)(2)(A), by inserting '', seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'' after ''any person associated''; and

(3) in subsection (c)(2)(B), by inserting '', seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'' after ''any person associated''.

(c) PERSON ASSOCIATED WITH A MEMBER OF A NATIONAL SECURITIES EXCHANGE OR REGISTERED SECURITIES ASSOCIATION.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by inserting '', or, as to any act or practice, or omission to act, while associated with a member, formerly associated'' after ''member or a person associated''.

(d) PARTICIPANT OF A REGISTERED CLEARING AGENCY.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by inserting ''or, as to any act or practice, or omission to act, while a participant, was a participant,'' after ''in which such person is a participant,''.

(e) OFFICER OR DIRECTOR OF A SELF-REGULATORY ORGANIZATION.—Section 19(h)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(h)(4)) is amended—

(1) by striking ''any officer or director'' and inserting ''any person who is, or at the time of the alleged misconduct was, an officer or director''; and

(2) by striking ''such officer or director'' and inserting ''such person''.

(f) OFFICER OR DIRECTOR OF AN INVESTMENT COMPANY.—Section 36(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–35(a)) is amended—

(1) by striking ''a person serving or acting'' and inserting ''a person who is, or at the time of the alleged misconduct was, serving or acting''; and

(2) by striking ''such person so serves or acts'' and inserting ''such person so serves or acts, or at the time of the alleged misconduct, so served or acted''.

(g) PERSON ASSOCIATED WITH A PUBLIC ACCOUNTING FIRM.—

(1) SARBANES-OXLEY ACT OF 2002 AMENDMENT.—Section 2(a)(9) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(9)) is amended by adding at the end the following new subparagraph:

''(C) INVESTIGATIVE AND ENFORCEMENT AUTHORITY.—For purposes of the provisions of sections 3(c), 101(c), 105, and 107(c) and Board or Commission rules thereunder, except to the extent specifically excepted by such rules, the terms defined in subparagraph (A) shall include any person associated, seeking to become associated, or formerly associated with a public accounting firm, except—

''(i) the authority to conduct an investigation of such person under section 105(b) shall apply only with respect to any act or practice, or omission to act, while such person was associated or seeking to become associated with a registered public accounting firm; and

''(ii) the authority to commence a proceeding under section 105(c)(1), or impose disciplinary sanctions under section 105(c)(4), against such person shall apply only on—

''(I) the basis of conduct occurring while such person was associated or seeking to become associated with a registered public accounting firm; or

''(II) non-cooperation as described in section 105(b)(3) with respect to a demand in a Board investigation for testimony, documents, or other information relating to a period when such person was associated or seeking to become associated with a registered public accounting firm.''.

(2) SECURITIES EXCHANGE ACT OF 1934 AMENDMENT.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by striking ''or a person associated with such a firm'' and inserting '', a person associated with such a firm, or, as to any act, practice, or omission to act while associated with such firm, a person formerly associated with such a firm''.

(h) SUPERVISORY PERSONNEL OF AN AUDIT FIRM.—Section 105(c)(6) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(c)(6)) is amended—

(1) in subparagraph (A), by striking ''the supervisory personnel'' and inserting ''any person who is, or at the time of the alleged failure reasonably to supervise was, a supervisory person''; and

(2) in subparagraph (B)—

(A) by striking ''No associated person'' and inserting ''No current or former supervisory person''; and

(B) by striking ''any other person'' and inserting ''any associated person''.

(i) MEMBER OF THE PUBLIC COMPANY ACCOUNTING OVERSIGHT BOARD.—Section 107(d)(3) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7217(d)(3)) is amended by striking ''any member'' and inserting ''any person who is, or at the time of the alleged misconduct was, a member''.

SEC. 3003. COLLATERAL BARS.

(a) SECTION 15(b)(6)(A) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 15(b)(6)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)(6)(A)) is amended by striking ''12 months, or bar such person from being associated with a broker or dealer,'' and inserting ''12 months, or bar any such person from being associated with a broker, dealer, investment adviser, municipal securities dealer, or transfer agent,''.

(b) SECTION 15B(c)(4) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 15B(c)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)(4)) is amended by striking ''twelve months or bar any such person from being associated with a municipal securities dealer,'' and inserting ''twelve months or bar any such person from being associated with a broker, dealer, investment adviser, municipal securities dealer, or transfer agent,''.

(c) SECTION 17A(c)(4)(C) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 17A(c)(4)(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1(c)(4)(C)) is amended by striking ''twelve months or bar any such person from being associated with the transfer agent,'' and inserting ''twelve months or bar any such person from being associated with any transfer agent, broker, dealer, investment adviser, or municipal securities dealer,''.

(d) SECTION 203(f) OF THE INVESTMENT ADVISERS ACT OF 1940.—Section 203(f) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(f)) is amended by striking ''twelve months or bar any such person from being associated with an investment adviser,'' and inserting ''twelve months or bar any such person from being associated with an investment adviser, broker, dealer, municipal securities dealer, or transfer agent,''.

SEC. 3004. UNLAWFUL MARGIN LENDING.

Section 7(c)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(c)(1)(A)) is amended by striking ''; and'' and inserting ''; or''.

SEC. 3005. NATIONWIDE SERVICE OF PROCESS.

(a) SECURITIES ACT OF 1933.—Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended by inserting after the second sentence the following: ''In any civil action instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued to compel the attendance of witnesses or the production of documents or tangible things (or both) at any hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued.''.

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) is amended by inserting after the third sentence the following: ''In any civil action instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued to compel the attendance of witnesses or the production of documents or tangible things (or both) at any hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued.''.

(c) INVESTMENT COMPANY ACT OF 1940.—Section 44 of the Investment Company Act of 1940 (15 U.S.C. 80a–43) is amended by inserting after the fourth sentence the following: ''In any civil action instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued to compel the attendance of witnesses or the production of documents or tangible things (or both) at any hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued.''.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–14) is amended by inserting after the third sentence the following: ''In any civil action instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued to compel the attendance of witnesses or the production of documents or tangible things (or both) at any hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued.''.

SEC. 3006. REAUTHORIZATION OF THE FINANCIAL CRIMES ENFORCEMENT NETWORK.

(a) FINDINGS.—

(1) The Congress finds as follows:

(A) The work of the Financial Crimes Enforcement Network (hereinafter in this section referred to as ''FinCEN'') is essential to safeguard the United States financial system and its international affiliates from the abuses of financial crime, including terrorist financing, weapons of mass destruction proliferation, and money laundering.

(B) All avenues of financial intermediation are vulnerable to abuse by illicit actors, and FinCEN exercises the authorities of the Bank Secrecy Act over a broad range of financial institutions.

(2) The Congress further finds and recognizes the recent establishment by FinCEN of an International Programs Division to expand and enhance global financial intelligence sharing initiatives aimed at combating transnational crime threats facing United States financial markets, and takes note of FinCEN's efforts to collaborate with foreign financial intelligence unit partners on analytical projects to identify and address emerging threats and vulnerabilities.

(3) The Congress further finds and recognizes the role of FinCEN in discovering and investigating widespread fraud in the mortgage market and elsewhere in the financial services industry. Alongside an effective licensing and registration system for all mortgage originators, a vigilant FinCEN is critical to the recovery of our housing markets and consumer confidence in both the home buying process and the financial services industry as a whole.

(b) REAUTHORIZATION.—Section 310(d)(1) of title 31, United States Code, is amended by striking ''such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005'' and inserting ''not more than $105,500,000 for fiscal year 2010, and such sums as may be necessary for fiscal years 2011, 2012, 2013, and 2014''.

(c) ADDITIONAL FINANCIAL FRAUD AUTHORIZATION OF APPROPRIATIONS.—In addition to such other amounts otherwise made available or appropriated to FinCEN, there are authorized to be appropriated to FinCEN $15,000,000 to be used specifically for efforts to detect financial fraud. Such sums are authorized to remain available until expended.

SEC. 3007. FAIR FUND IMPROVEMENTS.

(a) AMENDMENT.—Subsection (a) of section 308 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7246(a)) is amended to read as follows:

''(a) CIVIL PENALTIES TO BE USED FOR THE RELIEF OF VICTIMS.—If in any judicial or administrative action brought by the Commission under the securities laws (as such term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)), the Commission obtains a civil penalty against any person for a violation of such laws, the amount of such civil penalty shall, on the motion or at the direction of the Commission, be added to and become part of a disgorgement fund or other fund established for the benefit of the victims of such violation.''.

(b) CONFORMING AMENDMENTS.—Section 308 of such Act is amended—

(1) in subsection (b)—

(A) by striking ''for a disgorgement fund described in subsection (a)'' and inserting ''for a disgorgement fund or other fund described in subsection (a)''; and

(B) by striking ''in the disgorgement fund'' and inserting ''in such fund''; and

(2) by striking subsection (e).

TITLE IV—OVER-THE-COUNTER DERIVATIVES MARKETS

SECTION 4001. SHORT TITLE.

This title may be cited as the ''Over-the-Counter Derivatives Markets Act of 2009''.

Subtitle A—Amendments to the Commodity Exchange Act

SEC. 4100. DEFINITIONS.

Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended by adding at the end the following:

''(35) SWAP.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'swap' means any agreement, contract, or transaction that—

''(i) is a put, call, cap, floor, collar, or similar option of any kind for the purchase or sale of, or based on the value of, one or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind;

''(ii) provides for any purchase, sale, payment, or delivery (other than a dividend on an equity security) that is dependent on the occurrence, non-occurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence;

''(iii) provides on an executory basis for the exchange, on a fixed or contingent basis, of one or more payments based on the value or level of one or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind, or any interest therein or based on the value thereof, and that transfers, as between the parties to the transaction, in whole or in part, the financial risk associated with a future change in any such value or level without also conveying a current or future direct or indirect ownership interest in an asset (including any enterprise or investment pool) or liability that incorporates the financial risk so transferred, including any agreement, contract, or transaction commonly known as an interest rate swap, a rate floor, rate cap, rate collar, cross-currency rate swap, basis swap, currency swap, total return swap, equity index swap, equity swap, debt index swap, debt swap, credit spread, credit default swap, credit swap, weather swap, energy swap, metal swap, agricultural swap, emissions swap, or commodity swap;

''(iv) is an agreement, contract, or transaction that is, or in the future becomes, commonly known to the trade as a swap; or

''(v) is any combination or permutation of, or option on, any agreement, contract, or transaction described in any of clauses (i) through (iv).

''(B) EXCLUSIONS.—The term 'swap' does not include:

''(i) any contract of sale of a commodity for future delivery or security futures product traded on or subject to the rules of any board of trade designated as a contract market under section 5 or 5f;

''(ii) any sale of a nonfinancial commodity for deferred shipment or delivery, so long as such transaction is physically settled;

''(iii) any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based on the value thereof, that is subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the

Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);

''(iv) any put, call, straddle, option, or privilege relating to foreign currency entered into on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a));

''(v) any agreement, contract, or transaction providing for the purchase or sale of one or more securities on a fixed basis that is subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);

''(vi) any agreement, contract, or transaction providing for the purchase or sale of one or more securities on a contingent basis that is subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), unless such agreement, contract, or transaction predicates such purchase or sale on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of a party other than a party to the agreement, contract, or transaction;

''(vii) any note, bond, or evidence of indebtedness that is a security as defined in section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1));

''(viii) any agreement, contract, or transaction that is—

''(I) based on a security; and

''(II) entered into directly or through an underwriter (as defined in section 2(a)(11) of the Securities Act of 1933) (15 U.S.C. 77b(a)(11)) by the issuer of such security for the purposes of raising capital, unless such agreement, contract, or transaction is entered into to manage a risk associated with capital raising;

''(ix) any foreign exchange swap;

''(x) any foreign exchange forward;

''(xi) any agreement, contract, or transaction a counterparty of which is a Federal Reserve bank or the United States Government, or an agency of the United States Government that is expressly backed by the full faith and credit of the United States; and

''(xii) any security-based swap, other than a security-based swap as described in paragraph (36](C).

''(C) RULE OF CONSTRUCTION REGARDING MASTER AGREEMENTS.—The term 'swap' shall be construed to include a master agreement that provides for an agreement, contract, or transaction that is a swap pursuant to subparagraph (A), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement, contract, or transaction that is not a swap pursuant to subparagraph (A), except that the master agreement shall be considered to be a swap only with respect to each agreement, contract, or transaction under the master agreement that is a swap pursuant to subparagraph (A).

''(36) SECURITY-BASED SWAP.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'security-based swap' means any agreement, contract, or transaction that would be a swap under paragraph (35) (without regard to paragraph (35)(B)(xii)), and that—

''(i) is based on an index that is a narrow-based security index, including any interest therein or based on the value thereof;

''(ii) is based on a single security or loan, including any interest therein or based on the value thereof; or

''(iii) is based on the occurrence, non-occurrence, or extent of the occurrence of an event relating to a single issuer of a security or the issuers of securities in a narrow-based security index, provided that such event must directly affect the financial statements, financial condition, or financial obligations of the issuer.

''(B) EXCLUSION.—The term 'security-based swap' does not include any agreement, contract, or transaction that meets the definition of security-based swap only because it references or is based upon a government security.

''(C) MIXED SWAP.—The term 'security-based swap' includes any agreement, contract, or transaction that is as described in subparagraph (A) and also is based on the value of one or more interest or other rates, currencies, commodities, instruments of indebtedness, indices, quantitative measures, other financial or economic interest or property of any kind (other than a single security or a narrow-based security index), or the occurrence, non-occurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence (other than an event described in subparagraph (A)(iii)).

''(D) RULE OF CONSTRUCTION REGARDING MASTER AGREEMENTS.—The term 'security-based swap' shall be construed to include a master agreement that provides for an agreement, contract, or transaction that is a security-based swap pursuant to subparagraph (A), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement, contract, or transaction that is not a security-based swap pursuant to subparagraph (A), except that the master agreement shall be considered to be a security-based swap only with respect to each agreement, contract, or transaction under the master agreement that is a security-based swap pursuant to subparagraph (A).

''(37) SWAP DEALER.—

''(A) IN GENERAL.—The term 'swap dealer' means any person engaged in the business of buying and selling swaps for such person's own account, through a broker or otherwise, that is regulated by a Prudential Regulator.

''(B) EXCEPTION.—The term 'swap dealer' does not include a person that buys or sells swaps for such person's own account, either individually or in a fiduciary capacity, but not as a part of a regular business.

''(38) SECURITY-BASED SWAP DEALER.—

''(A) IN GENERAL.—The term 'security-based swap dealer' means any person engaged in the business of buying and selling security-based swaps for such person's own account, through a broker or otherwise, that is regulated by a Prudential Regulator.

''(B) EXCEPTION.—The term 'security-based swap dealer' does not include a person that buys or sells security-based swaps for such person's own account, either individually or in a fiduciary capacity, but not as a part of a regular business.

''(39) MAJOR SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'major swap participant' means any person who is not a swap dealer, who maintains a substantial net position in outstanding swaps, excluding positions held primarily for hedging (including balance sheet hedging) or risk management purposes, and who is regulated by a Prudential Regulator. A person may be designated as a major swap participant for 1 or more individual types of swaps.

''(B) DEFINITION OF 'SUBSTANTIAL NET POSITION'.— The Commission and the Securities and Exchange Commission shall jointly define by rule or regulation the term 'substantial net position' at a threshold that the regulators determine prudent for the effective monitoring, management and oversight of the financial system.

''(40) MAJOR SECURITY-BASED SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'major security-based swap participant' means any person who is not a security-based swap dealer, who maintains a substantial net position in outstanding security-based swaps, excluding positions held primarily for commercial hedging (including balance sheet hedging) or financial risk management purposes, and who is regulated by a Prudential Regulator. A person may be designated as a major security-based swap participant for 1 or more individual types of security-based swaps.

''(B) DEFINITION OF 'SUBSTANTIAL NET POSITION'.—The Commission and the Securities and Exchange Commission shall jointly define by rule or regulation the term 'substantial net position' at a threshold that the regulators determine prudent for the effective monitoring, management and oversight of the financial system.

''(41) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

''(42) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

''(43) PRUDENTIAL REGULATOR.—The term 'Prudential Regulator' means—

''(A) the Board, in the case of a swap dealer, major swap participant, security-based swap dealer or major security-based swap participant that is—

''(i) a State-chartered bank that is a member of the Federal Reserve System;

''(ii) a State-chartered branch or agency of a foreign bank; or

''(iii) a bank holding company (as defined in section 2 of the Bank Holding Company Act of 1956);

''(B) the Office of the Comptroller of the Currency, in the case of a swap dealer, major swap participant, security-based swap dealer or major security-based swap participant that is—

''(i) a national bank; or

''(ii) a federally chartered branch or agency of a foreign bank;

''(C) the Federal Deposit Insurance Corporation, in the case of a swap dealer, major swap participant, security-based swap dealer or major security-based swap participant that is a State-chartered bank that is not a member of the Federal Reserve System; or

''(D) the Office of Thrift Supervision, in the case of a savings association (as defined in section 2 of the Home Owners' Loan Act) or a savings and loan holding company (as defined in section 10 of such Act).

''(44) SWAP REPOSITORY.—The term 'swap repository' means an entity that collects and maintains the records of the terms and conditions of swaps or security-based swaps entered into by third parties.''.

SEC. 4101. SWAP REPOSITORIES.

(a) SWAP REPOSITORIES.—The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 20 the following:

''SEC. 21. SWAP REPOSITORIES.

''(a) REQUIRED REPORTING.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—Any swap that is not accepted for clearing by a derivatives clearing organization shall be reported to either a swap repository registered pursuant to subsection (b) or, if there is no repository that would accept the swap, to the Commission in accordance with section 4r within such time period as the Commission may by rule prescribe.

''(B) AUTHORITY OF SWAP DEALER TO REPORT.—Counterparties to a swap may agree as to which counterparty will report such swap as required by subparagraph (A). In any swap where only one counterparty is a swap dealer, the swap dealer shall report the swap.

''(2) TRANSITION RULES.—Rules adopted by the Commission under this section shall provide for the reporting of data, as follows:

''(A) Swaps that were entered into before the date of enactment of the Over-the-Counter Derivatives Markets Act of 2009

shall be reported to a registered swap repository or the Commission no later than 270 days after the effective date of such Act.

''(B) Swaps that were entered into on or after the date of enactment of the Over-the-Counter Derivatives Markets Act of 2009 shall be reported to a registered swap repository or the Commission no later than the later of—

''(i) 180 days after the effective date of such Act; or

''(ii) such other time after entering into the swap as the Commission may prescribe by rule or regulation.

''(b) SWAP REPOSITORIES.—

''(1) REGISTRATION REQUIREMENT.—

''(A) IN GENERAL.—It shall be unlawful for a swap repository, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a swap repository.

''(B) INSPECTION AND EXAMINATION.—Registered swap repositories shall be subject to inspection and examination by any representatives of the Commission.

''(2) STANDARD SETTING.—

''(A) DATA IDENTIFICATION.—The Commission shall prescribe standards that specify the data elements for each swap that shall be collected and maintained by each swap repository.

''(B) DATA COLLECTION AND MAINTENANCE.—The Commission shall prescribe data collection and data maintenance standards for swap repositories.

''(C) COMPARABILITY.—The standards prescribed by the Commission under this subsection shall be comparable to the data standards imposed by the Commission on derivatives clearing organizations that clear swaps.

''(3) DUTIES.—A swap repository shall—

''(A) accept data prescribed by the Commission for each swap under paragraph (2);

''(B) maintain such data in such form and manner and for such period as may be required by the Commission;

''(C) provide to the Commission, or its designee, such information as is required by, and in a form and at a frequency to be determined by, the Commission, in order to comply with the public reporting requirements contained in section 8(j); and

''(D) make available, on a confidential basis, all data obtained by the swap repository, including individual counterparty trade and position data, to the Commission, the appropriate Federal banking agencies, the Commodity Futures Trading Commission, the Financial Services Oversight Council, and the Department of Justice or to other persons the Commission deems appropriate, including foreign financial supervisors (including foreign futures authorities), foreign central banks, and foreign ministries.

''(4) REQUIRED REGISTRATION FOR SWAP REPOSITORIES.—Any person that is required to be registered as a swap repository under this subsection shall register with the Commission, regardless of whether that person also is registered with the Securities and Exchange Commission as a security-based swap repository.

''(5) HARMONIZATION OF RULES.—Not later than 270 days after the date of enactment of the Over-the-Counter Derivatives Markets Act of 2009, the Commission and the Securities and Exchange Commission shall jointly adopt uniform rules governing persons that are registered under this section and persons that are registered as security-based swap repositories under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), including uniform rules that specify the data elements that shall be collected and maintained by each repository.

''(6) EXEMPTIONS.—The Commission may exempt, conditionally or unconditionally, a swap repository from the requirements of this section if the Commission finds that such swap repository is subject to comparable, comprehensive supervision or regulation on a consolidated basis by the Securities and Exchange Commission, a Prudential Regulator or the appropriate governmental authorities in the organization's home country, or as necessary or appropriate in the public interest and consistent with the purposes of this Act.''.

(b) REPORTING AND RECORDKEEPING.—The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 4q the following:

''SEC. 4r. REPORTING AND RECORDKEEPING FOR CERTAIN SWAPS.

''(a) IN GENERAL.—Any person who enters into a swap that is not accepted for clearing by a derivatives clearing organization and is not reported to a swap repository registered pursuant to section 21 shall meet the requirements in subsection (b).

''(b) REPORTS.—Any person described in subsection (a) shall—

''(1) make such reports in such form and manner and for such period as the Commission shall prescribe by rule or regulation regarding the swaps held by the person; and

''(2) keep books and records pertaining to the security-based swaps held by the person in such form and manner and for such period as may be required by the Commission, which books and records shall be open to inspection by any representative of the Commission, an appropriate Federal banking agency, the Securities and Exchange Commission, the Financial Services Oversight Council, and the Department of Justice.

''(c) IDENTICAL DATA.—In adopting rules under this section, the Commission shall require persons described in subsection (a) to report the same or more comprehensive data than the Commission requires repositories to collect.''.

(c) PUBLIC REPORTING OF AGGREGATE SWAP DATA.—Section 8 of such Act (7 U.S.C. 12) is amended by adding at the end the following:

''(j) PUBLIC REPORTING OF AGGREGATE SWAP DATA.—

''(1) IN GENERAL.—The Commission, or a person designated by the Commission pursuant to paragraph (2), shall make available to the public, in a manner that does not disclose the business transactions and market positions of any person, aggregate data on swap trading volumes and positions from the sources set forth in paragraph (3).

''(2) DESIGNEE OF THE COMMISSION.—The Commission may designate a derivatives clearing organization or a swap repository to carry out the public reporting described in paragraph (1).

''(3) SOURCES OF INFORMATION.—The sources of the information to be publicly reported as described in paragraph (1) are—

''(A) derivatives clearing organizations;

''(B) swap repositories pursuant to section 21(c)(3); and

''(C) reports received by the Commission pursuant to section 4r.''.

SEC. 4102. MARGIN FOR SWAPS BETWEEN SWAPS DEALERS AND MAJOR SWAP PARTICIPANTS.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 4r (as added by section 4101(b) of this title) the following:

''SEC. 4s. MARGIN FOR SWAPS BETWEEN CERTAIN SWAPS DEALERS AND CERTAIN MAJOR SWAP PARTICIPANTS.

''Each Prudential Regulator shall impose both initial and variation margin requirements on all swaps between swap dealers and major swap participants subject to regulation by the Regulator, that are not cleared by a derivatives clearing organization.''.

SEC. 4103. SEGREGATION OF ASSETS HELD AS COLLATERAL IN SWAP TRANSACTIONS.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 4s (as added by section 4102 of this title) the following:

''SEC. 4t. SEGREGATION OF ASSETS HELD AS COLLATERAL IN SWAP TRANSACTIONS.

''(a) CLEARED SWAPS.—A swap dealer, futures commission merchant, or derivatives clearing organization by or through which funds or other property are held as margin or collateral to secure the obligations of a counterparty under a swap to be cleared by or through a derivatives clearing organization shall segregate, maintain, and use the funds or other property for the benefit of the counterparty, in accordance with such rules and relations as the Commission or Prudential Regulator shall prescribe. Any such funds or other property shall be treated as customer property under this Act.

''(b) OVER-THE-COUNTER SWAPS.—At the request of a swap counterparty who provides funds or other property to a swap dealer as margin or collateral to secure the obligations of the counterparty under a swap entered into using the mails or any other means or instrumentalities of interstate commerce between the counterparty and the swap dealer that is not submitted for clearing to a derivatives clearing organization, the swap dealer shall segregate the funds or other property for the benefit of the counterparty, and maintain the funds or other property in an account which is carried by a third-party custodian and designated as a segregated account for the counterparty, in accordance with such rules and regulations as the Commission or Prudential Regulator may prescribe. Any such funds and property may, with the agreement of the customer, be commingled with the funds and property of other swap counterparties and customers and shall be eligible for treatment as customer property under this Act. This subsection shall not be interpreted to preclude commercial arrangements regarding the investment of the segregated funds or other property and the related allocation of gains and losses resulting from any such investment or regarding the allocation of the costs of segregation.

''(c) MARK-TO-MARKET MARGIN.—Nothing in this section shall be construed to obligate any person to segregate variation or mark-to-market margin.''.

Subtitle B—Amendments to the Securities Exchange Act of 1934

SEC. 4201. DEFINITIONS.

Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end the following:

''(65) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

''(66) MAJOR SWAP PARTICIPANT.—The term 'major swap participant' has the same meaning as in section 1a(40) of the Commodity Exchange Act (7 U.S.C. 1a(40)).

''(67) MAJOR SECURITY-BASED SWAP PARTICIPANT.—The term 'major security-based swap participant' has the same meaning as in section 1a(41) of the Commodity Exchange Act (7 U.S.C. 1a(41)).

''(68) PRUDENTIAL REGULATOR.—The term 'Prudential Regulator' has the same meaning as in section 1a(43) of the Commodity Exchange Act (7 U.S.C. 1a(43)).

''(69) SWAP.—The term 'swap' has the same meaning as in section 1a(35) of the Commodity Exchange Act (7 U.S.C. 1a(35)).

''(70) SWAP DEALER.—The term 'swap dealer' has the same meaning as in section 1a(39) of the Commodity Exchange Act (7 U.S.C. 1a(39)).

''(71) SECURITY-BASED SWAP.—The term 'security-based swap' has the same meaning as in section 1a(38) of the Commodity Exchange Act (7 U.S.C. 1a(38)).

''(72) SECURITY-BASED SWAP DEALER.—The term 'security-based swap dealer' has the same meaning as in section 1a(44) of the Commodity Exchange Act (7 U.S.C. 1a(44)).''.

SEC. 4202. SWAP REPOSITORIES.

(a) IN GENERAL.—The Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.) is amended by adding the following section after section 3A:

''SEC. 3B. SWAP REPOSITORIES.

''(a) REQUIRED REPORTING.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—Any security-based swap that is not accepted for clearing by any clearing agency shall be reported to either a security-based swap repository registered pursuant to subsection (b) or, if there is no repository that would accept the security-based swap, to the Commission in accordance with section 13A within such time period as the Commission may by rule prescribe.

''(B) AUTHORITY OF SWAP DEALER TO REPORT.—Counterparties to a security-based swap may agree as to which counterparty will report such swap as required by subparagraph (A). In any security-based swap where only one counterparty is a swap dealer, the swap dealer shall report the swap.

''(2) TRANSITION RULES.—Rules adopted by the Commission under this section shall provide for the reporting of data, as follows:

''(A) Security-based swaps that were entered into before the date of enactment of the Over-the-Counter Derivatives Markets Act of 2009 shall be reported to a registered security-based swap repository or the Commission no later than 270 days after the effective date of such Act.

''(B) Security-based swaps that were entered into on or after the date of enactment of the Over-the-Counter Derivatives Markets Act of 2009 shall be reported to a registered security-based swap repository or the Commission no later than the later of—

''(i) 180 days after the effective date of such Act; or

''(ii) such other time after entering into the swap as the Commission may prescribe by rule or regulation.

''(b) SECURITY-BASED SWAP REPOSITORIES.—

''(1) REGISTRATION REQUIREMENT.—

''(A) IN GENERAL.—It shall be unlawful for a security-based swap repository, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a security-based swap repository.

''(B) INSPECTION AND EXAMINATION.—Registered security-based swap repositories shall be subject to inspection and examination by any representatives of the Commission.

''(2) STANDARD SETTING.—

''(A) DATA IDENTIFICATION.—The Commission shall prescribe standards that specify the data elements for each security-based swap that shall be collected and maintained by each security-based swap repository.

''(B) DATA COLLECTION AND MAINTENANCE.—The Commission shall prescribe data collection and data maintenance standards for security-based swap repositories.

''(C) COMPARABILITY.—The standards prescribed by the Commission under this subsection shall be comparable to the data standards imposed by the Commission on clearing agencies that clear security-based swaps.

''(3) DUTIES.—A security-based swap repository shall—

''(A) accept data prescribed by the Commission for each security-based swap under this paragraph (2);

''(B) maintain such data in such form and manner and for such period as may be required by the Commission;

''(C) provide to the Commission, or its designee, such information as is required by, and in a form and at a frequency to be determined by, the Commission, in order to comply with the public reporting requirements contained in section 13(m); and

''(D) make available, on a confidential basis, all data obtained by the security-based swap repository, including individual counterparty trade and position data, to the Commission, the appropriate Federal banking agencies, the Commodity Futures Trading Commission, the Financial Services Oversight Council, and the Department of Justice or to other persons the Commission deems appropriate, including foreign financial supervisors (including foreign futures authorities), foreign central banks, and foreign ministries.

''(4) REQUIRED REGISTRATION FOR SECURITY-BASED SWAP REPOSITORIES.—Any person that is required to be registered as a securities-based swap repository under this subsection shall register with the Commission, regardless of whether that person also is registered with the Commodity Futures Trading Commission as a swap repository.

''(5) HARMONIZATION OF RULES.—Not later than 270 days after the date of enactment of the Over-the-Counter Derivatives Markets Act of 2009, the Commission and the Commodity Futures Trading Commission shall jointly adopt uniform rules governing persons that are registered under this section and persons that are registered as swap repositories under the Commodity Exchange Act (7 U.S.C. 1, et seq.), including uniform rules that specify the data elements that shall be collected and maintained by each repository.

''(6) EXEMPTIONS.—The Commission may exempt, conditionally or unconditionally, a security-based swap repository from the requirements of this section if the Commission finds that such security-based swap repository is subject to comparable, comprehensive supervision or regulation on a consolidated basis by the Commodity Futures Trading Commission, a Prudential Regulator or the appropriate governmental authorities in the organization's home country, or as necessary or appropriate in the public interest and consistent with the purposes of this Act.''.

(b) REPORTING AND RECORDKEEPING.—The Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.) is amended by inserting after section 13 the following section:

''SEC. 13A. REPORTING AND RECORDKEEPING FOR CERTAIN SECURITY-BASED SWAPS.

''(a) IN GENERAL.—Any person who enters into a security-based swap that is not accepted for clearing by any clearing agency and is not reported to a security-based swap repository registered pursuant to section 3B(b) shall meet the requirements in subsection (b).

''(b) REPORTS.—Any person described in subsection (a) shall—

''(1) make such reports in such form and manner and for such period as the Commission shall prescribe by rule or regulation regarding the security-based swaps held by the person; and

''(2) keep books and records pertaining to the security-based swaps held by the person in such form and manner and for such period as may be required by the Commission, which books and records shall be open to inspection by any representative of the Commission, an appropriate Federal banking agency, the Commodity Futures Trading Commission, the Financial Services Oversight Council, and the Department of Justice.

''(c) IDENTICAL DATA.—In adopting rules under this section, the Commission shall require persons described in subsection (a) to report the same or more comprehensive data than the Commission requires security-based swap repositories to collect.''.

(c) PUBLIC REPORTING AND REPOSITORIES FOR SECURITY-BASED SWAP AGREEMENTS.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

''(m) PUBLIC REPORTING OF AGGREGATE SECURITY-BASED SWAP DATA.—

''(1) IN GENERAL.—The Commission, or a person designated by the Commission pursuant to paragraph (2), shall make available to the public, in a manner that does not disclose the business transactions and market positions of any person, aggregate data on security-based swap trading volumes and positions from the sources set forth in paragraph (3).

''(2) DESIGNEE OF THE COMMISSION.—The Commission may designate a clearing agency or a security-based swap repository to carry out the public reporting described in paragraph (1).

''(3) SOURCES OF INFORMATION.—The sources of the information to be publicly reported as described in paragraph (1) are—

''(A) clearing agencies;

''(B) security-based swap repositories registered pursuant to section 3B(b); and

''(C) reports received by the Commission pursuant to section 13A.''.

SEC. 4203. MARGIN REQUIREMENTS.

The Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.) is amended by adding the following section after section 3B:

''SEC. 3C. MARGIN REQUIREMENTS FOR SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS.

''Each Prudential Regulator shall impose both initial and variation margin requirements on all security-based swaps between security-based swap dealers and major security-based swap participants subject to regulation by the Regulator, that are not cleared by a clearing agency.''.

SEC. 4204. SEGREGATION OF ASSETS HELD AS COLLATERAL IN SWAP TRANSACTIONS.

The Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.) is further amended by adding after section 3C (as added by section 4203) the following:

''SEC. 3D. SEGREGATION OF ASSETS HELD AS COLLATERAL IN SWAP TRANSACTIONS.

''(a) CLEARED SWAPS.—A security-based swap dealer or clearing agency by or through which funds or other property are held as margin or collateral to secure the obligations of a counterparty under a security-based swap to be cleared by or through a derivatives clearing agency shall segregate, maintain, and use the funds or other property for the benefit of the counterparty, in accordance with such rules and regulations as the Commission or Prudential Regulator shall prescribe. Any such funds or other property shall be treated as customer property under this Act.

''(b) OVER-THE-COUNTER SWAPS.—At the request of a counterparty to a security-based swap who provides funds or other property to a swap dealer as margin or collateral to secure the obligations of the counterparty under a security-based swap entered into using the mails or any other means or instrumentalities of interstate commerce between the counterparty and the swap dealer that is not submitted for clearing to a derivatives clearing agency, the swap dealer shall segregate the funds or other property for the benefit of the counterparty, and maintain the funds or other property in an

account which is carried by a third-party custodian and designated as a segregated account for the counterparty, in accordance with such rules and regulations as the Commission or Prudential Regulator may prescribe. This subsection shall not be interpreted to preclude commercial arrangements regarding the investment of the segregated funds or other property and the related allocation of gains and losses resulting from any such investment or regarding the allocation of the costs of segregation.

''(c) MARK-TO-MARKET MARGIN.—Nothing in this section shall be construed to obligate any person to segregate variation or mark-to-market margin.''.

Subtitle C—Common Provisions

SEC. 4301. REPORT TO THE CONGRESS.

Within 1 year after the date of the enactment of this title, and not less frequently than annually thereafter, the Commodity Futures Trading Commission, the Securities and Exchange Commission, and the Prudential Regulators shall review data from swap repositories, security-based swap repositories, derivative clearing organizations, and clearing agencies, and if the Commodity Futures Trading Commission, the Securities and Exchange Commission, and the Prudential Regulators jointly find that the activities of swaps dealers, securities-based swaps dealers, major swap participants, or major security-based swap participants not subject to regulation by the Commodity Futures Trading Commission, the Securities and Exchange Commission, or a Prudential Regulator, in relation to swaps or security-based swaps that are not submitted to a derivatives clearing organization or clearing agency for clearing, have become so substantial or imprudent as to potentially threaten the stability of financial markets or the economy, the Commodity Futures Trading Commission, the Securities and Exchange Commission, and the Prudential Regulators shall jointly submit to the Congress a report on the situation, including recommendations as to whether the activities should be subject to further regulation.

SEC. 4302. CAPITAL REQUIREMENTS.

Each Prudential Regulator shall take into account the swaps and security-based swaps activities of the entities subject to regulation by the Regulator in establishing capital requirements for the entities.

SEC. 4303. CENTRALIZED CLEARING.

(a) IN GENERAL.—The Board, in consultation and coordination with the Securities and Exchange Commission and the Commodity Futures Trading Commission, shall implement policies and procedures designed to increase the use of central counterparties for clearing of over-the-counter swaps transactions by swap dealers, security-based swap dealers, major swap participants, and major security-based swap participants, with the goal of significantly reducing the risk profile of the market in which the transactions occur.

(b) FIRM TARGETS.—

(1) IN GENERAL.—Pursuant to subsection (a), the Board shall establish the following firm goals for swap dealers, security-based swap dealers, major swap participants, and major security-based swap participants, with respect to the clearing of certain swaps:

(A) INTEREST RATE SWAPS.—In the case of interest rate swaps, each swap dealer, security-based swap dealer, major swap participant, and major security-based swap participant shall commit to a goal, beginning December 2009, of submitting for clearing to a derivatives clearing organization or clearing agency—

(i) 90 percent of new eligible trades (calculated on a notional basis);

(ii) 70 percent of new eligible trades (calculated on a weighted average notional basis); and

(iii) 60 percent of historical eligible trades (calculated on a weighted average notional basis).

(B) CREDIT DEFAULT SWAPS.—In the case of credit default swaps, each swap dealer, security-based swap dealer, major swap participant, and major security-based swap participant shall commit to a goal, beginning December 2009, of submitting for clearing to a derivatives clearing organization or clearing agency—

(i) 95 percent of new eligible trades (calculated on a notional basis); and

(ii) 80 percent of all eligible trades (calculated on a weighted average notional basis).

(2) DEFINITIONS.—In paragraph (1):

(A) ELIGIBLE TRADE.—The term ''eligible trade'' means a trade on an eligible product between counterparties each of whom—

(i) is a swap dealer, security-based swap dealer, major swap participant, or major security-based swap participant; and

(ii) has a clearing relationship in place with 1 or more common derivative clearing organizations or clearing agencies) for the eligible product.

(B) ELIGIBLE PRODUCT.—The term ''eligible product'' means a product eligible for clearing by a derivative clearing organization or clearing agency.

(c) OTHER CONTRACTS AND COUNTERPARTIES.—The Board, in consultation with the Securities and Exchange Commission and the Commodity Futures Trading Commission, shall actively engage central counterparties and regulators globally to—

(1) broaden the set of derivative products eligible for clearing by swap dealers, security-based swap dealers, major swap participants, and major security-based swap participants, taking into account risk, liquidity, default management and other processes; and

(2) expand the set of counterparties eligible to clear at each eligible central counterparty taking into account appropriate counterparty risk management considerations, including the development of buy-side clearing.

SEC. 4304. DEFINITIONS.

The terms used in this subtitle shall have the meanings given the terms in section 1a of the Commodity Exchange Act.

TITLE V—CORPORATE AND FINANCIAL INSTITUTION COMPENSATION FAIRNESS

SEC. 5001. SHORT TITLE.

This title may be cited as the ''Corporate and Financial Institution Compensation Fairness Act of 2009''.

SEC. 5002. SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION.

(a) AMENDMENT TO THE SECURITIES EXCHANGE ACT OF 1934.—Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

''(i) TRIENNIAL ADVISORY SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION.—

''(1) IN GENERAL.—A proxy or consent or authorization for an annual meeting of the shareholders (or a special meeting in lieu of the annual meeting) occurring on or after the date that is 6 months after the date on which final rules are issued under paragraph (4), shall provide for a separate shareholder advisory vote, at least once every three years, to approve the registrant's executive compensation policies and practices as set forth pursuant to the Commission's disclosure rules. The shareholder vote shall be advisory in nature and shall not be binding on the issuer or its board of directors and shall not be construed as overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board, nor shall such vote be construed to restrict or limit the ability of shareholders to make proposals for inclusion in proxy materials related to executive compensation for meetings of shareholders at which such an advisory vote on executive compensation is not to be conducted.

''(2) OPT OUT.—If not less than ⅔ of votes cast at a meeting of shareholders on a proposal to opt out of the triennial shareholder advisory vote on executive compensation required under paragraph (1) are cast in favor of such a proposal, then such shareholder advisory vote required under such paragraph shall not be required to take place for a period of 5 years following the vote approving such proposal.

''(3) SHAREHOLDER APPROVAL OF GOLDEN PARACHUTE COMPENSATION.—

''(A) DISCLOSURE.—In any proxy or consent solicitation material for an annual meeting of the shareholders (or a special meeting in lieu of the annual meeting) occurring on or after the date that is 6 months after the date on which final rules are issued under paragraph (4), that concerns an acquisition, merger, consolidations, or proposed sale or other disposition of all or substantially all the assets of an issuer, the person making such solicitation shall disclose in the proxy or consent solicitation material, in a clear and simple tabular form in accordance with regulations to be promulgated by the Commission, any agreements or understandings that such person has with the named executive officers (as such term is defined in the rules promulgated by the Commission) of such issuer (or of the acquiring issuer, if such issuer is not the acquiring issuer) concerning any type of compensation (whether present, deferred, or contingent) that is based on or otherwise relates to the acquisition, merger, consolidation, sale, or other dispositions of all or substantially all of the assets of the issuer, and the aggregate total of all such compensation that may (and the conditions upon which it may) be paid or become payable to or on behalf of such named executive officer.

''(B) SHAREHOLDER APPROVAL.—Any proxy or consent or authorization relating to the proxy or consent solicitation material containing the disclosure required by subparagraph (A) shall provide for a separate shareholder vote to approve such agreements or understandings and compensation as disclosed. A vote by the shareholders shall not be binding on the corporation or the board of directors of the issuer or the person making the solicitation and shall not be construed as overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board.''

''(4) RULEMAKING.—Not later than 1 year after the date of the enactment of the Corporate and Financial Institution Compensation Fairness Act of 2009, the Commission shall issue rules and regulations to implement this subsection.''.

(b) STUDY AND REPORT.—The Securities and Exchange Commission shall conduct a study and review of the results of shareholder advisory votes on executive compensation held pursuant to this section and the effects of such votes. Not later than 5 years after the date of enactment of this title, the Securities and Exchange Commission shall submit a report to the Congress on the results of the study and review required by this subsection.

SEC. 5003. COMPENSATION COMMITTEE INDEPENDENCE.

(a) STANDARDS RELATING TO COMPENSATION COMMITTEES.—The Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by inserting after section 10A the following new section:

''SEC. 10B. STANDARDS RELATING TO COMPENSATION COMMITTEES.

''(a) COMMISSION RULES.—

''(1) IN GENERAL.—Effective not later than 270 days after the date of enactment of the

Corporate and Financial Institution Compensation Fairness Act of 2009, the Commission shall, by rule, direct the national securities exchanges and national securities associations to prohibit the listing of any security of an issuer that is not in compliance with the requirements of any portion of subsections (b) through (f).

''(2) OPPORTUNITY TO CURE DEFECTS.—The rules of the Commission under paragraph (1) shall provide for appropriate procedures for an issuer to have an opportunity to cure any defects that would be the basis for a prohibition under paragraph (1) before the imposition of such prohibition.

''(3) EXEMPTION AUTHORITY.—The Commission may exempt certain categories of issuers from the requirements of subsections (b) through (f), where appropriate in view of the purpose of this section. In determining appropriate exemptions, the Commission shall take into account, among other considerations, the potential impact on smaller reporting issuers.

''(4) NO FEDERAL PREEMPTION.—If the law of the State under which an issuer is incorporated provides for a procedure for the board of directors to establish an independent compensation committee, then such State law shall be controlling and nothing in this section shall preempt such State law.

''(b) INDEPENDENCE OF COMPENSATION COMMITTEES.—

''(1) IN GENERAL.—Each member of the compensation committee of the board of directors of the issuer shall be a member of the board of directors of the issuer, and shall otherwise be independent.

''(2) CRITERIA.—The Commission shall, by rule, establish the criteria for determining whether a director is independent for purposes of this subsection. Such rules shall require that a member of a compensation committee of an issuer may not, other than in his or her capacity as a member of the compensation committee, the board of directors, or any other board committee—

''(A) accept any consulting, advisory, or other compensatory fee from the issuer; or

''(B) be an affiliated person of the issuer or any subsidiary thereof.

''(3) EXEMPTIVE AUTHORITY.—The Commission may exempt from the requirements of paragraph (2) a particular relationship with respect to compensation committee members, where appropriate in view of the purpose of this section.

''(4) DEFINITION.—As used in this section, the term 'compensation committee' means—

''(A) a committee (or equivalent body) established by and amongst the board of directors of an issuer for the purpose of determining and approving the compensation arrangements for the executive officers of the issuer; and

''(B) if no such committee exists with respect to an issuer, the independent members of the entire board of directors.

''(c) INDEPENDENCE STANDARDS FOR COMPENSATION CONSULTANTS AND OTHER COMMITTEE ADVISORS.—The charter of the compensation committee of the board of directors of an issuer shall set forth that any outside compensation consultant formally engaged or retained by the compensation committee shall meet standards for independence to be promulgated by the Commission.

''(d) COMPENSATION COMMITTEE AUTHORITY RELATING TO COMPENSATION CONSULTANTS.—

''(1) IN GENERAL.—The compensation committee of each issuer, in its capacity as a committee of the board of directors, shall have the authority, in its sole discretion, to retain and obtain the advice of a compensation consultant meeting the standards for independence promulgated pursuant to subsection (c), and the compensation committee shall be directly responsible for the appointment, compensation, and oversight of the work of such independent compensation consultant. This provision shall not be construed to require the compensation committee to implement or act consistently with the advice or recommendations of the compensation consultant, and shall not otherwise affect the compensation committee's ability or obligation to exercise its own judgment in fulfillment of its duties.

''(2) DISCLOSURE.—In any proxy or consent solicitation material for an annual meeting of the shareholders (or a special meeting in lieu of the annual meeting) occurring on or after the date that is 1 year after the date of enactment of the Corporate and Financial Institution Compensation Fairness Act of 2009, each issuer shall disclose in the proxy or consent material, in accordance with regulations to be promulgated by the Commission whether the compensation committee of the issuer retained and obtained the advice of a compensation consultant meeting the standards for independence promulgated pursuant to subsection (c).

''(e) AUTHORITY TO ENGAGE INDEPENDENT COUNSEL AND OTHER ADVISORS.—The compensation committee of each issuer, in its capacity as a committee of the board of directors, shall have the authority, in its sole discretion, to retain and obtain the advice of independent counsel and other advisers meeting the standards for independence promulgated pursuant to subsection (c), and the compensation committee shall be directly responsible for the appointment, compensation, and oversight of the work of such independent counsel and other advisers. This provision shall not be construed to require the compensation committee to implement or act consistently with the advice or recommendations of such independent counsel and other advisers, and shall not otherwise affect the compensation committee's ability or obligation to exercise its own judgment in fulfillment of its duties.

''(f) FUNDING.—Each issuer shall provide for appropriate funding, as determined by the compensation committee, in its capacity as a committee of the board of directors, for payment of compensation—

''(1) to any compensation consultant to the compensation committee that meets the standards for independence promulgated pursuant to subsection (c); and

''(2) to any independent counsel or other adviser to the compensation committee.''.

(b) STUDY AND REVIEW REQUIRED.—

(1) IN GENERAL.—The Securities Exchange Commission shall conduct a study and review of the use of compensation consultants meeting the standards for independence promulgated pursuant to section 10B(c) of the Security Exchange Act of 1934 (as added by subsection (a)), and the effects of such use.

(2) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this title, the Commission shall submit a report to the Congress on the results of the study and review required by this paragraph.

TITLE VI—CREDIT RATING AGENCIES

SEC. 6001. CHANGES TO DESIGNATION.

The Securities Act of 1933 and the Securities Exchange Act of 1934 are each amended by striking ''nationally recognized statistical rating'' each place it appears and inserting ''nationally registered statistical rating''.

SEC. 6002. REMOVAL OF STATUTORY REFERENCES TO CREDIT RATINGS.

(a) FEDERAL DEPOSIT INSURANCE ACT.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 28(d)—

(A) in the subsection heading, by striking ''not of investment grade'';

(B) in paragraph (1), by striking ''not of investment grade'' and inserting ''that does not meet standards of credit-worthiness as established by the Corporation'';

(C) in paragraph (2), by striking ''not of investment grade'';

(D) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3); and

(E) in paragraph (3) (as so redesignated)—

(i) by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(ii) in subparagraph (B) (as so redesignated), by striking ''not of investment grade'' and inserting ''that does not meet standards of credit-worthiness as established by the Corporation'';

(2) in section 28(e)—

(A) in the subsection heading, by striking ''not of investment grade'';

(B) in paragraph (1), by striking ''not of investment grade'' and inserting ''that does not meet standards of credit-worthiness as established by the Corporation''; and

(C) in paragraphs (2) and (3), by striking ''not of investment grade'' each place that it appears and inserting ''that does not meet standards of credit-worthiness established by the Corporation''; and

(3) in section 7(b)(1)(E)(i), by striking ''credit rating entities, and other private economic'' and inserting ''private economic, credit,''.

(b) FEDERAL HOUSING ENTERPRISES FINANCIAL SAFETY AND SOUNDNESS ACT OF 1992.—Section 1319 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4519) is amended—

(1) in the section heading, by striking ''by rating organization''; and

(2) by striking ''that is a nationally recognized statistical rating organization, as such term is defined in section 3(a) of the Securities Exchange Act of 1934,''.

(c) INVESTMENT COMPANY ACT OF 1940.—Section 6(a)(5)(A)(iv)(I) of the Investment Company Act of 1940 (15 U.S.C. 80a-6(a)(5)(A)(iv)(I)) is amended by striking ''is rated investment grade by not less than 1 nationally recognized statistical rating organization'' and inserting ''meets such standards of credit-worthiness that the Commission shall adopt''.

(d) REVISED STATUTES.—Section 5136A of title LXII of the Revised Statutes of the United States (12 U.S.C. 24a) is amended—

(1) in subsection (a)(2)(E), by striking ''any applicable rating'' and inserting ''standards of credit worthiness established by the Comptroller of the Currency'';

(2) in the heading for subsection (a)(3) by striking ''rating or comparable requirement'' and inserting ''requirement'';

(3) in subsection (a)(3), by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—A national bank meets the requirements of this paragraph if the bank is one of the 100 largest insured banks and has not fewer than 1 issue of outstanding debt that meets standards of credit-worthiness or other criteria as the Secretary of the Treasury and the Board of Governors of the Federal Reserve System may jointly establish.'';

(4) in the heading for subsection (f), by striking ''maintain public rating or'' and inserting ''meet standards of credit-worthiness''; and

(5) in subsection (f)(1), by striking ''any applicable rating'' and inserting ''standards of credit-worthiness established by the Comptroller of the Currency''.

(e) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a) Securities Exchange Act of 1934 (15 U.S.C. 78a(3)(a)) is amended—

(1) in paragraph (41), by striking ''is rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization'' and inserting ''meets standards of credit-worthiness as defined by the Commission''; and

(2) in paragraph (53)(A), by striking ''is rated in 1 of the 4 highest rating categories

by at least 1 nationally recognized statistical rating organization'' and inserting ''meets standards of credit-worthiness as defined by the Commission''.

(f) WORLD BANK DISCUSSIONS.—Section 3(a)(6) of the amendment in the nature of a substitute to the text of H.R. 4645, as ordered reported from the Committee on Banking, Finance and Urban Affairs on September 22, 1988, as enacted into law by section 555 of Public Law 100-461, (22 U.S.C. 286hh(a)(6)), is amended by striking ''rating'' and inserting ''worthiness''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect after the end of the 6-month period beginning on the date of the enactment of this title.

SEC. 6003. REVIEW OF RELIANCE ON RATINGS.

(a) AGENCY REVIEW.—

(1) REVIEW.—Not later than 1 year after the date of the enactment of this title, each Federal agency listed in paragraph (4) shall, to the extent applicable, review—

(A) any regulation issued by such agency that requires the use of an assessment of the credit-worthiness of a security or money market instrument; and

(B) any references to or requirements in such regulations regarding credit ratings.

(2) MODIFICATIONS REQUIRED.—Each such agency shall modify any such regulations identified by the review conducted under paragraph (1) to remove any reference to or requirement of reliance on credit ratings and to substitute in such regulations such standard of credit-worthiness as each respective agency shall determine as appropriate for such regulations. In making such determination, such agencies shall seek to establish, to the extent feasible, uniform standards of credit-worthiness for use by each such agency, taking into account the entities regulated by each such agency and the purposes for which such entities would rely on such standards of credit-worthiness.

(3) REPORT.—Upon conclusion of the review required under paragraph (1), each Federal agency listed in paragraph (4) shall transmit a report to the Congress containing a description of any modification of any regulation such agency made pursuant to paragraph (2).

(4) APPLICABLE AGENCIES.—The agencies required to conduct the review and report required by this subsection are—

(A) the Securities and Exchange Commission;

(B) the Federal Deposit Insurance Corporation;

(C) the Office of Thrift Supervision;

(D) the Office of the Comptroller of the Currency;

(E) the Board of Governors of the Federal Reserve;

(F) the National Credit Union Administration; and

(G) the Federal Housing Finance Agency.

(b) GAO REVIEW OF OTHER AGENCIES.—

(1) REVIEW.—The Comptroller General of the United States shall conduct a comprehensive review of the use of credit ratings by Federal agencies other than those listed in subsection (a)(4), including an analysis of the provisions of law or regulation applicable to each such agency that refer to and require the use of credit ratings by the agency, and the policies and practices of each agency with respect to credit ratings.

(2) REPORT.—Not later than 1 year after the date of the enactment of this title, the Comptroller General shall transmit to the Congress a report on the findings of the study conducted pursuant to paragraph (1), including recommendations for any legislation or rulemaking necessary or appropriate in order for such agencies to reduce their reliance on credit ratings.

TITLE VII—GOVERNMENT-SPONSORED ENTERPRISES REFORM

SEC. 7001. SHORT TITLE.

This title may be cited as the ''Government-Sponsored Enterprises Free Market Reform Act of 2009''.

SEC. 7002. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) CHARTER.—The term ''charter'' means—

(A) with respect to the Federal National Mortgage Association, the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); and

(B) with respect to the Federal Home Loan Mortgage Corporation, the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.).

(2) DIRECTOR.—The term ''Director'' means the Director of the Federal Housing Finance Agency.

(3) ENTERPRISE.—The term ''enterprise'' means—

(A) the Federal National Mortgage Association; and

(B) the Federal Home Loan Mortgage Corporation.

(4) GUARANTEE.—The term ''guarantee'' means, with respect to an enterprise, the credit support of the enterprise that is provided by the Federal Government through its charter as a Government-sponsored enterprise.

SEC. 7003. TERMINATION OF CURRENT CONSERVATORSHIP.

(a) IN GENERAL.—Upon the expiration of the period referred to in subsection (b), the Director of the Federal Housing Finance Agency shall determine, with respect to each enterprise, if the enterprise is financially viable at that time and—

(1) if the Director determines that the enterprise is financially viable, immediately take all actions necessary to terminate the conservatorship for each of the enterprises; or

(2) if the Director determines that the enterprise is not financially viable, immediately appoint the Federal Housing Finance Agency as receiver under section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 and carry out such receivership under the authority of such section.

(b) TIMING.—The period referred to in this subsection is, with respect to an enterprise—

(1) except as provided in paragraph (2), the 24-month period beginning upon the date of the enactment of this title; or

(2) if the Director determines before the expiration of the period referred to in paragraph (1) that the financial markets would be adversely affected without the extension of such period under this paragraph with respect to that enterprise, the 30-month period beginning upon the date of the enactment of this title.

(c) FINANCIAL VIABILITY.—The Director may not determine that an enterprise is financially viable for purposes of subsection (a) if the Director determines that any of the conditions for receivership set forth in paragraph (3) or (4) of section 1367(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617(a)) exists at the time with respect to the enterprise.

SEC. 7004. LIMITATION OF ENTERPRISE AUTHORITY UPON EMERGENCE FROM CONSERVATORSHIP.

(a) REVISED AUTHORITY.—Upon the expiration of the period referred to in section 7003(b), if the Director makes the determination under section 7003(a)(1), the following provisions shall take effect:

(1) PORTFOLIO LIMITATIONS.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.) is amended by adding at the end the following new section:

''SEC. 1369E. RESTRICTION ON MORTGAGE ASSETS OF ENTERPRISES.

''(a) RESTRICTION.—No enterprise shall own, as of any applicable date in this subsection or thereafter, mortgage assets in excess of—

''(1) upon the expiration of the period referred to in section 7003(b) of the Government-Sponsored Enterprises Free Market Reform Act of 2009, $850,000,000,000; or

''(2) on December 31 of each year thereafter, 80.0 percent of the aggregate amount of mortgage assets of the enterprise as of December 31 of the immediately preceding calendar year;

except that in no event shall an enterprise be required under this section to own less than $250,000,000,000 in mortgage assets.

''(b) DEFINITION OF MORTGAGE ASSETS.—For purposes of this section, the term 'mortgage assets' means, with respect to an enterprise, assets of such enterprise consisting of mortgages, mortgage loans, mortgage-related securities, participation certificates, mortgage-backed commercial paper, obligations of real estate mortgage investment conduits and similar assets, in each case to the extent such assets would appear on the balance sheet of such enterprise in accordance with generally accepted accounting principles in effect in the United States as of September 7, 2008 (as set forth in the opinions and pronouncements of the Accounting Principles Board and the American Institute of Certified Public Accountants and statements and pronouncements of the Financial Accounting Standards Board from time to time; and without giving any effect to any change that may be made after September 7, 2008, in respect of Statement of Financial Accounting Standards No. 140 or any similar accounting standard).''.

(2) INCREASE IN MINIMUM CAPITAL REQUIREMENT.—Section 1362 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4612), as amended by section 1111 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), is amended—

(A) in subsection (a), by striking ''For purposes of this subtitle, the minimum capital level for each enterprise shall be'' and inserting ''The minimum capital level established under subsection (g) for each enterprise may not be lower than'';

(B) in subsection (c)—

(i) by striking ''subsections (a) and'' and inserting ''subsection'';

(ii) by striking ''regulated entities'' the first place such term appears and inserting ''Federal Home Loan Banks'';

(iii) by striking ''for the enterprises,'';

(iv) by striking '', or for both the enterprises and the banks,'';

(v) by striking ''the level specified in subsection (a) for the enterprises or''; and

(vi) by striking ''the regulated entities operate'' and inserting ''such banks operate'';

(C) in subsection (d)(1)—

(i) by striking ''subsections (a) and'' and inserting ''subsection''; and

(ii) by striking ''regulated entity'' each place such term appears and inserting ''Federal home loan bank'';

(D) in subsection (e), by striking ''regulated entity'' each place such term appears and inserting ''Federal home loan bank'';

(E) in subsection (f)—

(i) by striking ''the amount of core capital maintained by the enterprises,''; and

(ii) by striking ''regulated entities'' and inserting ''banks''; and

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

''(g) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—

''(1) IN GENERAL.—The Director shall cause the enterprises to achieve and maintain adequate capital by establishing minimum levels of capital for the enterprises and by using such other methods as the Director deems appropriate.

''(2) AUTHORITY.—The Director shall have the authority to establish such minimum level of capital for an enterprise in excess of the level specified under subsection (a) as the Director, in the Director's discretion, deems to be necessary or appropriate in light of the particular circumstances of the enterprise.

''(h) FAILURE TO MAINTAIN REVISED MINIMUM CAPITAL LEVELS.—

''(1) UNSAFE AND UNSOUND PRACTICE OR CONDITION.—Failure of an enterprise to maintain capital at or above its minimum level as established pursuant to subsection (c) of this section may be deemed by the Director, in his discretion, to constitute an unsafe and unsound practice or condition within the meaning of this title.

''(2) DIRECTIVE TO ACHIEVE CAPITAL LEVEL.—

''(A) AUTHORITY.—In addition to, or in lieu of, any other action authorized by law, including paragraph (1), the Director may issue a directive to an enterprise that fails to maintain capital at or above its required level as established pursuant to subsection (c) of this section.

''(B) PLAN.—Such directive may require the enterprise to submit and adhere to a plan acceptable to the Director describing the means and timing by which the enterprise shall achieve its required capital level.

''(C) ENFORCEMENT.—Any such directive issued pursuant to this paragraph, including plans submitted pursuant thereto, shall be enforceable under the provisions of subtitle C of this title to the same extent as an effective and outstanding order issued pursuant to subtitle C of this title which has become final.

''(3) ADHERENCE TO PLAN.—

''(A) CONSIDERATION.—The Director may consider such enterprise's progress in adhering to any plan required under this subsection whenever such enterprise seeks the requisite approval of the Director for any proposal which would divert earnings, diminish capital, or otherwise impede such enterprise's progress in achieving its minimum capital level.

''(B) DENIAL.—The Director may deny such approval where it determines that such proposal would adversely affect the ability of the enterprise to comply with such plan.''.

(3) REPEAL OF INCREASES TO CONFORMING LOAN LIMITS.—

(A) REPEAL OF TEMPORARY INCREASES.—

(i) ECONOMIC STIMULUS ACT OF 2008.—Section 201 of the Economic Stimulus Act of 2008 (Public Law 110–185) is hereby repealed.

(ii) AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—Section 1203 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 225) is hereby repealed.

(B) REPEAL OF GENERAL LIMIT AND PERMANENT HIGH-COST AREA INCREASE.—Paragraph (2) of section 302(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) and paragraph (2) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) are each amended to read as such sections were in effect immediately before the enactment of the Housing and Economic Recovery Act of 2008 (Public Law 110–289).

(C) REPEAL OF NEW HOUSING PRICE INDEX.—Section 1322 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as added by section 1124(d) of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), is hereby repealed.

(D) REPEAL.—Section 1124 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289) is hereby repealed.

(E) ESTABLISHMENT OF CONFORMING LOAN LIMIT.—For the year in which the expiration of the period referred to in section 7003(b) of this section occurs, the limitations governing the maximum original principal obligation of conventional mortgages that may be purchased by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, referred to in section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), respectively, shall be considered to be—

(i) $417,000 for a mortgage secured by a single-family residence,

(ii) $533,850 for a mortgage secured by a 2-family residence,

(iii) $645,300 for a mortgage secured by a 3-family residence, and

(iv) $801,950 for a mortgage secured by a 4-family residence,

and such limits shall be adjusted effective each January 1 thereafter in accordance with such sections 302(b)(2) and 305(a)(2).

(F) PROHIBITION OF PURCHASE OF MORTGAGES EXCEEDING MEDIAN AREA HOME PRICE.—

(i) FANNIE MAE.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of this title, the corporation may not purchase any mortgage for a property having a principal obligation that exceeds the median home price, for properties of the same size, for the area in which such property subject to the mortgage is located.''.

(ii) FREDDIE MAC.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of this title, the Corporation may not purchase any mortgage for a property having a principal obligation that exceeds the median home price, for properties of the same size, for the area in which such property subject to the mortgage is located.''.

(4) REQUIREMENT TO PAY STATE AND LOCAL TAXES.—

(A) FANNIE MAE.—Paragraph (2) of section 309(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(c)(2)) is amended—

(i) by striking ''shall be exempt from'' and inserting ''shall be subject to''; and

(ii) by striking ''except that any'' and inserting ''and any''.

(B) FREDDIE MAC.—Section 303(e) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(e)) is amended—

(i) by striking ''shall be exempt from'' and inserting ''shall be subject to''; and

(ii) by striking ''except that any'' and inserting ''and any''.

(5) REPEALS RELATING TO REGISTRATION OF SECURITIES.—

(A) FANNIE MAE.—

(i) MORTGAGE-BACKED SECURITIES.—Section 304(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(d)) is amended by striking the fourth sentence.

(ii) SUBORDINATE OBLIGATIONS.—Section 304(e) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(e)) is amended by striking the fourth sentence.

(B) FREDDIE MAC.—Section 306 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455) is amended by striking subsection (g).

(6) RECOUPMENT OF COSTS FOR FEDERAL GUARANTEE.—

(A) ASSESSMENTS.—The Director of the Federal Housing Finance Agency shall establish and collect from each enterprise assessments in the amount determined under subparagraph (B). In determining the method and timing for making such assessments, the Director shall take into consideration the determinations and conclusions of the study under subsection (b) of this section.

(B) DETERMINATION OF COSTS OF GUARANTEE.—Assessments under subparagraph (A) with respect to an enterprise shall be in such amount as the Director determines necessary to recoup to the Federal Government the full value of the benefit the enterprise receives from the guarantee provided by the Federal Government for the obligations and financial viability of the enterprise, based upon the dollar value of such benefit in the market to such enterprise when not operating under conservatorship or receivership. To determine such amount, the Director shall establish a risk-based pricing mechanism as the Director considers appropriate, taking into consideration the determinations and conclusions of the study under subsection (b) of this section.

(C) TREATMENT OF RECOUPED AMOUNTS.—The Director shall cover into the general fund of the Treasury any amounts received from assessments made under this paragraph.

(b) GAO STUDY REGARDING RECOUPMENT OF COSTS FOR FEDERAL GOVERNMENT GUARANTEE.—The Comptroller General of the United States shall conduct a study to determine a risk-based pricing mechanism to accurately determine the value of the benefit the enterprises receive from the guarantee provided by the Federal Government for the obligations and financial viability of the enterprises. Such study shall establish a dollar value of such benefit in the market to each enterprise when not operating under conservatorship or receivership, shall analyze various methods of the Federal Government assessing a charge for such value received (including methods involving an annual fee or a fee for each mortgage purchased or securitized), and shall make a recommendation of the best such method for assessing such charge. Not later than 12 months after the date of the enactment of this title, the Comptroller General shall submit to the Congress a report setting forth the determinations and conclusions of such study.

SEC. 7005. REQUIREMENT TO PERIODICALLY RENEW CHARTER UNTIL WIND DOWN AND DISSOLUTION.

(a) REQUIRED RENEWAL; WIND DOWN AND DISSOLUTION UPON NON-RENEWAL.—Upon the expiration of the 3-year period that begins upon the expiration of the period referred to in section 7003(b), unless the charter of an enterprise is renewed pursuant to subsection (b) of this section, section 7006 (relating to wind down of operations and dissolution of enterprise) shall apply to the enterprise.

(b) RENEWAL PROCEDURE.—

(1) APPLICATION; TIMING.—The Director shall provide for each enterprise to apply to the Director, before the expiration of the 3-year period under subsection (a), for renewal of the charter of the enterprise.

(2) STANDARD.—The Director shall approve the application of an enterprise for the renewal of the charter of the enterprise if—

(A) the application includes a certification by the enterprise that the enterprise is financially sound and is complying with all provisions of, and amendments made by, section 7004 of this title applicable to such enterprise; and

(B) the Director verifies that the certification made pursuant to subparagraph (A) is accurate.

(c) OPTION TO REAPPLY.—Nothing in this section may be construed to require an enterprise to apply under this section for renewal of the charter of the enterprise.

SEC. 7006. REQUIRED WIND DOWN OF OPERATIONS AND DISSOLUTION OF ENTERPRISE.

(a) APPLICABILITY.—This section shall apply to an enterprise—

(1) upon the expiration of the 3-year period referred to in such section 7005(a), to the extent provided in such section; and

(2) if this section has not previously applied to the enterprise, upon the expiration of the 6-year period that begins upon the expiration of the period referred to in section 7003(b).

(b) WIND DOWN.—Upon the applicability of this section to an enterprise, the Director and the Secretary of the Treasury shall jointly take such action, and may prescribe such regulations and procedures, as may be necessary to wind down the operations of an enterprise as an entity chartered by the United States Government over the duration of the 10-year period beginning upon the applicability of this section to the enterprise (pursuant to subsection (a)) in an orderly manner consistent with this title and the ongoing obligations of the enterprise.

(c) DIVISION OF ASSETS AND LIABILITIES; AUTHORITY TO ESTABLISH HOLDING CORPORATION AND DISSOLUTION TRUST FUND.—The action and procedures required under subsection (b)—

(1) shall include the establishment and execution of plans to provide for an equitable division and distribution of assets and liabilities of the enterprise, including any liability of the enterprise to the United States Government or a Federal reserve bank that may continue after the end of the period described in subsection (b); and

(2) may provide for establishment of—

(A) a holding corporation organized under the laws of any State of the United States or the District of Columbia for the purposes of the reorganization and restructuring of the enterprise; and

(B) one or more trusts to which to transfer—

(i) remaining debt obligations of the enterprise, for the benefit of holders of such remaining obligations; or

(ii) remaining mortgages held for the purpose of backing mortgage-backed securities, for the benefit of holders of such remaining securities.

(d) REPEAL OF CHARTER.—Effective upon the expiration of the 10-year period referred to in subsection (b) for an enterprise, the charter for the enterprise is repealed, except that the provisions of such charter in effect immediately before such repeal shall continue to apply with respect to the rights and obligations of any holders of outstanding debt obligations and mortgage-backed securities of the enterprise.

TITLE VIII—FEDERAL INSURANCE OFFICE

SEC. 8001. SHORT TITLE.

This title may be cited as the ''Federal Insurance Office Act of 2009''.

SEC. 8002. FEDERAL INSURANCE OFFICE ESTABLISHED.

(a) ESTABLISHMENT OF OFFICE.—Subchapter I of chapter 3 of title 31, United States Code, is amended—

(1) by transferring and inserting section 312 after section 313;

(2) by redesignating sections 313 and 312 (as so transferred) as sections 312 and 315, respectively; and

(3) by inserting after section 312 (as so redesignated) the following new sections:

''SEC. 313. FEDERAL INSURANCE OFFICE.

''(a) ESTABLISHMENT OF OFFICE.—There is established the Federal Insurance Office as an office in the Department of the Treasury.

''(b) LEADERSHIP.—The Office shall be headed by a Director, who shall be appointed by the Secretary of the Treasury. The position of such Director shall be a career reserved position in the Senior Executive Service.

''(c) FUNCTIONS.—

''(1) AUTHORITY PURSUANT TO DIRECTION OF SECRETARY.—The Office shall have the authority, pursuant to the direction of the Secretary, as follows:

''(A) To monitor the insurance industry to gain expertise.

''(B) To identify issues or gaps in the regulation of insurers that could contribute to a systemic crisis in the insurance industry or the United States financial system.

''(C) To recommend for review by the Market Stability and Capital Adequacy Board any activities or practices by insurers or their affiliates that may be exacerbating systemic risk.

''(D) To assist the Secretary in administering the Terrorism Insurance Program established in the Department of the Treasury under the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note).

''(E) To coordinate Federal efforts and develop Federal policy on prudential aspects of international insurance matters, including representing the United States as appropriate in the International Association of Insurance Supervisors or any successor organization and assisting the Secretary in negotiating covered agreements.

''(F) To determine, in accordance with subsection (f), whether State insurance measures are preempted by covered agreements.

''(G) To consult with the States regarding insurance matters of national importance and prudential insurance matters of international importance.

''(H) To perform such other related duties and authorities as may be assigned to it by the Secretary.

''(2) ADVISORY FUNCTIONS.—The Office shall advise the Secretary on major domestic and prudential international insurance policy issues.

''(d) SCOPE.—The authority of the Office shall extend to all lines of insurance except health insurance, as determined by the Secretary based on section 2791 of the Public Health Service Act (42 U.S.C. 300gg-91).

''(e) GATHERING OF INFORMATION.—

''(1) GENERAL.—In carrying out its functions under subsection (c), the Office may request, receive, and collect data and information on and from the insurance industry and insurers, enter into information-sharing agreements, analyze and disseminate data and information, and issue reports regarding all lines of insurance except health insurance.

''(2) COLLECTION OF INFORMATION FROM INSURERS AND AFFILIATES.—Except as provided in paragraph (3) and subject to paragraph (4), the Office may require an insurer, or affiliate of an insurer, to submit such data or information that the Office may reasonably require in carrying out its functions under subsection (c). Notwithstanding subsection (p) and for the purposes of this paragraph only, the term 'insurer' means any entity that is authorized to write insurance or reinsure risks and issue contracts or policies in one or more States.

''(3) EXCEPTION FOR SMALL INSURERS.—Paragraph (2) shall not apply with respect to any insurer or affiliate thereof that meets a minimum size threshold that may be established by the Office by order or rule. Such threshold shall be appropriate to the particular request and need for the data or information.

''(4) ADVANCE COORDINATION.—Before collecting any data or information under paragraph (2) from an insurer, or affiliate of an insurer, the Office shall coordinate with each relevant Federal agency and State insurance regulator (or other relevant Federal or State regulatory agency, if any, in the case of an affiliate of an insurer) and any publicly available sources to determine if the information to be collected is available from, or may be obtained in a timely manner by, such Federal agency or State insurance regulator, individually or collectively, other regulatory agency, or publicly available sources. If the Director determines that such data or information is available, or may be obtained in a timely manner, from such an agency, regulator, regulatory agency, or source, the Director shall obtain the data or information from such agency, regulator, regulatory agency, or source. If the Director determines that such data or information is not so available, the Director may collect such data or information from an insurer (or affiliate) only if the Director complies with the requirements of subchapter I of chapter 35 of title 44, United States Code (relating to Federal information policy; commonly known as the Paperwork Reduction Act) in collecting such data or information. Notwithstanding any other provision of law, each such relevant Federal agency and State insurance regulator or other Federal or State regulatory agency is authorized to provide to the Office such data or information.

''(5) CONFIDENTIALITY.—

''(A) The submission of any non-publicly available data and information to the Office under this subsection shall not constitute a waiver of, or otherwise affect, any privilege arising under Federal or State law (including the rules of any Federal or State Court) to which the data or information is otherwise subject.

''(B) Any requirement under Federal or State law to the extent otherwise applicable, or any requirement pursuant to a written agreement in effect between the original source of any non-publicly available data or information and the source of such data or information to the Office, regarding the privacy or confidentiality of any data or information in the possession of the source to the Office, shall continue to apply to such data or information after the data or information has been provided pursuant to this subsection to the Office.

''(C) Any data or information obtained by the Office may be made available to State insurance regulators individually or collectively through an information sharing agreement that shall comply with applicable Federal law and that shall not constitute a waiver of, or otherwise affect, any privilege under Federal or State law (including the rules of any Federal or State Court) to which the data or information is otherwise subject.

''(D) Section 552 of title 5, United States Code, shall apply to any data or information submitted by an insurer or affiliate of an insurer.

''(f) PREEMPTION OF STATE INSURANCE MEASURES.—

''(1) STANDARD.—A State insurance measure shall be preempted pursuant to this section or section 314 if, and only to the extent that the Director determines, in accordance with this subsection, that the measure—

''(A) directly results in less favorable treatment of a non-United States insurer domiciled in a foreign jurisdiction that is subject to a covered agreement than a United States insurer domiciled, licensed, admitted, or otherwise authorized in that State; and

''(B) is inconsistent with a covered agreement that is entered into on a date after the date of the enactment of this Act.

''(2) DETERMINATION.—

''(A) NOTICE OF POTENTIAL INCONSISTENCY.—Before making any determination of inconsistency, the Director shall—

''(i) notify and consult with the appropriate State regarding any potential inconsistency or preemption;

''(ii) notify and consult with the United States Trade Representative regarding any potential inconsistency or preemption;

''(iii) cause to be published in the Federal Register notice of the issue regarding the potential inconsistency or preemption, including a description of each State insurance measure at issue and any applicable covered agreement;

''(iv) provide interested parties a reasonable opportunity to submit written comments to the Office;

''(v) consider the effect of preemption on—

''(I) the protection of policyholders and policy claimants;

''(II) the maintenance of the safety, soundness, integrity, and financial responsibility of any entity involved in the business of insurance or insurance operations;

''(III) ensuring the integrity and stability of the United States financial system; and

''(IV) the creation of a gap or void in financial or market conduct regulation of any entity involved in the business of insurance or insurance operations in the United States; and

''(vi) consider any comments received.

The Director shall provide the notifications required under clauses (i), (ii), and (iii) contemporaneously.

''(B) SCOPE OF REVIEW.—For purposes of this section, the Director's determination of State insurance measures shall be limited to the subject matter of the prudential measures applicable to the business of insurance contained within the covered agreement involved.

''(C) NOTICE OF DETERMINATION OF INCONSISTENCY.—Upon making any determination of inconsistency, the Director shall—

''(i) notify the appropriate State of the determination and the extent of the inconsistency;

''(ii) establish a reasonable period of time, which shall not be shorter than 90 days, before the determination shall become effective; and

''(iii) notify the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of the inconsistency.

''(3) NOTICE OF EFFECTIVENESS.—Upon the conclusion of the period referred to in paragraph (2)(C)(ii), if the basis for the determination of inconsistency still exists, the determination shall become effective and the Director shall—

''(A) cause to be published notice in the Federal Register that the preemption has become effective, as well as the effective date; and

''(B) notify the appropriate State.

''(4) LIMITATION.—No State may enforce a State insurance measure to the extent that it has been preempted under this subsection.

''(g) APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.—Determinations of inconsistency pursuant to subsection (f)(2) shall be subject to the applicable provisions of subchapter II of chapter 5 of title 5, United States Code (relating to administrative procedure), and chapter 7 of such title (relating to judicial review), except that in any action for judicial review of a determination of inconsistency, the court shall determine the matter de novo.

''(h) REGULATIONS, POLICIES, AND PROCEDURES.—The Secretary may issue orders, regulations, policies and procedures to implement this section.

''(i) CONSULTATION.—The Director shall consult with State insurance regulators, individually and collectively, to the extent the Director determines appropriate, in carrying out the functions of the Office.

''(j) SAVINGS PROVISIONS.—Nothing in this section shall—

''(1) preempt any State insurance measure that governs any insurer's rates, premiums, underwriting or sales practices, or State coverage requirements for insurance, or to the application of the antitrust laws of any State to the business of insurance;

''(2) preempt any State insurance measure governing the capital or solvency of an insurer, except to the extent that such State insurance measure directly results in less favorable treatment of a non-United States insurer than a United States insurer;

''(3) be construed to alter, amend, or limit the responsibility of any department or agency of the Federal Government to issue regulations under the Truth in Lending Act (15 U.S.C. 1601 et seq.) or any other Federal law regulating the provision of consumer financial products or services;

''(4) preempt any State insurance measure because of inconsistency with any agreement that is not a covered agreement (as such term in defined in subsection (p)); or

''(5) affect the preemption of any State insurance measure otherwise inconsistent with and preempted by Federal law.

''(k) RETENTION OF EXISTING STATE REGULATORY AUTHORITY.—Nothing in this section or section 314 shall be construed to establish a general supervisory or regulatory authority of the Office or the Department of the Treasury over the business of insurance.

''(l) RETENTION OF AUTHORITY OF FEDERAL FINANCIAL REGULATORY AGENCIES.—Nothing in this section or section 314 shall be construed to limit the authority of any Federal financial regulatory agency, including the authority to develop and coordinate policy, negotiate, and enter into agreements with foreign governments, authorities, regulators, and multi-national regulatory committees and to preempt State measures to affect uniformity with international regulatory agreements.

''(m) RETENTION OF AUTHORITY OF UNITED STATES TRADE REPRESENTATIVE.—Nothing in this section or section 314 shall be construed to affect the authority of the Office of the United States Trade Representative pursuant to section 141 of the Trade Act of 1974 (19 U.S.C. 2171) or any other provision of law, including authority over the development and coordination of United States international trade policy and the administration of the United States trade agreements program.

''(n) REPORTS TO CONGRESS.—

''(1) ANNUAL REPORT.—Beginning September 30, 2011, the Director shall submit a report on or before September 30 of each calendar year to the President and to the Committees on Financial Services and Ways and Means of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Finance of the Senate on the insurance industry, any actions taken by the office pursuant to subsection (f) (regarding preemption of inconsistent State insurance measures).

''(2) OTHER REPORTS.—The Director shall submit to the President and the Committees referred to in paragraph (1) any other information or reports as deemed relevant by the Director or as requested by the Chairman or Ranking Member of any of such Committees.

''(o) USE OF EXISTING RESOURCES.—To carry out this section, the Office may employ personnel, facilities, and other Department of the Treasury resources available to the Secretary and the Secretary shall dedicate specific personnel to the Office.

''(p) DEFINITIONS.—For purposes of this section and section 314, the following definitions shall apply:

''(1) AFFILIATE.—The term 'affiliate' means, with respect to an insurer, any person that controls, is controlled by, or is under common control with the insurer.

''(2) COVERED AGREEMENT.—The term 'covered agreement' means a written bilateral or multilateral recognition agreement that—

''(A) is entered into between the United States and one or more foreign governments, authorities, or regulatory entities; and

''(B) provides for recognition of prudential measures with respect to the business of insurance or reinsurance that achieves a level of protection for insurance or reinsurance consumers that is substantially equivalent to the level of protection achieved under State insurance or reinsurance regulation.

''(3) DETERMINATION OF INCONSISTENCY.—The term 'determination of inconsistency' means a determination that a State insurance measure is preempted under subsection (f).

''(4) FEDERAL FINANCIAL REGULATORY AGENCY.—The term 'Federal financial regulatory agency' means the Department of the Treasury, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal Deposit Insurance Corporation, the Federal Housing Finance Agency, or the National Credit Union Administration.

''(5) INSURER.—The term 'insurer' means any person engaged in the business of insurance, including reinsurance.

''(6) NON-UNITED STATES INSURER.—The term 'non-United States insurer' means an insurer that is organized under the laws of a jurisdiction other than a State, but does not include any United States branch of such an insurer.

''(7) OFFICE.—The term 'Office' means the Federal Insurance Office established by this section.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

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

''(10) STATE INSURANCE MEASURE.—The term 'State insurance measure' means any State law, regulation, administrative ruling, bulletin, guideline, or practice relating to or affecting prudential measures applicable to insurance or reinsurance.

''(11) STATE INSURANCE REGULATOR.—The term 'State insurance regulator' means any State regulatory authority responsible for the supervision of insurers.

''(12) UNITED STATES INSURER.—The term 'United States insurer' means—

''(A) an insurer that is organized under the laws of a State; or

''(B) a United States branch of a non-United States insurer.

''(q) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Office such sums as may be necessary for each fiscal year.

''SEC. 314. COVERED AGREEMENTS.

''(a) AUTHORITY.—The Secretary and the United States Trade Representative are authorized, jointly, to negotiate and enter into covered agreements on behalf of the United States.

''(b) REQUIREMENTS FOR CONSULTATION WITH CONGRESS.—

''(1) IN GENERAL.—Before initiating negotiations to enter into a covered agreement under subsection (a), during such negotiations, and before entering into any such agreement, the Secretary and the United States Trade Representative shall jointly consult with the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate.

''(2) SCOPE.—The consultation described in paragraph (1) shall include consultation with respect to—

''(A) the nature of the agreement;

''(B) how and to what extent the agreement will achieve the applicable purposes, policies, priorities, and objectives of section 313 and this section; and

''(C) the implementation of the agreement, including the general effect of the agreement on existing State laws.

''(c) SUBMISSION AND LAYOVER PROVISIONS.—A covered agreement under subsection (a) may enter into force with respect to the United States only if—

''(1) the Secretary and the United States Trade Representative jointly submit to the congressional committees specified in subsection (b)(1), on a day on which both Houses of Congress are in session, a copy of the final legal text of the agreement; and

''(2) a period of 90 calendar days beginning on the date on which the copy of the final legal text of the agreement is submitted to the congressional committees under paragraph (1) has expired.''.

(b) DUTIES OF SECRETARY.—Section 321(a) of title 31, United States Code, is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8)(C), by striking the period at the end and inserting ''; and''; and

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

''(9) advise the President on major domestic and international prudential policy issues in connection with all lines of insurance except health insurance.''.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 3 of title 31, United States Code, is amended by striking the item relating to section 312 and inserting the following new items:

''Sec. 312. Terrorism and Financial Intelligence.
''Sec. 313. Federal Insurance Office.
''Sec. 314. Covered agreements.
''Sec. 315. Continuing in office.''.

SEC. 8003. REPORT ON GLOBAL REINSURANCE MARKET.

Not later than September 30, 2011, the Director of the Federal Insurance Office appointed under section 313(b) of title 31, United States Code (as amended by section 8002(a)(3) of this title) shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the breadth and scope of the global reinsurance market and the critical role such market plays in supporting insurance in the United States.

SEC. 8004. STUDY ON MODERNIZATION AND IMPROVEMENT OF INSURANCE REGULATION IN THE UNITED STATES.

(a) STUDY.—The Director of the Federal Insurance Office appointed under section 313(b) of title 31, United States Code (as amended by section 8002(a)(3) of this title) shall conduct a study on how to modernize and improve the system of insurance regulation in the United States. Such study shall include consideration of the following:

(1) Effective systemic risk regulation with respect to insurance.

(2) Strong capital standards and an appropriate match between capital allocation and liabilities for all risk.

(3) Meaningful and consistent consumer protection for insurance products and practices.

(4) Increased national uniformity through either a Federal charter or effective action by the States.

(5) Improved and broadened regulation of insurance companies and affiliates on a consolidated basis, including affiliates outside of the traditional insurance business.

(6) International coordination.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any legislative, administrative, or regulatory recommendations that the Director considers appropriate to modernize and improve the system of insurance regulation in the United States.

(c) CONSULTATION.—In carrying out subsections (a) and (b), the Director shall consult with State insurance commissioners, consumer organizations, representatives of the insurance industry, policyholders, and other persons, as the Director considers appropriate.

It was decided in the negative { Yeas ..... 175 / Nays 251

¶154.19 [Roll No. 966]

AYES—175

Ackerman
Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
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)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
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
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—251

Abercrombie
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gallegly
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, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
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
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—14

Baldwin
Bordallo
Lofgren, Zoe
Matsui
McIntyre
Moran (VA)
Murphy (CT)
Murtha
Norton
Oberstar
Pierluisi
Sessions
Slaughter
Young (AK)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. PASTOR of Arizona, assumed the Chair.

When Ms. EDWARDS of Maryland, Acting Chairman, pursuant to House Resolution 964, reported the bill, as amended, back to the House with sundry further amendments adopted by the Committee.

Pursuant to House Resolution 964, the previous question was ordered.

Pursuant to said resolution, the question on agreeing to the amendments was put en gros.

Will the House agree to the amendments en gros?

The SPEAKER pro tempore, Mr. PASTOR of ARIZONA, announced that the yeas had it.

The following sundry amendments were agreed to:

Page 1, line 4, strike ''The'' before ''Wall Street''.

Page 13, line 6, insert ''(hereafter in this title referred to as a 'foreign financial parent') after'' after ''United States''.

Page 13, beginning on line 14, strike ''of a company'' and all that follows through ''United States'' on line 16.

Page 15, after line 11, insert the following new clause (and redesignate subsequent clauses appropriately):

(iv) after the date on which the functions of the Office of Thrift Supervision are transferred under subtitle C, any savings and loan holding company (as defined in section 10(a)(1)(D) of the Home Owners' Loan Act) and any subsidiary (as such term is defined in the Bank Holding Company Act of 1956) of such company, other than a subsidiary that is described in any other subparagraph of this paragraph, to the extent that the subsidiary is engaged in an activity described in such subparagraph;

Page 15, line 25, strike ''a'' and insert ''any''.

Page 17, after line 6, insert the following new clause (and redesignate subsequent clauses appropriately):

(v) a securities-based swap execution facility that is registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);''

Page 21, line 11, strike ''to pursuant'' and insert ''pursuant''.

Page 21, after line 21, insert the following new subparagraph:

(J) The head of the Consumer Financial Protection Agency.

Page 21, after line 23, insert the following (and redesignate succeeding paragraphs accordingly):

(A) The Director of the Federal Insurance Office.

Page 23, line 4, strike ''plans'' and insert ''strategies''.

Page 23, line 5, strike ''plans'' and insert ''strategies''.

Page 23, line 6, insert after the period the following new sentence: ''In doing so, the Council shall collaborate with participants in the financial sector, financial sector coordinating councils, and any other parties the Council determines to be appropriate.''.

Page 24, beginning on line 23, strike ''another dispute mechanism specifically has been provided under Federal law'' and insert ''a dispute mechanism specifically has been provided under section 4204 or title III''.

Page 28, line 24, strike ''plans'' and insert ''strategies''.

Page 29, line 2, strike ''plans'' and insert ''strategies''.

Page 32, strike line 22 and all that follows through page 33, line 7.

Page 34, after line 22, insert the following new paragraph:

(3) MITIGATION REQUIREMENTS IN CASE OF FOREIGN FINANCIAL PARENTS.—Before requiring the submission of reports from a company that is a foreign financial parent, the Council or the Board shall, to the extent appropriate, coordinate with any appropriate foreign regulator of such company and any appropriate multilateral organization and, whenever possible, rely on information already being collected by such foreign regulator or multilateral organizational with English translation.

Page 35, line 1, insert after ''entities'' the following: ''(including the Federal Insurance Office)''.

Page 37, line 12, insert ''**; AGENCY AUTHORITY**'' before the period.

Page 37, strike lines 17 and 18, and insert the following:

(b) AGENCY AUTHORITY TO IMPLEMENT STANDARDS.—

(1) IN GENERAL.—A Federal financial regulatory agency specifically

Page 37, line 19, strike ''is authorized to'' and insert ''may, in response to a Council recommendation under this section or otherwise,''.

Page 38, after line 4, insert the following new paragraph:

(2) APPLYING STANDARDS TO FOREIGN FINANCIAL PARENTS.—In applying standards under paragraph (1) to any foreign financial parent, or to any branch of, subsidiary of, or other operating entity related to such foreign financial parent that operates within the United States, the Federal financial regulatory agency shall—

(A) give due regard to the principles of national treatment and equality of competitive opportunity; and

(B) take into account the extent to which the foreign financial parent is subject to comparable standards on a consolidated basis in the home country of such foreign financial parent that are administered by a comparable foreign supervisory authority.

Page 38, line 22, after ''such company,'' insert the following: ''and, in the case of a financial holding company subject to stricter standards that is an insurance company, the Federal Insurance Office,''.

Page 39, strike line 11 and all that follows through line 15 (and redesignate subsequent paragraphs accordingly).

Page 39, after line 25, insert the following new paragraphs (and redesignate subsequent paragraphs accordingly):

(5) The company's importance as a source of credit for low-income, minority, or underserved communities and the impact the failure of such company would have on the availability of credit in such communities.

(6) The extent to which assets are simply managed and not owned by the financial company and the extent to which ownership of assets under management is diffuse.

Page 40, line 5, insert before the period the following: ''or, in the case of a foreign financial parent, the extent to which such foreign parent is subject to prudential standards on a consolidated basis in the home country of such financial parent that are administered and enforced by a comparable foreign supervisory authority''.

Page 40, after line 5, insert the following new paragraphs (and redesignate the subsequent paragraph accordingly):

(8) The amount and nature of the company's financial assets.

(9) The amount and nature of the company's liabilities, including the degree of reliance on short-term funding.

Page 41, strike line 10 and all that follows through line 19 (and redesignate subsequent subsections accordingly).

Page 42, strike line 9 and all that follows through page 44, line 10, and insert the following new paragraphs:

(1) APPLICATION OF FEDERAL LAWS.—

(A) APPLICATION OF BANK HOLDING COMPANY ACT AND FEDERAL DEPOSIT INSURANCE ACT.—A financial company subject to stricter standards that does not own a bank (as defined in section 2 of the Bank Holding Company Act of 1956) and that is not a foreign bank or company that is treated as a bank holding company under section 8 of the International Banking Act of 1978 shall be subject to section 4, subsections (b), (c), (d), (e), (f), and (g) of section 5, and section 8 of the Bank Holding Company Act of 1956, and section 8 of the Federal Deposit Insurance Act in the same manner and to the same extent as if such financial holding company subject to stricter standards were a bank holding company that has elected to be a financial holding company (as such terms are defined in the Bank Holding Company Act of 1956), its subsidiaries were subsidiaries of a bank holding company, and the Board was its appropriate Federal banking agency (as such term is defined under the Federal Deposit Insurance Act).

(B) BOARD AUTHORITY.—For purposes of administering and enforcing the provisions of this title, the Board may take any action with respect to a financial holding company subject to stricter standards described in subparagraph (A) or its subsidiaries under the authorities described in subparagraph (A) as if such financial holding company subject to stricter standards were a bank holding company that has elected to be a financial holding company (as such terms are defined in the Bank Holding Company Act of 1956), its subsidiaries were subsidiaries of a bank holding company, and the Board was its appropriate Federal banking agency (as such term is defined under the Federal Deposit Insurance Act).

(2) APPLICATION OF ACTIVITY RESTRICTIONS AND SECTION 6 HOLDING COMPANY REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C)—

(i) a financial holding company subject to stricter standards that conducts activities that do not comply with section 4 of the Bank Holding Company Act shall be required to establish or designate a section 6 holding company in accordance with section 6 of the Bank Holding Company Act of 1956 through which it conducts activities of the company that are determined to be financial in nature or incidental thereto under section 4(k) of the such Act; and

(ii) such section 6 holding company shall be the financial holding company subject to stricter standards for purposes of this title.

(B) EXCEPTIONS FROM SECTION 6 HOLDING COMPANY REQUIREMENTS.—

(i) GENERAL REQUIREMENT FOR BOARD TO CONSIDER EXCEPTIONS.—Before such time as a financial holding company subject to stricter standards is required to establish or designate a section 6 holding company under section 6 of the Bank Holding Company Act, and in consultation with the financial holding company subject to stricter standards and any appropriate Federal or State financial regulators (and, in the case of a financial holding company subject to stricter standards that is an insurance company, the Federal Insurance Office)—

(I) the Board shall consider whether to grant any of the exemptions from the requirements applicable to section 6 holding companies under section 6(a)(6)(A) of the Bank Holding Company Act of 1956, in accordance with that provision; and

(II) the Board, at the request of a financial holding company subject to stricter standards that is predominantly engaged in activities that are determined to be financial in nature or incidental thereto under section 4(k) of the Bank Holding Company Act, shall consider whether to exempt the financial holding company subject to stricter standards from the requirement to establish a section 6 holding company, taking into consideration paragraph (2)(D), and the extent to which the exemption would: facilitate the extension of credit to individuals, households and businesses; improve efficiency or customer service or result in other public benefits; potentially threaten the safety and soundness of the financial holding company

or any of its subsidiaries; potentially increase systemic risk or threaten the stability of the overall financial system; potentially result in unfair competition; and potentially have anticompetitive effects that would not be outweighed by public benefits.

(ii) BOARD DETERMINATION NOT TO EXEMPT.—

(I) IN GENERAL.—If the Board determines not to exempt the financial holding company subject to stricter standards from the requirement to establish a section 6 holding company, the financial holding company subject to stricter standards shall establish a section 6 holding company within 90 days after the Board's determination.

(II) EXTENSION OF PERIOD.—The Board may extend the time by which the financial holding company subject to stricter standards is required to establish a section 6 holding company for an additional reasonable period of time, not to exceed 180 days.

(iii) BOARD DETERMINATION TO EXEMPT.—

(I) IN GENERAL.—If the Board grants the requested exemption from the requirement to establish a section 6 holding company, the financial holding company subject to stricter standards shall at all times remain predominantly engaged in activities that are determined to be financial in nature or incidental thereto under section 4(k) of the Bank Holding Company Act of 1956, and shall be the financial holding company subject to stricter standards for purposes of this title.

(II) SUBSEQUENT LOSS OF EXEMPTION.—Upon a determination by the Board, in consultation with any relevant Federal or State regulators of the financial holding company subject to stricter standards, and, in the case of a financial holding company subject to stricter standards that is an insurance company, the Federal Insurance Office, that the financial holding company subject to stricter standards fails to comply with this subsection, the financial holding company subject to stricter standards shall lose the exemption from the section 6 holding company requirement and shall establish a section 6 holding company within the time periods described in clause (ii)(I).

(C) ACTIVITIES CONDUCTED ABROAD.—Section 4 of the Bank Holding Company Act of 1956 shall not apply to any activities that a foreign financial holding company subject to stricter standards conducts solely outside the United States if such activities are conducted solely by a company or other entity that is located outside the United States.

(D) FLEXIBLE APPLICATION.—In applying the activity restrictions and ownership limitations of section 4 of the Bank Holding Company Act of 1956 to financial holding companies subject to stricter standards described in paragraph (1)(A), the Board shall flexibly adapt such requirements taking into account the usual and customary practices in the business sector of the financial company subject to stricter standards so as to avoid unnecessary burden and expense.

Page 45, line 5, insert '', as agent of the Council,'' after ''Board''.

Page 45, beginning on line 18, strike ''heightened'' and insert ''stricter''.

Page 45, strike lines 21 and 22 and insert the following new clause (and redesignate subsequent clauses accordingly):

(i) risk-based capital requirements and leverage limits, unless the Board determines that such requirements are not appropriate for a financial holding company subject to stricter standards because of such company's activities (such as investment company activities or assets under management) or structure, in which case the Board shall apply other standards that result in appropriately stringent controls.

Page 46, line 4, insert ''and'' after the semicolon.

Page 46, line 6, strike ''; and'' and insert a period.

Page 46, strike line 7 and all that follows through line 9.

Page 46, line 12, insert ''short-term debt limits prescribed in accordance with subsection (d) and'' after ''include''.

Page 46, line 17, after ''AGENCIES'' insert the following: ''AND THE FEDERAL INSURANCE OFFICE''.

Page 47, line 2, after the period insert the following: ''With respect to a financial holding company subject to stricter standards that is an insurance company or any insurance company subsidiary of such a financial holding company subject to stricter standards, the Board shall also consult with the Federal Insurance Office.''.

Page 47, strike line 3 and all that follows through line 5 and insert the following:

(3) APPLICATION OF REQUIRED STANDARDS.—In imposing prudential standards under this section, the Board—

(A) may differentiate among financial

Page 47, line 11, strike the period and insert ''; and''.

Page 47, after line 11, insert the following new subparagraph:

(B) shall take into consideration whether and to what extent a financial holding company subject to stricter standards that is not a bank holding company or treated as a bank holding company owns or controls a depository institution and shall adapt the prudential standards applied to such company as appropriate in light of any predominant line of business of such company, including assets under management or other activities for which capital requirements are not appropriate.

Page 47, beginning on line 20, strike ''financial companies'' and all that follows through ''own or control'' on line 22, and insert ''a foreign financial parent and to''.

Page 47, beginning on line 23, strike ''that is a'' and all that follows through ''principle'' on line 25 and insert ''that is owned or controlled by a foreign financial parent, giving due regard to principles''.

Page 48, beginning on line 2, strike ''such companies are subject'' and insert ''the foreign financial parent is subject on a consolidated basis''.

Page 50, line 22, strike '', as such entities are'' and insert ''as''.

Page 51, line 13, before the period insert the following: ''and, with respect to an insurance company, the Federal Insurance Office''.

Page 54, line 14, insert before the period the following: ''except as specifically provided in this title''.

Page 54, line 19, insert before the period the following: ''except as specifically provided in this title''.

Page 55, line 14, strike ''shall'' and insert ''may.''

Page 55, line 19, strike ''The'' and insert ''Any''.

Page 56, strike line 20 and all that follows through line 25.

Page 68, line 17, insert ''The Board, in determining whether to impose any requirement under this subparagraph that is likely to have a significant effect on a functionally regulated subsidiary, subsidiary depository institution, or insurance company subsidiary of a financial holding company subject to stricter standards, shall consult with the primary financial regulatory agency for such subsidiary. In the case of an insurance company subsidiary of a financial holding company subject to stricter standards, the Board shall consult with the Federal Insurance Office.'' after the period.

Page 76, line 9, insert '', after consultation with the primary financial regulatory agency for any functionally regulated subsidiary, subsidiary depository institution, or insurance company subsidiary that is likely to be significantly affected by such actions. In the case of an insurance company subsidiary of a financial holding company subject to stricter standards, the Board shall consult with the Federal Insurance Office'' before the period.

Page 86, line 1, after ''standards'' insert the following: ''(and, if the financial holding company subject to stricter standards is an insurance company, the Federal Insurance Office)''.

Page 87, after line 5, insert the following new subsections:

(j) RULE OF CONSTRUCTION REGARDING CONSUMER PROTECTION STANDARDS.—The prudential standards imposed or recommended by the Board or the Council under this section shall not be construed as superseding—

(1) any consumer protection standards promulgated under a State or Federal consumer protection law, including the Consumer Financial Protection Agency Act and the Federal Trade Commission Act; or

(2) any investor protection standard that protects consumers (including public reporting requirements) imposed under State or Federal securities laws, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1944, and the Investment Advisors Act of 1944.

(k) RULEMAKING AUTHORITY.—The Board may prescribe such regulations and issue such orders as the Board, in consultation with the Council, determines to be necessary to carry out the provisions of this subtitle.

Page 87, line 24, strike ''financial company subjected to stricter prudential'' and insert ''financial holding company subject to stricter''.

Page 88, line 2, insert after the period the following: ''With respect to any requirements under this section that is likely to have a significant effect on an insurance company, the Council shall consult with the Federal Insurance Office.''.

Page 89, line 8, insert ''stricter'' after ''modifying the''.

Page 90, line 14, insert ''holding'' after ''financial''.

Page 90, line 15, strike ''prudential''.

Page 90 line 16, strike ''financial company'' and insert ''financial holding company subject to stricter standards''.

Page 90, line 22, strike ''company subject to stricter prudential'' and insert ''holding company subject to stricter''.

Page 92, line 20, strike ''subsection (e)(5)'' and insert ''this section''.

Page 93, line 1, strike ''(e)(5)'' and insert ''(e)(2)''.

Page 96, line 18, insert '', as agent of the Council,'' after ''Board''.

Page 97, line 4, insert after the period the following: ''With respect to any standard that is likely to have a significant effect on insurance companies, the Board also shall consult with the Federal Insurance Office.''.

Page 97, after line 16, insert the following new paragraph:

(3) EXCEPTION.—The standards recommended by the Board and adopted by a primary financial regulatory agency pursuant to this section shall not apply to activities that a foreign financial parent conducts solely outside the United States if such activities are conducted solely by a company or other operating entity that is located outside the United States.

Page 119, line 7, insert '', after notice and opportunity for comment,'' after ''may''.

Page 119, line 13, strike ''agency'' and insert ''Board''.

Page 119, line 14, strike ''agency'' and insert ''Board''.

Page 122, line 18, strike ''The authorities'' and insert the following:

(a) CONSTRUCTION.—The authorities

Page 123, after line 2, insert the following new subsection:

(b) AGENT RESPONSIBILITIES.—For purposes of this subtitle, the term ''agent'' means the Board acting under section 1103(c) and coordinating with the Council in exercising authority under sections 1104 and 1107.

Page 129, line 17, insert '', and who shall coordinate with the Office of Thrift Supervision pursuant to section 1211'' before the period at the end.

Page 131, after line 5, insert the following new subsection:

(f) EFFECTIVE DATE.—Subsection (b) shall take effect on the date of the enactment of this Act .

Page 132, after line 15, insert the following new paragraph:

(4) FUNCTIONS RELATING TO SUPERVISION OF SAVINGS AND LOAN HOLDING COMPANIES.—

(A) TRANSFER OF FUNCTIONS.—All functions of the Director of the Office of Thrift Supervision relating to the supervision and regulation of Savings and Loan Holding Companies are transferred to the Board.

(B) BOARD AUTHORITY.—The Board shall succeed to all powers, authorities, rights, and duties that were vested in the Director of the Office of Thrift Supervision under Federal law, including the Home Owners' Loan Act, on the day before the transfer date, relating to the supervision and regulation of Savings and Loan Holding Companies.

Page 132, after line 24, insert the following new paragraph (and redesignate succeeding paragraphs accordingly):

(2) in paragraph (2)(E), by striking ''and'' at the end;

Page 133, after line 2, insert the following new paragraph (and redesignate succeeding paragraphs accordingly):

(4) after paragraph (2)(F), by inserting the following new subparagraph:

''(G) any savings and loan holding company and any subsidiary of a savings and loan holding company (other than a savings association); and'';

Page 147, line 21, insert ''and'' after the semicolon.

Page 147, line 25, strike ''; and'' and insert a period.

Page 148, strike line 1 and all that follows through line 3.

Page 162, after line 6, insert the following new paragraphs (and redesignate succeeding paragraphs accordingly):

(1) In subsection (a)—

(A) in paragraph (1)(A), by striking ''Director'' and inserting ''Board'';

(B) in paragraph (1)(D), by striking clause (i) and inserting: ''(i) In general.—.

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'savings and loan holding company' means any company that directly or indirectly controls a savings association or that controls any company that is a savings and loan holding company, and that is either—

''(I) a fraternal beneficiary society, as defined in section 501(c)(8) of the Internal Revenue Code of 1986; or

''(II) a company that is, together with all of its affiliates on a consolidated basis, predominantly engaged in the business of insurance.'';

(C) in paragraph (1)(F), by striking ''Director'' and inserting ''Board'';

(D) in paragraph (1), by inserting at the end the following new subparagraph:

''(K) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.''.

(E) in paragraph (2)(D), by striking ''Director'' and inserting ''Board'';

(F) in paragraph (3)(A), by striking ''Director'' and inserting ''Board''; and

(G) in paragraph (4), by striking ''Director'' and inserting ''Board''.

(2) In subsection (b), by striking ''Director'' each place it appears and inserting ''Board''.

(3) In subsection (c)—

(A) in paragraph, (2)(F)(i)—

(i) by striking ''of Governors of the Federal Reserve System''; and

(ii) by striking ''Director'' and inserting ''Board'';

(B) in paragraph (2)(G), by striking ''Director'' and inserting ''Board'';

(C) in paragraph (4)(A), by striking ''Director'' and inserting ''Board'';

(D) in paragraph (4)(B)—

(i) in the heading, by striking ''director'' and inserting ''Board''; and

(ii) by striking ''the Director shall'' and inserting ''the Board shall'';

(E) in paragraph (4)(C)—

(i) in the heading, by striking ''director'' and inserting ''Board''; and

(ii) by striking ''the Director may'' and inserting ''the Board may'';

(F) in paragraph (5), by striking ''Director'' and inserting ''Board'';

(G) in paragraph (6)(D)—

(i) in the heading, by striking ''director'' and inserting ''Board''; and

(ii) by striking ''Director'' each place it appears and inserting ''Board'';

(H) in paragraph (9)(A)(ii), by inserting '', but only if the conditions for engaging in expanded financial activities set forth in section 4(l) of the Bank Holding Company Act of 1956 have been met'' after ''1956''; and

(I) in paragraph (9)(E), by striking ''Director'' each place it appears and inserting ''Board''.

(4) In subsection (e)—

(A) in paragraph (1)(A)—

(i) in clause (i), by striking ''Director'' and inserting ''Board'';

(ii) in clause (ii), by striking ''Director'' and inserting ''Board'';

(iii) in clause (iii), by striking ''Director'' each place it appears and inserting ''Board''; and

(iv) in clause (iv), by striking ''Director'' each place it appears and inserting ''Board'';

(B) in paragraph (1)(B), by striking ''Director'' each place it appears and inserting ''Board'';

(C) in paragraph (2), by striking ''Director'' each place it appears and inserting ''Board'';

(D) in paragraph (3), by striking ''Director'' and inserting ''Board'';

(E) in paragraph (4)(A), by striking ''Director'' and inserting ''Board''; and

(F) in paragraph (5), by striking ''Director'' each place it appears and inserting ''Board''.

(5) In subsection (f), by striking ''Director'' each place it appears and inserting ''Board''.

(6) In subsection (g), by striking ''Director'' each place it appears and inserting ''Board''.

(7) In subsection (h)—

(A) in paragraph (2), by striking ''Director'' and inserting ''Board''; and

(B) in paragraph (3), by striking ''Director'' and inserting ''Board''.

(8) In subsection (i)—

(A) in paragraph (1)(A), by striking ''Director'' and inserting ''Board'';

(B) in paragraph (2)(B), by striking ''Director'' and inserting ''Board'';

(C) in paragraph (2)(F), by striking ''Director'' and inserting ''Board'';

(D) in paragraph (3)(B), by striking ''Director'' and inserting ''Board'';

(E) in paragraph (3)(F), by striking ''Director'' and inserting ''Board'';

(F) in paragraph (4), by striking ''Director'' and inserting ''Board''; and

(G) in paragraph (5), by striking ''Director'' and inserting ''Board''.

(9) In subsection (j), by striking ''Director'' each place it appears and inserting ''Board''.

(10) In subsection (l)—

(A) in paragraph (1), by striking ''Director'' and inserting ''Board, in consultation with the Comptroller of the Currency,''; and

(B) in paragraph (2), by striking ''Director'' and inserting ''Board, in consultation with the Comptroller of the Currency,''.

Page 166, after line 18 insert the following:

(13) In subsections (p), (q), (r), and (s), by striking ''Director'' each place it appears and inserting ''Board''.

Page 169, strike lines 1 through 4 and insert the following:

''(7) VALUATION.—

''(A) IN GENERAL.—The Board shall consider waived dividends in determining an appropriate exchange ratio in the event of a full conversion to stock form.

''(B) EXCEPTION.—In the case of a savings association which has reorganized into a mutual thrift holding company under section 10(b) of the Home Owners' Loan Act and has issued minority stock either from its mid-tier stock holding company or its subsidiary stock savings association prior to December 1, 2009, the Board shall not consider waived dividends in determining an appropriate exchange ratio in the event of a full conversion to stock form.''.

Page 204, line 14, strike ''may decrease'' and insert ''decreases''.

Page 204, beginning on line 23, strike '', on a consolidated basis,'' and insert ''a fraternal beneficiary society, as defined in section 501(c)(8) of the Internal Revenue Code of 1986, or a company that is, together with all of its affiliates on a consolidated basis,''.

Page 205, beginning on line 4, strike '', on a consolidated basis,'' and insert ''a fraternal beneficiary society, as defined in section 501(c)(8) of the Internal Revenue Code of 1986, or a company that is, together with all of its affiliates on a consolidated basis,''.

Page 205, after line 13, insert the following new section:

SEC. 1257. EFFECTIVE DATE.

Except as otherwise provided in this subtitle, the amendments made by sections 1221 through section 1253 and 1256 and subsections (a), (b), and (c)(1) of section 1254 shall take effect on the transfer date.

Page 207, line 6, strike '', on a consolidated basis,'' and insert ''a fraternal beneficiary society, as defined in section 501(c)(8) of the Internal Revenue Code of 1986, or a company that is, together with all of its affiliates on a consolidated basis,''.

Page 207, strike line 9, and insert the following:

(B) in subparagraph (F)(i), by inserting before the semicolon the following: '', including issuing credit cards and other credit devices (including virtual or intangible devices) that function as credit cards'';

(C) in subparagraph (F)(v), by inserting before the semicolon the following: '', other than loans that otherwise meet the requirements of this subparagraph and are made to businesses that meet the criteria for a small business concern to be eligible for business loans under regulations established by the Small Business Administration under part 121 of title 13, Code of Federal Regulations''; and

(D) by striking subparagraph (H) and inserting the following:

''(H) An industrial loan company, industrial bank, or other similar institution which—

''(i) is an institution organized under the laws of a State which, on March 5, 1987, had in effect or had under consideration in such State's legislature a statute which required or would require such institution to obtain insurance under the Federal Deposit Insurance Act;

''(ii) either—

''(I) does not accept demand deposits that the depositor may withdraw by check or similar means for payment to third parties;

''(II) has total assets of less than $100,000,000; or

''(III) the control of which is not acquired by any company after August 10, 1987;

''(iii) predominantly provides financial products and services to current and former members of the military and their families; and

''(iv) is controlled by a savings and loan holding company, as defined in section 10(a) of the Home Owners' Loan Act.

This subparagraph shall cease to apply to any institution which permits any overdraft (including any intraday overdraft), or which incurs any such overdraft in such institution's account at a Federal Reserve bank, on behalf of an affiliate, if such overdraft is not the result of an inadvertent computer or accounting error that is beyond the control of both the institution and the affiliate, or that is otherwise permissible for a bank controlled by a company described in section 1843(f)(1) of this title.''; and

Page 208, strike line 10 and all that follows through page 209, line 7, and insert the following:

''(ii) conduct all such activities which are permissible for a financial holding company, as determined under section 4(k), through such section 6 holding company, other than—

''(I) internal financial activities conducted for such company or any affiliate, including, but not limited to internal treasury, investment, and employee benefit functions, provided that with respect to any internal financial activity engaged in for the company or an affiliate and a nonaffiliate during the year prior to date of enactment, the company (or an affiliate not a subsidiary of the section 6 company) may continue to engage in that activity so long as the at least two-thirds of the assets or two-thirds of the revenues generated from the activity are from or attributable to the company or an affiliate, subject to review by the Board to determine whether engaging in such activity presents undue risk to the section 6 company or undue systemic risk; and

''(II) financial activities involving the provision of credit for the purchase or lease of products or services from an affiliate or for the purchase or lease of products produced by an affiliate of such section 6 holding company that is not a subsidiary of such section six holding company, in accordance with regulations prescribed by or orders issued by the Board, pursuant to section 6 of this Act.''; and

Page 209, strike line 15 and all that follows through page 210, line 14 and insert the following:

''(i) on the date of enactment of the Financial Stability Improvement Act of 2009, a unitary savings and loan holding company that continues to control not fewer than one savings association that it controlled on May 4, 1999, or that it acquired pursuant to an application pending before the Office of Thrift Supervision on or before that date, and that became a bank for purposes of the Bank Holding Company Act as a result of the enactment of section 1301(a)(3) of the Financial Stability Improvement Act 2009; or''.

Page 210, line 19, strike ''1301(a)(3)(B)'' and insert ''1301(a)(4)(B)''.

Page 220, after line 25, insert the following:

''(8) UNITARY SAVINGS AND LOAN HOLDING COMPANY DEFINED.—For purposes of this subsection, the term 'unitary savings and loan holding company' means a company that was a savings and loan holding company on May 4, 1999 (as then defined), or that became a savings and loan holding company pursuant to an application pending before the Office of Thrift Supervision on or before that date, and—

''(A) that controls—

''(i) only 1 savings association; or

''(ii) more than 1 savings association, if all, or all but 1, of the savings association subsidiaries of such company were initially acquired by the company pursuant to a supervisory transaction under section 1823(c), 1823(i), or 1823(k) of this title, or section 408(m) of the National Housing Act (12 U.S.C. 1730a(m));

''(B) all of the savings association subsidiaries of such company are qualified thrift lenders (as determined under section 10 of the Home Owners' Loan Act); and

''(C) that continues to control not fewer than 1 savings association that it controlled on May 4, 1999, or that it acquired pursuant to an application pending before the Office of Thrift Supervision on or before that date.''.

Page 220, after line 25, insert the following:

(8) UNITARY SAVINGS AND LOAN HOLDING COMPANY DEFINED.—Solely for purposes of this subsection, the term ''unitary savings and loan holding company'' means a company that was a savings and loan holding company on May 4, 1999 (as then defined), or that became a savings and loan holding company pursuant to an application pending before the Office of Thrift Supervision on or before that date, and—

(A) that controls —

(i) only 1 savings association; or

(ii) more than 1 savings association, if all, or all but 1, of the savings association subsidiaries of such company were initially acquired by the company pursuant to a supervisory transaction under section 1823(c), 1823(i), or 1823(k) of this title, or section 408(m) of the National Housing Act (12 U.S.C. 1730a(m));

(B) all of the savings association subsidiaries of such company are qualified thrift lenders (as determined under section 10 of the Home Owners' Loan Act); and

(C) that continues to control not fewer than 1 savings association that it controlled on May 4, 1999, or that it acquired pursuant to an application pending before the Office of Thrift Supervision on or before that date.

Page 222, line 18, strike ''subtitle B'' and insert ''section 1103''.

Page 223, strike line 15 and all that follows through page 224, line 11 and insert the following:

(B) A company that is required to form a section a section 6 holding company shall conduct all such activities which are permissible for a financial holding company, as determined under section 4(k), through such section 6 holding company, other than—

(i) internal financial activities conducted for such company or any affiliate, including, but not limited to internal treasury, investment, and employee benefit functions, provided that with respect to any internal financial activity engaged in for the company or an affiliate and a nonaffiliate during the year prior to date of enactment, the company (or an affiliate not a subsidiary of the section 6 company) may continue to engage in that activity so long as the at least ⅔ of the assets or ⅔ of the revenues generated from the activity are from or attributable to the company or an affiliate, subject to review by the Board to determine whether engaging in such activity presents undue risk to the section 6 company or undue systemic risk; and

(ii) financial activities involving the provision of credit for the purchase or lease of products or services from an affiliate or for the purchase or lease of products produced by an affiliate of such section 6 holding company that is not a subsidiary of such section 6 holding company, in accordance with regulations prescribed by or orders issued by the Board, pursuant to section 6 of this Act.

Page 225, beginning on line 22, strike '', as a bank holding company''.

Page 226, line 2, strike ''subtitle B'' and insert ''section 1103''.

Page 226, strike lines 7 and 8 and insert the following:

''(ii) subject to the provisions of this Act and other Federal law as provided in section 1103(g) of the Financial Stability Improvement Act of 2009; and''.

Page 227, line 5, strike ''subtitle A'' and insert ''section 1103''.

Page 228, line 6, after ''section 6(a)(2)(B)'' insert the following: ''and financial activities involving the provision of credit for the purchase or lease of products or services from an affiliate or for the purchase or lease of products produced by an affiliate of such section 6 holding company that is not a subsidiary of such section six holding company''.

Page 236, strike lines 17-25.

Page 237, line 12, strike ''sections 4(p) and 6'' and insert ''section 1301 of the Financial Stability Improvement Act of 2009''.

Page 237, line 13, insert '', other than a section 6 holding company,'' after ''company''.

Page 250, beginning on line 19, strike ''after subsection (y) (as added by section 1408)'' and insert ''at the end''.

Page 250, line 21, strike ''(z)'' and insert ''(y)''.

Page 252, line 16, insert ''holding'' after ''financial''.

Page 252, beginning on line 16, strike ''prudential''.

Page 252, line 19, strike ''greater'' and insert ''great''.

Page 253, line 23, strike ''8(c)(5)'' and insert ''18(c)(5)''.

Page 255, after line 2, insert the following new section (and conform the table of contents accordingly):

SEC. 1316. NATIONWIDE DEPOSIT CAP FOR INTERSTATE ACQUISITIONS.

(a) AMENDMENTS TO BANK HOLDING COMPANY ACT OF 1956.—

(1) CONCENTRATION LIMIT FOR BANK HOLDING COMPANIES.—Section 3(d)(2)(A) of the Bank Holding Company Act (12 U.S.C. 1842(d)(2)(A)) is amended by striking ''paragraph (1)(A)'' and inserting ''subsection (a)''.

(2) TECHNICAL CORRECTION RELATING TO CERTAIN SAVINGS BANKS.—Section 4 of the Bank Holding Company Act is amended by striking subsection (i) and inserting the following new subsection:

''(i) [Repealed]''.

(b) AMENDMENTS TO FEDERAL DEPOSIT INSURANCE ACT.—

(1) IN GENERAL.—Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph:

''(12) NATIONWIDE DEPOSIT CAP.—The responsible agency may not approve an application for an interstate merger transaction if the resulting insured depository institution (including all insured depository institutions which are affiliates of the resulting insured depository institution), upon consummation of the transaction, would control more than 10 percent of the total amount of deposits of insured depository institutions in the United States.''.

(2) PARALLEL REQUIREMENT.—Subparagraph (A) of section 44(b)(2) of the Federal Deposit Insurance Act 1831u(b)(2)(A)) is amended to read as follows:

''(A) NATIONWIDE CONCENTRATION LIMITS.—The responsible agency may not approve an application for an interstate merger transaction involving 2 or more insured depository institutions if the resulting insured depository institution (including all insured depository institutions which are affiliates of such institution), upon consummation of the transaction would control more than 10 percent of the total amount of deposits of insured depository institutions in the United States''.

(c) AMENDMENTS TO HOME OWNERS' LOAN ACT.—Section 10(e)(2) of the Home Owners' Loan Act 1467a(e)(2)) is amended—

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

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

(3) by inserting after subparagraph (D), the following new subparagraph:

''(E) in the case of an application involving an interstate acquisition, if the applicant (including all insured depository institutions which are affiliates of the applicant) controls, or upon consummation of the acquisition for which such application is filed would control, more than 10 percent of the total amount of deposits of insured depository institutions in the United States.''.

Page 257, line 10, strike ''assessment period'' and insert ''assessment period, minus additional deductions or adjustments necessary to establish assessments consistent with the definition under section 7(b)(1)(C) of the Federal Deposit Insurance Act for custodial banks (as defined by the Corporation based on factors including percentage of total revenues generated by custodial businesses and the level of assets under custody) or a bankers' bank (as referred to in section 5136 of the Revised Statutes of the United States)''.

Page 275, line 15, insert ''if the financial company is an insurance company or'' after ''section 1603''.

Page 277, line 11, insert ''activities'' after ''or''.

Page 277, line 22, strike the period and insert ''; and''.

Page 277, after line 22, insert the following new subparagraph:

(C) that is not a Federal home loan bank, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation.

Page 278, beginning on line 2, strike ''includes'' and all that follows through line 3 and insert ''means any entity covered by a State law designed specifically to deal with the rehabilitation, liquidation, or insolvency of an insurance company.''.

Page 278, strike line 22 and all that follows through page 279, line 13, and insert the following new paragraph:

(1) VOTE REQUIRED.—

(A) IN GENERAL.—At the request of the Secretary, the Chairman of the Federal Reserve Board, or the appropriate regulatory agency, the Board and the appropriate regulatory agency shall, or on their own initiative the Board and the appropriate regulatory agency may, consider whether to make the written recommendation provided for in paragraph (2) with respect to a financial company.

(B) 2/3 AGREEMENT.—Any recommendation under subparagraph (A) shall be made upon a vote of not less than two-thirds of the members of the Federal Reserve Board then serving and not less than two thirds of any members of the board or commission then serving of the appropriate regulatory agency, as applicable.

Page 280, beginning on line 7, strike ''financial holding company subject to stricter standards'' and insert ''financial company''.

Page 280, beginning on line 12, strike ''the board of directors or commission of''.

Page 280, line 19, strike ''resolution'' and insert ''dissolution''.

Page 282, beginning on line 8, strike ''financial holding company subject to stricter standards'' and insert ''financial company''.

Page 282, beginning on line 20, strike ''financial holding company subject to stricter standards'' and insert ''financial company''.

Page 283, beginning on line 2, strike ''financial holding company subject to stricter standards'' and insert ''financial company''.

Page 283, beginning on line 5, strike ''financial holding company subject to stricter standards'' and insert ''financial company''.

Page 283, beginning on line 9, strike ''financial holding company subject to stricter standards'' and insert ''financial company''.

Page 283, beginning on line 15, strike ''financial holding company subject to stricter standards'' and insert ''financial company''.

Page 283 beginning on line 18, strike ''financial holding company subject to stricter standards'' and insert ''financial company''.

Page 283, line 22, strike ''**RESOLUTION**'' and insert ''**DISSOLUTION**'' (and conform the table of contents accordingly).

Page 284, after line 7, insert the following new paragraphs:

(3) EXTENSION OF TIME LIMIT.—The time limit established in paragraph (2) may be extended by the Secretary for up to 1 additional year if—

(A) the Corporation has not completed the dissolution of the company within the time provided in paragraph (2); and

(B) the Secretary certifies in writing that continuation of the receivership is necessary—

(i) to protect the best interests of the taxpayers of the United States; and

(ii) to protect the stability of the financial system and the economy of the United States.

(4) FURTHER EXTENSION.—The time limit, as extended in paragraph (3), may be extended for up to 1 additional year if—

(A) the conditions of paragraph (3) are met; and

(B) the Corporation submits a report to the Congress, no later than 60 days before the receivership will expire under the extended limit under paragraph (3), that describes in detail—

(i) the basis for the determination by the Corporation that a second extension is necessary; and

(ii) the specific plan of the Corporation for concluding the receivership before the end of the proposed additional year.

Page 284, line 8, strike ''RESOLUTION'' and insert ''DISSOLUTION''.

Page 284, line 10, strike ''resolved'' and insert ''dissolved''.

Page 284, line 11, strike ''resolution'' and insert ''dissolution''.

Page 284, line 18, strike ''resolution'' and insert ''dissolution''.

Page 285, line 6, strike ''resolution'' and insert ''dissolution''.

Page 285, line 11, strike ''resolution'' and insert ''dissolution''.

Page 285, line 16, strike ''1602(9)(B)(iv)'' and insert ''1602(9)(B)(v)''.

Page 285, line 18, strike ''resolution'' and insert ''dissolution''.

Page 287, beginning on line 1, strike ''CERTAIN INSURANCE SUBSIDIARIES'' and insert ''INSURANCE COMPANIES AND INSURANCE COMPANY SUBSIDIARIES''.

Page 287, strike line 4 and all that follows through line 9, and insert ''(a), if an insurance company covered by a State law designed specifically to deal with the rehabilitation, liquidation or insolvency of an insurance company is a covered financial company or a subsidiary of a covered financial company, resolution of such insurance company, and any subsidiary of such company, will be conducted as provided under such State law.''.

Page 287, line 13, insert before the period the following: '', that is not itself an insurance company''.

Page 287, line 22, strike ''resolution'' and insert ''dissolution''.

Page 288, line 2, strike ''resolution'' and insert ''dissolution''.

Page 289, line 11, strike ''RESOLUTION'' and insert ''DISSOLUTION''.

Page 289, line 21, insert ''in accordance with section 1604'' before the comma after ''is appointed''.

Page 299, line 11, strike ''resolution'' and insert ''dissolution''.

Page 305, line 19, strike ''resolution'' and insert ''dissolution''.

Page 327, line 2, strike ''resolving'' and insert ''dissolving''.

Page 327, line 8, strike ''resolution'' and insert ''dissolution''.

Page 370, line 15, strike ''resolution'' and insert ''dissolution''.

Page 401, line 10, strike ''$10,000,000,000'' and insert ''$50,000,000,000''.

Page 401, line 11, insert a comma after ''inflation''.

Page 411, line 10, insert '',subject to the requirements of section 1604(g),'' after ''Fund''.

Page 413, line 11, strike ''resolution'' and insert ''dissolution''.

Page 413, line 12, strike ''resolution'' and insert ''dissolution''.

Page 425, line 8, strike ''Resolution'' and insert ''Dissolution''.

Page 425, line 14, strike ''**RESOLUTION**'' and insert ''**DISSOLUTION**'' (and conform the table of contents accordingly).

Page 425, line 21, strike ''Resolution'' and insert ''Dissolution''.

Page 426, line 2, strike ''Resolution'' and insert ''Dissolution''.

Page 426, line 7, strike ''Resolution'' and insert ''Dissolution''.

Page 426, line 8, strike ''Resolution'' and insert ''Dissolution''.

Page 432, line 1, strike ''Resolution'' and insert ''Dissolution''.

Page 433, line 4, strike ''Resolution'' and insert ''Dissolution''.

Page 455, line 5, before the comma insert ''(as such terms are defined in subsection (c)(1))''.

Page 461, strike lines 8 through 15 and insert the following:

(J) the Consumer Financial Protection Agency,

(K) the Federal Insurance Office,

Page 461, after line 19, insert the following new section:

SEC. 1802. FEDERAL HOUSING FINANCE AGENCY ADVISORY ROLE IN FIEC.

After section 1007 of the Federal Financial Institutions Examination Council Act of 1987 (12 U.S.C. 3306) insert the following new section:

''SEC. 1007A. FEDERAL HOUSING FINANCE AGENCY ADVISORY ROLE.

''Whenever the Council takes any actions with respect to issues that relate to the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal home loan banks, the Federal Housing Finance Agency shall participate in the Council's proceedings in an advisory role.''.

Page 462, beginning on line 20, strike ''(as'' and all that follows through line 22 and insert a comma.

Page 463, beginning on line 15, strike ''(as'' and all that follows through line 17 and insert a comma.

Page 464, strike lines 11 and 12 and insert ''States, the''.

Page 465, after line 2, insert the following new subtitle:

Subtitle L—Securities Holding Companies

SEC. 1961. SECURITIES HOLDING COMPANIES.

(a) SUPERVISION OF A SECURITIES HOLDING COMPANY NOT HAVING A BANK OR SAVINGS ASSOCIATION AFFILIATE.—

(1) IN GENERAL.—A securities holding company that is required by a foreign regulator or foreign law to be subject to comprehensive consolidated supervision and that is not—

(A) a financial holding company subject to stricter standards,

(B) an affiliate of an insured bank (other than an institution described in subparagraphs (D) or (G) of section 2(c)(2) of the Bank Holding Company Act of 1956) or a savings association,

(C) a foreign bank, foreign company, or company that is described in section 8(a) of the International Banking Act of 1978,

(D) a foreign bank that controls, directly or indirectly, a corporation chartered under section 25A of the Federal Reserve Act (12 U.S.C. 611 et seq.), or

(E) subject to comprehensive consolidated supervision by a foreign regulator,

may register with the Board to become supervised, pursuant to paragraph (2). Any securities holding company filing such a registration shall be supervised in accordance with this section and comply with the rules and orders prescribed by the Board applicable to supervised securities holding companies.

(2) REGISTRATION AS A SUPERVISED SECURITIES HOLDING COMPANY.—A securities holding company described in paragraph (1) shall register by filing with the Board such information and documents concerning such securities holding company as the Board, by regulation, may prescribe as necessary or appropriate in furtherance of the purposes of this section. Such supervision shall become effective 45 days after the date of receipt of such registration by the Board or within such shorter time period as the Board, by rule or order, may determine.

(b) SUPERVISION OF SECURITIES HOLDING COMPANIES.—

(1) RECORDKEEPING AND REPORTING.—

(A) IN GENERAL.—Every supervised securities holding company and each affiliate of such company shall make and keep for prescribed periods such records, furnish copies of records, and make such reports, as the Board determines to be necessary or appropriate for the Board to carry out the purposes of this section, prevent evasions, and monitor compliance by the company or affiliate with applicable provisions of law.

(B) FORM AND CONTENTS.—Such records and reports shall be prepared in such form and according to such specifications (including certification by a registered public accounting firm), as the Board may require and shall be provided promptly at any time upon request by the Board. Such records and reports may include—

(i) a balance sheet and income statement;

(ii) an assessment of the consolidated capital of the supervised securities holding company;

(iii) an independent auditor's report attesting to the supervised securities holding company's compliance with its internal risk management and internal control objectives; and

(iv) reports concerning the extent to which the company or affiliate has complied with the provisions of this section and any regulations prescribed and orders issued under this section.

(2) USE OF EXISTING REPORTS.—

(A) IN GENERAL.—The Board shall, to the fullest extent possible, accept reports in fulfillment of the requirements under this paragraph that the supervised securities holding company or its affiliates have been required to provide to another appropriate regulatory agency or self-regulatory organization.

(B) AVAILABILITY.—A supervised securities holding company or an affiliate of such company shall provide to the Board, at the request of the Board, any report referred to in subparagraph (A), as permitted by law.

(3) EXAMINATION AUTHORITY.—

(A) FOCUS OF EXAMINATION AUTHORITY.—The Board may make examinations of any supervised securities holding company and any affiliate of such company to carry out the purposes of this subsection, prevent evasions thereof, and monitor compliance by the company or affiliate with applicable provisions of law.

(B) DEFERENCE TO OTHER EXAMINATIONS.—For purposes of this subparagraph, the Board shall, to the fullest extent possible, use the reports of examination made by other appropriate Federal or State regulatory authorities with respect to any functionally regulated subsidiary, as defined under section 5(c)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)(1)), or an institution described in subparagraphs (D) or (G) of section 1841(c)(2).

(c) CAPITAL AND RISK MANAGEMENT.—

(1) The Board shall, by regulation or order, prescribe capital adequacy and other risk management standards for a supervised securities holding company appropriate to protect the safety and soundness of the company and address the risks posed to financial stability by a supervised securities holding company. Standards imposed under this subparagraph shall take account of differences among types of business activities and—

(A) the amount and nature of the company's financial assets;

(B) the amount and nature of the company's liabilities, including the degree of reliance on short-term funding;

(C) the extent and nature of the company's off-balance sheet exposures;

(D) the extent and nature of the company's transactions and relationships with other financial companies;

(E) the company's importance as a source of credit for households, businesses, and State and local governments and as a source of liquidity for the financial system; and

(F) the nature, scope, and mix of the company's activities.

(2) In imposing standards under this subsection, the Board may differentiate among supervised securities holding companies on an individual basis or by category, taking into consideration the criteria specified above.

(3) Any capital requirements imposed under this subsection shall not take effect until the expiration of 180 days after a supervised securities holding company is provided notice of such requirement.

(d) OTHER PROVISIONS.—

(1) Subsections (b), (c) through (s), and (u) of section 8 of the Federal Deposit Insurance Act shall apply to any supervised securities holding company, and to any subsidiary (other than a bank) of a supervised securities holding company, in the same manner as they apply to a bank holding company. For purposes of applying such subsections to a supervised securities holding company or a subsidiary (other than a bank) of a supervised securities holding company, the Board shall be considered the appropriate Federal banking agency for the supervised securities holding company or subsidiary.

(2) Except as the Board may otherwise provide by regulation or order, a supervised securities holding company shall be subject to the provisions of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) in the same manner and to the same extent that bank holding companies are subject to such provisions, except that any such supervised securities holding company shall not by reason of this subparagraph be deemed a bank holding company for purposes of section 4 of the Bank Holding Company Act of 1956.

(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) SECURITIES HOLDING COMPANY.—The term ''securities holding company'' means—

(A) any person other than a natural person that owns or controls one or more brokers or dealers as defined in section 3 of the Securities Exchange Act; and

(B) the associated persons of the securities holding company.

(2) SUPERVISED SECURITIES HOLDING COMPANY.—The term ''supervised securities holding company'' means any securities holding company that is supervised by the Board pursuant to this section.

(3) OTHER BANKING TERMS.—The terms ''affiliate'', ''bank'', ''bank holding company'', ''company'', ''control'', ''savings association'', and ''subsidiary'' have the same meanings as in section 2 of the Bank Holding Company Act of 1956.

(4) INSURED BANK.—The term ''insured bank'' has the same meaning as in section 13 of the Federal Deposit Insurance Act.

(5) FOREIGN BANK.—The term ''foreign bank'' has the same meaning as in section 1(b)(7) of the International Banking Act of 1978.

(6) ASSOCIATED PERSONS.—The terms ''person associated with a securities holding company'' and ''associated person of a securities holding company'' mean any person directly or indirectly controlling, controlled by, or under common control with, a securities holding company.

Page 480, line 12, strike ''2009'' and insert ''2008''.

Page 668, strike lines 4 and 5 and insert the following:

(13) DEPOSIT-TAKING, MONEY ACCEPTANCE, OR MONEY MOVEMENT ACTIVITY.—The term ''deposit-taking, money acceptance, or money movement activities'' means—

Page 669, line 15, insert ''(b),'' after ''Subsections''.

Page 669, line 20, insert ''except for section 505 as it applies to section 501(b)'' before the period.

Page 670, after line 9, insert the following:

(N) Section 626 of the Omnibus Appropriations Act, 2009 (Public Law 111–8).

(O) The Unlawful Internet Gambling Enforcement Act of 2006.

Page 670, line 23, after ''taking'' insert '', money acceptance, or money movement''.

Page 672, line 3, insert '', except that furnishing a consumer report to another person that it has reason to believe intends to use the information for employment purposes, including for security investigations, government licensing and evaluating a consumer's residential or tenant history shall not be considered a financial activity'' before the period at the end.

Page 673, line 2, insert ''a person regulated as an investment adviser by'' after ''or'' the 1st place such term appears.

Page 675, strike line 10 and all that follows through page 676, line 9, and insert the following:

(ix) Financial data processing by any technological means, including providing data processing, access to or use of databases or facilities, or advice regarding processing or archiving, if the data to be processed, furnished, stored, or archived are financial, banking, or economic, except that it shall not be considered a ''financial activity'' with respect to financial data processing—

(I) to the extent the person is providing interactive computer service, as defined in section 230 of the Communications Act of 1934 (47 U.S.C. 230); or

(II) if the person—

(aa) unknowingly or incidentally transmits, processes, or stores financial data in a manner that such data is undifferentiated from other types of data that the person transmits, processes, or stores;

(bb) does not provide to any consumer a consumer financial product or service in connection with or relating to in any manner financial data processing; and

(cc) does not provide a material service to any covered person in connection with the provision of a consumer financial product or service.

Page 678, line 10, as modified by the amendment MWB_05, before ''data is undifferentiated'' insert ''financial''.

Page 679, line 2, insert ''and shall include any uninsured branch or agency of a foreign bank or a commercial lending company owned or controlled by a foreign bank'' before the period at the end.

Page 679, beginning on line 17, strike ''covered''.

Page 681, strike line 18 and all that follows through line 20 and insert the following new subparagraph:

(C) an investment company that—

(i) is required to be registered under the Investment Company Act of 1940; or

(ii) is excepted from the definition of investment company under section 3(c) of such Act, or any successor provision.

Page 682, line 21, strike ''the person'' and insert ''any person described in any subparagraph of this paragraph''.

Page 682, line 23, insert '', or, with respect to a person described in subparagraph (C)(ii), any employee, agent, or contractor acting on behalf of, or providing services to any such person, but only to the extent that such person, or the employee, agent, or contractor of such person acts in such exempt capacity'' before the period at the end.

Page 686, line 19, insert '' or any federally recognized Indian tribe as defined by the Secretary of Interior under section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1(a))'' before the period.

Page 693, line 13, before the semicolon insert the following: '', except that the Director shall not exercise any authorities that are granted to State insurance authorities under section 505(a)(6) of the Gramm-Leach-Bliley Act''.

Page 693, line 14, insert '', except that Director shall not exercise any authorities that are granted to State insurance authorities under Section 505(a)(6) of the Gramm-Leach-Bliley Act'' before the semicolon.

Page 696, strike line 14 and all that follows through page 697, line 9, and insert the following:

(1) APPOINTMENT.—The Director may fix the number of, and appoint and direct, all employees of the Agency.

Page 701, line 1, insert ''the Federal Trade Commission,'' after ''banking agencies,''.

Page 714, strike lines 11 through 14, and insert the following:

(2) an analysis of the major problems consumers of financial products and services were confronted with during the preceding year, including a description of the nature of such problems, and recommendations for such administrative and legislative action as may be appropriate to resolve such problems;

Page 715, after line 7, insert the following new paragraph (and redesignate succeeding paragraphs accordingly):

(6) an analysis of the Agency's efforts to increase workforce and contracting diversity consistent with subtitle I of title I of this Act;

Page 717, beginning on line 17, strike ''and complexity of the covered person,'' and insert '', complexity of, risk posed by,''.

Page 719, beginning on line 10, strike ''and complexity of the covered person,'' and insert '', complexity of, risk posed by,''.

Page 720, line 16, insert ''in the each of the first 3 years following the date of enactment of this Act'' after ''persons''.

Page 720, beginning on line 18, strike ''the 12-month period ending on December 31, 2009'' and insert ''the calendar year immediately preceding the designated transfer date''.

Page 720, line 24, insert '', on a risk-adjusted basis,'' after ''that''.

Page 721, line 11, insert ''or to set assessments that would result in higher marginal assessments on the depository institution covered persons with assets of less than $25,000,000,000 if based on the compliance record of or higher risks posed by such covered persons'' before the period.

Page 721, line 18, strike ''enforcement or regulation'' and insert ''or enforcement activities''.

Page 722, line 1, insert ''so that levels of assessments under this subparagraph combined with levels of assessments by an agency responsible for chartering and or supervising the depository institution covered person shall be no more'' before ''than it paid''.

Page 725, line 6, insert ''or the CFPA Nondepository Fund, at the discretion of the Agency'' before the period at the end.

Page 728, beginning on line 12, strike ''as a result of the'' and insert ''that are reasonably related as a general matter to''.

Page 743, line 3, insert ''a provision of'' after ''reports under''.

Page 743, line 4, insert ''a provision of'' after ''title,''.

Page 743, line 5, insert ''any provision of'' after ''law,''.

Page 743, line 8, insert ''under that provision of law'' after ''exclusive authority''.

Page 748, line 6, strike ''$1,500,000,000'' and insert ''$10,000,000,000''.

Page 760, strike line 19 and all that follows through page 762, line 22, and insert the following:

(a) EXCLUSION FOR MERCHANTS, RETAILERS, AND SELLERS OF NONFINANCIAL SERVICES.—

(1) IN GENERAL.—Notwithstanding any provision of this title (other than paragraph (4)) and subject to paragraph (2), the Director and the Agency may not exercise any rulemaking, supervisory, enforcement or other authority, including authority to order assessments, under this title with respect to—

(A) credit extended directly by a merchant, retailer, or seller of nonfinancial goods or services to a consumer, in a case in which the good or service being provided is not itself a consumer financial product or service, exclusively for the purpose of enabling that consumer to purchase such goods or services directly from the merchant, retailer, or seller of nonfinancial services; or

(B) collection of debt, directly by the merchant, retailer, or seller of nonfinancial services, arising from such credit extended.

In the application of this paragraph, the extension of credit and the collection of debt described in subparagraphs (A) and (B), respectively, shall not be considered a consumer financial product or service.

(2) EXCEPTION FOR EXISTING AUTHORITY.—The Director may exercise any rulemaking authority regarding an extension of credit described in paragraph (1)(A) or the collection of debt arising from such extension, as may be authorized by the enumerated consumer laws or any law or authority transferred under subtitle F or H.

(3) RULE OF CONSTRUCTION.—No provision of this title shall be construed as modifying, limiting, or superseding the authority of the Federal Trade Commission or any agency other than the Agency with respect to credit extended, or the collection of debt arising from such extension, directly by a merchant or retailer to a consumer exclusively for the purpose of enabling that consumer to purchase goods or services directly from the merchant or retailer.

(4) EXCLUSION NOT APPLICABLE TO CERTAIN CREDIT TRANSACTIONS.—Paragraph (1) shall not apply to—

(A) any credit transaction, including the collection of the debt arising from such extension, in which the merchant, retailer, or seller of nonfinancial services assigns, sells, or otherwise conveys such debt owed by the consumer to another person; or

(B) any credit transaction—

(i) in which the credit provided significantly exceeds the market value of the product or service provided; and

(ii) with respect to which the Director finds that the sale of the product or service is done as a subterfuge so as to evade or circumvent the provisions of this title.

Page 762, line 14, strike ''or''.

Page 762, line 22, strike the period and insert ''; or''.

Page 762, after line 22, insert the following new subparagraph:

(C) any credit transaction involving a person who operates a line of business that involves the extension of retail credit or retail leases involving motor vehicles, if—

(i) the extension of retail credit or retail leases is provided directly to consumers; and

(ii) the contracts governing such extension of retail credit or retail leases are not assigned to a third party finance or leasing source, except on a de minimis basis.

Page 764, after line 24, insert the following new subsection and redesignate subsequent subsections accordingly):

(d) PERSONS REGULATED BY A STATE SECURITIES COMMISSION.—

(1) IN GENERAL.—No provision of this title shall be construed as altering, amending, or affecting the authority of any securities commission (or any agency or office performing like functions) of any State to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by any securities commission (or any agency or office performing like functions) of any State. Except as permitted in paragraph (2) and subsection (m), the Director and the Agency shall have no authority to exercise any power to enforce this title with respect to a person regulated by any securities commission (or any agency or office performing like functions) of any State, but only to the extent that the person acts in such regulated capacity.

(2) DESCRIPTION OF ACTIVITIES..—Paragraph (1) shall not apply to any person to the extent such person is engaged in any financial activity described in any subparagraph of section 101(19) or is otherwise subject to any enumerated consumer law or any law or authority transferred under subtitle F or H.

Page 765, strike line 20 and all that follows through page 766, line 3, and insert the following new paragraph:

(3) PRESERVATION OF CERTAIN AUTHORITIES.—No provision of this title shall be construed as limiting the authority of the Director and the Agency from exercising powers under this Act with respect to a person, other than a person regulated by a State insurance regulator, who provides a product or service for or on behalf of a person regulated by a State insurance regulator in connection with a financial activity.

Page 766, line 13, insert ''Finance'' after ''Housing''.

Page 770, after line 4, insert the following new paragraph (and redesignate succeeding paragraphs accordingly):

(3) CERTAIN ACTIVITIES NOT EXCLUDED.—

(A) IN GENERAL.—In no event shall paragraph (1) apply to any activity which involves the sale of securities or extension of credit which is provided by a person described in paragraph (1)(A).

(B) DEFINITION.—For purposes of subparagraph (A), the term ''extension of credit'' shall not include an ordinary account receivable.

Page 772, beginning on line 15, strike ''order assessments, over'' and all that follows through page 773, line 7, and insert ''order assessments, over a motor vehicle dealer that is primarily engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.''.

Page 776, after line 19, insert the following new subsections:

(l) EXCLUSION FOR PAWNBROKERS.—

(1) IN GENERAL.—The Director and the Agency may not exercise any rulemaking, supervisory, enforcement, or other authority, including authority to order assessments, under this title with respect to any pawnbroker licensed by a State or political subdivision thereof, a territory of the United

States, or the District of Columbia, but only to the extent that such person acts in such capacity and provides either—

(A) non-recourse credit secured by a possessory security interest in tangible goods physically delivered by the consumer to the pawnbroker for which the consumer does not provide a written or electronic promise, order or authorization to pay, or in any other manner authorize a debit of a deposit account, prior to or contemporaneously with the disbursement of the original proceeds; or

(B) credit or any other financial activity issued directly by a pawnbroker to a consumer, in a case in which the good or service being provided is not itself a consumer financial product or service, exclusively for the purpose of enabling that consumer to purchase goods or services directly from the pawnbroker.

(2) RULE OF CONSTRUCTION.—

(A) FTC AUTHORITY PRESERVED.—Except as provided in subparagraph (B), no provision of this title shall be construed as modifying, limiting, or superseding the authority of the Federal Trade Commission with respect to the activities described under paragraph (1).

(B) EXERCISE OF RULEMAKING AUTHORITY.—The Director may exercise any rulemaking authority regarding the activities described in paragraph (1) only as may be authorized by the enumerated consumer laws or any law or authority transferred under subtitle F or H.

(m) EXCLUSION FOR CERTAIN CONSUMER REPORTING AGENCIES.—

(1) IN GENERAL.—Except as permitted in paragraph (2), the Director and the Agency may not exercise any rulemaking, supervisory, enforcement or other authority, including authority to order assessments, over a person that is a consumer reporting agency, as such term is defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)), but only to the extent that such consumer reporting agency furnishes a consumer report to another person that it has reason to believe intends to use the information for employment purposes, including for security investigations, government licensing and evaluating a consumer's residential or tenant history.

(2) DESCRIPTION OF ACTIVITIES.—Paragraph (1) shall not apply to any person described in such paragraph to the extent such person is engaged in any financial activity described in any subparagraph of section 4002(19) or is otherwise subject to any of the enumerated consumer laws or the authorities transferred under subtitle F or H.

(n) LIMITED AUTHORITY OF THE AGENCY TO OBTAIN INFORMATION.—Notwithstanding subsections (a), (f), (g), (h), (i), and (k), the Director may request or require information from any person subject to or described in any such subsection in order to carry out the responsibilities and functions of the Agency and in accordance with section 4206, 4501, or 4502.

Page 781, line 22, after the period insert the following: ''This authority shall not prohibit or restrict a consumer from entering into a voluntary arbitration agreement with a covered person after a dispute has arisen.''.

Page 787, strike line 17 and all that follows through page 788, line 10, and insert the following new subsection:

(c) UNFAIR, DECEPTIVE, OR ABUSIVE ACTS OR PRACTICES DEFINED.—

(1) UNFAIR ACTS OR PRACTICES.—Any determination by the Director and the Agency that an act or practice is unfair shall be consistent with the standard set forth under section 5 of the Federal Trade Commission Act and with the policy statement adopted by the Federal Trade Commission pursuant to section 5 of the Federal Trade Commission Act and dated December 17, 1980.

(2) DECEPTIVE ACTS OR PRACTICES.—Any determination by the Director and the Agency that an act or practice is deceptive shall be consistent with the policy statement adopted by the Federal Trade Commission pursuant to section 5 of the Federal Trade Commission Act and dated October 14, 1983.

(3) ABUSIVE ACTS OR PRACTICES.—The Director and the Agency may determine that an act or practice is abusive only if the Director finds that—

(A) the act or practice is reasonably likely to result in a consumer's inability to understand the terms and conditions of a financial product or service or to protect their own interests in selecting or using a financial product or service; and

(B) the widespread use of the act or practice is reasonably likely to contribute to instability and greater risk in the financial system.

Page 795, line 23, insert ''(other than by the Agency, or by a State regulator, as may be necessary to enforce an administrative order under this section)'' before the comma at the end.

Page 799, line 24, after ''and'' insert '', notwithstanding any other provision of this title,''.

Page 815, line 11, insert ''to be effected or used primarily for personal, family, or household purposes'' after ''funds''.

Page 845, after line 13, insert the following new paragraph (and redesignate succeeding paragraphs accordingly):

(4) COVERED EMPLOYEE.—The term ''covered employee'' means any individual performing tasks related to the provision of a financial product or service to a consumer.

Page 878, beginning on line 5, strike ''for any violation of a regulation prescribed under section 4306 or''.

Page 880, strike line 16 through page 893, line 8 and insert the following:

SEC. 4507. EMPLOYEE PROTECTION.

(a) No covered person shall terminate or in any other way discriminate against, or cause to be terminated or discriminated against, any covered employee or any authorized representative of covered employees by reason of the fact that such employee or representative whether at the employee's initiative or in the ordinary course of the employee's duties (or any person acting pursuant to a request of the employee) has—

(1) provided information to the Agency or to any other state, local, federal, or tribal government entity, filed, instituted or caused to be filed or instituted any proceeding under this title, any enumerated consumer law, any law for which authorities were transferred by subtitles F and H, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this title; or

(2) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any law, rule, or regulation, or to be unfair, deceptive, or abusive and likely to cause specific and substantial injury to one or more consumers.

(b)(1) A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination and identifying the person responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

(2)(A) Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the complainant and the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

(B)(i) The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(ii) Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(iii) The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(iv) Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(3)(A) Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

(B) If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

(i) to take affirmative action to abate the violation;

(ii) to reinstate the complainant to his or her former position together with compensation (including back pay) and restore the

terms, conditions, and privileges associated with his or her employment; and

(iii) to provide compensatory damages to the complainant. If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(C) If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys' fee, not exceeding $ 1,000, to be paid by the complainant.

(4) If the Secretary has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(B). The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

(A) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

(B) the amount of back pay, with interest; and

(C) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney's fees.

(5)(A) Unless the complainant brings an action under paragraph (4), any person adversely affected or aggrieved by a final order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

(B) An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

(6) Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

(7)(A) A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

(B) The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any party whenever the court determines such award is appropriate.

(c) Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

(d)(1) Except as provided under paragraph (3), the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) Except as provided under paragraph (3), no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising under this section.

(e) Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under paragraph (a)(2) of this section unless the Agency determines by rule that such provision is inconsistent with the purposes of this Act.

(f) Any employer receiving covered funds shall post notice of the rights and remedies provided under this section.

Page 881, line 1, strike ''provided information to'' and insert ''provided, caused to be provided, or is about to provide or cause to be provided information to the employer,''.

Page 893, line 6, strike ''(a)(2)'' and insert ''(a)(4)''.

Page 893, after line 8 insert the following new section (and redesignate succeeding sections accordingly):

SEC. 4508. NO PRIVATE RIGHT OF ACTION.

Nothing in this title shall be construed to create a private right of action, but this section shall not be construed or interpreted to deny any private right of action arising under the enumerated consumer laws or the authorities transferred under subtitle F or H.

Page 897, beginning on line 21, strike ''BACKSTOP''.

Page 898, line 2, strike ''4202(e)(3)'' and insert ''paragraph (2) or (3) of section 4202(e)''.

Page 898, line 8, insert ''transferred under subsection (a)'' after ''functions''.

Page 922, beginning on line 1, strike ''a Federal home loan bank, a joint office of the Federal home loan banks,''.

Page 922, line 5, strike ''or''.

Page 922, line 6, insert '', or the Federal Home Loan Bank Board or any successor to such Board'' before ''shall be''.

Page 922, beginning on line 23, strike ''a Federal home loan bank, a joint office of the Federal home loan banks,''.

Page 923, line 2, strike ''or''.

Page 923, line 3, insert '', or the Federal Home Loan Bank Board or any successor to such Board'' before ''shall be''.

Page 933, line 4, insert ''the Federal Home Loan Bank Board or any successor to such Board,'' after ''Federal reserve bank''.

Page 933, line 21, insert ''the Federal Home Loan Bank Board or any successor to such Board,'' after ''reserve bank''.

Page 934, line 24, strike ''before the designated transfer date'' and insert ''during the 24-month period beginning on the date of the enactment of this title''.

Page 954, line 2, insert ''and shall not apply to the term 'Board' when used in reference to the Federal Deposit Insurance Corporation or the National Credit Union Administration'' before the period.

Page 955, line 16, strike ''25(a)'' and insert ''25A''.

Page 957, line 3, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 957, line 20, insert ''(and except for any insertion of 'Federal Trade Commission' made by this subtitle)'' after ''subparagraph (B)''.

Page 958, line 2, strike ''and 129(m) (as amended by paragraph (7))'' and insert ''129(m) (as amended by paragraph (7)), 140A, or 149 (as amended by paragraph (8)).''.

Page 959, after line 13, insert the following:

(8) SECTION 149.—Section 149(b) of the Truth in Lending Act (15 U.S.C. 1665d(b)) is amended by inserting ''the Federal Trade Commission,'' after ''in consultation with''.

Page 960, beginning on line 1, strike ''paragraph (7)(A)'' and insert '' paragraphs (7)(B), (8)(A), (8)(C), and (8)(D) of this subsection (and except for any insertion of 'Federal Trade Commission' made by this subtitle)''.

Page 961, after line 21, insert the following:

(5) SECTION 609.—Section 609(d)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(d)(1)) is amended by inserting ''the Federal Trade Commission,'' after ''in consultation with''.

Page 961, line 22, strike ''(5)'' and insert ''(6)''.

Page 961, line 22, strike ''611(e)(2)'' and insert ''611(e)''.

Page 961, line 23, strike ''15 U.S.C.1681i(e)(2)'' and insert ''15 U.S.C. 1681i(e)''.

Page 961, line 24, strike ''amended to read as follows:'' and insert ''amended—'', and after such line insert the following:

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

Page 962, line 5, strike the period following the quotation marks and insert ''; and'' and after such line insert the following:

(B) in the heading of paragraph (3) by inserting ''CONSUMER REPORTING'' before ''AGENCY''.

Page 962, strike lines 6 through 8 and insert the following:

(8) SECTION 615.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended—

(A) in subsection (d)(2)(B), by inserting ''the Federal Trade Commission,'' after ''in consultation with'';

(B) in subsection (e)(1), by striking ''and the Commission'' and inserting ''the Federal Trade Commission, the Securities and Exchange Commission, and the Commodities Futures Trading Commission''; and

(C) by striking subparagraph (A) of subsection (h)(6) and inserting the following:

Page 962, line 11, strike ''(7)'' and insert ''(8)''.

Page 963, line 2, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 968, after line 7, insert the following (and redesignate succeeding subparagraphs accordingly):

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

(i) by inserting ''the Agency and'' before ''the Federal Trade Commission'' in the first sentence;

(ii) by inserting ''Agency and the Federal Trade'' after ''provide the''; and

(iii) by inserting ''Agency,'' before ''Federal Trade Commission'' in the second sentence;

(D) in paragraph (4) of subsection (c)—

(i) by inserting ''Agency'', before ''the Federal Trade Commission''; and

(ii) inserting ''Agency, the Federal Trade'' after ''complaint of the'';

(E) in paragraph (2) of subsection (f), by inserting ''the Federal Trade Commission'' after ''in consultation with'';

Page 968, beginning on line 12, strike ''with respect to a covered person described in subsection (b)'' and insert '', except that, with respect to sections 615(e) and 628 of this title, the agencies identified in subsections (a) and

(b) of this section shall prescribe such regulations as necessary to carry out the purposes of such sections with respect to entities within their enforcement authority under such subsections''.

Page 968, line 14, strike ''(D)'' and insert ''(G)''.

Page 973, strike lines 8 and 9 and insert the following:

(iii) in paragraph (1)(B)—

(I) by inserting ''of Governors of the Federal Reserve System'' after ''Board''; and

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

Page 974, line 2, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 978, line 4, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 982, line 21, strike ''and'' and after such line insert the following:

(iii) in paragraph (l)(B), by inserting ''of Governors of the Federal Reserve System'' after ''Board'';

Page 982, line 22, strike ''(iii)'' and insert ''(iv)''.

Page 983, line 7, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 988, after line 7, insert the following (and redesignate succeeding subsections accordingly):

(a) SECTION 501.—Section 501(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801(b)) is amended by inserting ''(other than the Consumer Financial Protection Agency)'' after ''title''.

(b) SECTION 502.—Section 502(e)(5) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e)(5)) is amended by inserting ''the Consumer Financial Protection Agency,'' after ''(including''.

(c) SECTION 503.—Section 503(e)(1) of the Gramm-Leach-Bliley Act (15 U.S.C. 6803(e)(1)) is amended—

(1) by inserting ''Consumer Financial Protection Agency in consultation with the other'' before ''agencies''; and

(2) by striking ''jointly''.

Page 988, line 13, strike ''and'' at the end.

Page 988, line 15, strike the period and insert ''; and'' and after such line insert the following:

(3) by inserting ''the Federal banking agencies, the National Credit Union Administration, the Secretary of the Treasury, the Federal Trade Commission, and'' before ''representatives of State insurance authorities''.

Page 989, after line 15, insert the following:

(f) SECTION 507.—Subsection 507(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6807(b)) is amended by striking ''Federal Trade Commission'' and inserting ''Consumer Financial Protection Agency, or in the case of a rule under section 501(b), the Federal Trade Commission or the Securities and Exchange Commission''.

Page 997, line 6, strike ''25(a)'' and insert ''25A''.

Page 1016, strike line 7 through page 1018, line 5, and insert the following:

SEC. 4815. AMENDMENTS TO THE TELEMARKETING AND CONSUMER FRAUD ABUSE AND PREVENTION ACT.

(a) Section 4 of the Telemarketing and Consumer Fraud Abuse and Prevention Act (15 U.S.C. 6102) is amended—

(1) in subsection (b)—

(A) by inserting ''and the Consumer Financial Protection Agency with respect to a person subject to the authority of that Agency under the Consumer Financial Protection Agency Act'' after ''Commission'' each of the first 2 places it appears; and

(B) by inserting ''or the Consumer Financial Protection Agency'' after ''Commission'' the last place it appears; and

(2) in subsection (d), by inserting ''or the Consumer Financial Protection Agency'' after ''Commission'' each place such term appears.

(b) Section 5 of the Telemarketing and Consumer Fraud Abuse and Prevention Act (15 U.S.C. 6102) is amended—

(1) in subsection (b)—

(A) by inserting ''and the Consumer Financial Protection Agency with respect to a person subject to the authority of that Agency under the Consumer Financial Protection Agency Act'' after ''Commission'' each of the first 2 places it appears; and

(B) by inserting ''or the Consumer Financial Protection Agency'' after ''Commission'' the last place it appears; and

(2) in subsection (c), by inserting ''or the Consumer Financial Protection Agency'' after ''Commission'' each place such term appears.

(c) Section 6 of the Telemarketing and Consumer Fraud Abuse and Prevention Act (15 U.S.C. 6102) is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

''(c) ENFORCEMENT BY THE CONSUMER FINANCIAL PROTECTION AGENCY.—Subject to section 4202 of the Consumer Financial Protection Agency Act of 2009, this Act shall be enforced by the Consumer Financial Protection Agency, under subtitle E of that Act, with respect to a person subject to the authority of that Agency under that Act. For the purpose of the exercise by the Consumer Financial Protection Agency of its powers under subtitle E, a violation of any requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under the Consumer Financial Protection Agency Act. In addition to its powers under subtitle E of that Act, the Agency may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.''.

Page 1019, line 8, strike ''and'' and after such line insert the following:

(2) by inserting a comma after ''under this Act'';

(3) by inserting a comma after ''subsection (a)(1))''; and

Page 1019, line 9, strike ''(2)'' and insert ''(4)''.

Page 1019, line 15, insert ''partnership, or corporation'' after ''person,''.

Page 1020, after line 20, insert the following new subtitle:

Subtitle J—Miscellaneous

SEC. 4951. REQUIREMENTS FOR STATE-LICENSED LOAN ORIGINATORS.

Paragraph (2) of section 1505 (b) of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5104(b)(2)) is amended by inserting after and below subparagraph (B), the following:

''Notwithstanding the preceding sentence, a State loan originator supervisory authority may provide for review of applicants and for granting exceptions, on a case-by-case basis, to the minimum standard under subparagraph (B), but only to the extent that any such exception otherwise complies with the purposes of this title.''.

Page 1021, strike lines 24 and 25 and insert the following:

''(i) in total, fewer than 15 clients and investors in the United States in private funds advised by the investment adviser; and''.

Page 1022, strike lines 1 and 2 and insert the following:

''(ii) aggregate assets under management attributable to clients and investors in the United States in private funds advised by the investment adviser of''.

Page 1022, line 20, strike ''Section'' and insert the following:

(a) EXEMPTION.—Section

Page 1024, after line 3, insert the following:

(b) CONSIDERATION OF RISK.—Section 203(c) of the Investment Advisers Act of 1940 (15 U.S.C. 80b—3(c)) is amended by adding at the end the following:

''(3) The Commission shall take into account the relative risk profile of different classes of private funds as it establishes, by rule or regulation, the registration requirements for private funds.''.

Page 1024, line 4, strike ''**SYSTEMIC RISK**''.

Page 1024, beginning on line 23, strike '', and to any other entity that the Commission identifies as having systemic risk responsibility'' and insert ''and to the Financial Services Oversight Council''.

Page 1027, beginning on line 12, strike '', and to any other entity that the Commission identifies as having systemic risk responsibility'' and insert ''and to the Financial Services Oversight Council''.

Page 1027, line 17, strike ''such other entity'' and insert ''the Financial Services Oversight Council''.

Page 1028, strike line 11 and all that follows through page 1029, line 2, and insert the following:

''(8) NON-DISCLOSURE OF CERTAIN PROPRIETARY INFORMATION AND CONFIDENTIALITY OF REPORTS.—Any proprietary information of an investment adviser ascertained by the Commission from any report required to be filed with the Commission pursuant to this section 204(b) shall be subject to the same limitations on public disclosure as any facts ascertained during an examination as provided by section 210(b) of this title. The Commission may not compel the private fund to disclose such proprietary information to counterparties and creditors. For purposes of this section, proprietary information shall include sensitive, non-public information regarding the investment adviser's investment or trading strategies, analytical or research methodologies, trading data, computer hardware or software containing intellectual property, and any additional information that the Commission determines to be proprietary. Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any report or information contained therein required to be filed with the Commission under this subsection. Nothing in this paragraph shall authorize the Commission to withhold information from the Congress or to prevent the Commission from complying with a request for information from any other Federal department or agency or any self-regulatory organization requesting the report or information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section.''.

Page 1030, line 12, strike ''private funds'' the second place it appears and insert ''investment adviser acts solely as an adviser to private funds and''.

Page 1032, line 23, insert '', 203(m),'' after ''203(l)''.

Page 1033, line 23, insert ''to the extent necessary'' after ''regulations''.

Page 1034, line 7, insert ''in any rule or regulation'' after ''any factor used''.

Page 1034, line 11, insert ''by order,'' after ''Commission shall,''.

Page 1034, line 15, strike ''$1,000'' and insert ''$100,000''.

Page 1034, line 16, strike ''$1,000'' and insert ''$100,000''.

Page 1038, line 2, insert ''disclosure of'' after ''with respect to''.

Page 1041, beginning on line 13, strike ''and reliable''.

Page 1042, beginning on line 2, strike ''or its ultimate holding company''.

Page 1059, line 2, strike ''; and'' and insert a period.

Page 1059, strike lines 3 through 8 and insert the following:

(2) SYMBOLS.— The Commission may prescribe rules that require nationally recognized statistical rating organizations to establish credit rating symbols that distinguish credit ratings for structured products from credit ratings for other products that the Commission determines appropriate or necessary in the public interest and for the protection of investors, provided such rules do not prevent public pension funds or other State regulated entities from investing in rated products.

Page 1059, line 9, strike ''(2)'' and insert ''(3)''.

Page 1066, line 7, insert ''certify that they'' after ''diligence services''.

Page 1067, line 10, strike ''service,'' and insert ''service to that issuer, underwriter, or placement agent in determining a credit rating,''.

Page 1068, line 17, strike ''this title'' and insert ''the securities laws''.

Page 1068, line 21, strike ''or a similar''.

Page 1090, line 14, insert ''section 211 of'' after ''under''.

Page 1090, line 18, insert after the period the following: ''Nothing in this section shall require a broker or dealer or registered representative to have a continuing duty of care or loyalty to the customer after providing personalized investment advice about securities.''.

Page 1092, line 1, strike ''(3)'' and insert ''(2)''.

Page 1096, line 4, insert ''**AND RULEMAKING**'' after ''**STUDY**''.

Page 1096, beginning on line 9, strike ''manner in which'' and all that follows through ''products or services'' on line 12 and insert ''provision of documents or information to retail customers prior to the purchase of investment products or services''.

Page 1098, line 19, strike ''in connection with'' and insert ''rules that require the provision of documents or information to retail customers prior to''.

Page 1103, strike ''**ADVISOR**'' and insert ''**ADVISER**''.

Page 1109, line 11, insert ''law enforcement agency,'' after the comma.

Page 1109, line 17, strike ''or'' and after such line insert the following:

(C) to any whistleblower who gains the information through the performance of an audit of financial statements required under the securities laws; or

Page 1109, line 18 strike ''(C)'' and insert ''(D)''.

Page 1116, strike lines 11 through page 1118, line 13, and insert the following:

''(2) CONFIDENTIALITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission and any officer or employee of the Commission shall not disclose any information, including information provided by a whistleblower to the Commission, which could reasonably be expected to reveal the identity of a whistleblower, except in accordance with the provisions of section 552a of title 5, United States Code, unless and until required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Commission or any entity described in subparagraph (B). For purposes of section 552 of title 5, United States Code, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.

''(B) AVAILABILITY TO GOVERNMENT AGENCIES.—Without the loss of its status as confidential and privileged in the hands of the Commission, all information referred to in subparagraph (A) may, in the discretion of the Commission, when determined by the Commission to be necessary to accomplish the purposes of this Act and protect investors, be made available to—

''(i) the Attorney General of the United States,

''(ii) an appropriate regulatory authority,

''(iii) a self-regulatory organization,

''(iv) State attorneys general in connection with any criminal investigation, and

''(v) any appropriate State regulatory authority,

''each of which shall not disclose such information in accordance with subparagraph (A).''.

Page 1123, line 13, insert ''municipal financial adviser,'' after ''transfer agent,''.

Page 1123, line 22, insert ''municipal financial adviser,'' after ''transfer agent,''.

Page 1124, line 6, insert ''municipal financial adviser,'' after ''municipal securities dealer,''.

Page 1124, line 15, insert ''municipal financial adviser,'' after ''transfer agent,''.

Page 1127, beginning on line 18, strike ''head of any division or office within the Commission or his designee'' and insert ''Director of the Division of Enforcement of the Commission or the Director's designee''.

Page 1127, beginning on line 24, strike ''head of any division or office within the Commission or his designee'' and insert ''Director of the Division of Enforcement of the Commission or the Director's designee''.

Page 1128, beginning on line 3, strike ''head of any division or office within the Commission or his designee'' and insert ''Director of the Division of Enforcement of the Commission or the Director's designee''.

Page 1128, beginning on line 9, strike ''head of any division or office within the Commission or his designee'' and insert ''Director of the Division of Enforcement of the Commission or the Director's designee''.

Page 1128, line 24, strike ''without findings'' and insert '', has concluded without findings,''.

Page 1129, line 3, insert ''responsible for compliance examinations and inspections'' after ''Commission''.

Page 1129, line 7, insert a comma after ''inspection''.

Page 1129, line 8, insert a comma after ''action''.

Page 1129, line 11, insert ''responsible for compliance examinations and inspections'' after ''Commission''.

Page 1129, strike line 16 through page 1131, line 2, and insert the following:

(a) SECURITIES ACT OF 1933.—Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended by inserting after the second sentence the following: ''In any civil action instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued to compel the attendance of witnesses or the production of documents or tangible things (or both) at any hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued.''.

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) is amended by inserting after the third sentence the following: ''In any civil action instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued to compel the attendance of witnesses or the production of documents or tangible things (or both) at any hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued.''.

(c) INVESTMENT COMPANY ACT OF 1940.—Section 44 of the Investment Company Act of 1940 (15 U.S.C. 80a–43) is amended by inserting after the fourth sentence the following: ''In any civil action instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued to compel the attendance of witnesses or the production of documents or tangible things (or both) at any hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued.''.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–14) is amended by inserting after the third sentence the following: ''In any civil action instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued to compel the attendance of witnesses or the production of documents or tangible things (or both) at any hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued.''.

Page 1131, line 9, strike ''MONEY'' and insert ''MONETARY''.

Page 1133, line 21, strike ''TO ASSESS MONEY'' and insert ''TO ASSESS MONETARY''.

Page 1143, beginning on line 2, strike ''Except as provided in subsection (f), the'' and insert ''The''.

Page 1146, beginning on line 8, strike ''The jurisdiction'' and all that follows through line 11 and insert ''With respect to any actions or proceedings brought or instituted by the Commission or the United States, this jurisdiction includes violations of section 17(a) of this title, and all''.

Page 1147, beginning on line 4, strike ''The jurisdiction'' and all that follows through ''subsection (a)'' and insert ''With respect to any actions or proceedings brought or instituted by the Commission or the United States, this jurisdiction''.

Page 1148, beginning on line 3, strike ''The jurisdiction'' and all that follows through ''subsection (a)'' and insert ''With respect to any actions or proceedings brought or instituted by the Commission or the United States, this jurisdiction''.

Page 1149, line 18, strike the semicolon at the end.

Page 1158, line 7, insert ''and'' after ''with''.

Page 1190, line 13, strike ''that—'' and insert the following: ''that is not exempt from registration under section 203 and—''.

Page 1190, beginning on line 15, strike ''by a State'' and insert ''in the State where it maintains its principal office and place of business''.

Page 1191, line 8, insert after the first period the following: ''If no State in which an investment adviser described in subparagraph (B) is registered conducts such an examination, the investment adviser must register with the Commission. If, pursuant to this paragraph, an investment adviser would be required to register with 5 or more States, then the adviser may maintain its registration with the Commission.''.

Page 1191, strike line 10 and all that follows through page 1192, line 3, and insert the following:

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this title, the Securities and Exchange Commission shall adopt a rule pursuant to its authority under section 211(a) of the Investment Advisers Act of 1940 making it unlawful under section 206(4) of that Act for an investment adviser registered under such Act to have custody of funds or securities of a client the value of which exceeds $10,000,000, unless—

(1) the funds and securities are maintained with a qualified custodian either in a separate account for each client under the client's name, or in accounts that contain only client funds and securities under the name of the investment adviser as agent or trustee for the client; and

(2) the qualified custodian does not directly or indirectly provide investment advice with respect to such funds or securities.

(b) EXCEPTIONS.—The rule adopted under subsection (a) shall include such exceptions as the Commission determines in the public interest and consistent with the protection of investors. Any exemption granted under this subsection shall ensure that at least once per year, a client described in subsection (a) shall receive a report from an independent entity with a fiduciary responsibility to the client to verify that the assets in the client's account are in accord with those stated on the client's account statement.

(c) NO LIMITS ON OTHER ACTIONS.—Nothing in this section shall be construed to limit other actions the Securities and Exchange Commission may take under this Act to require the protection of client assets.

Page 1192, line 21, strike ''maintain'' and insert ''assure that safeguards exist to maintain''.

Page 1193, line 9, strike ''regards'' and insert ''regard''.

Page 1193, after line 10, insert the following new sections:

SEC. 7421. NOTICE TO MISSING SECURITY HOLDERS.

Section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1) is amended by adding at the end the following new subsection:

''(g) DUE DILIGENCE FOR THE DELIVERY OF DIVIDENDS, INTEREST, AND OTHER VALUABLE PROPERTY RIGHTS.—

''(1) REVISION OF RULES REQUIRED.—The Commission shall revise its regulations in section 240.17Ad-17 of title 17, Code of Federal Regulations, as in effect on December 8, 1997, to extend the application of such section to brokers and dealers and to provide for the following:

''(A) A requirement that the paying agent provide a single written notification to each missing security holder that the missing security holder has been sent a check that has not yet been negotiated. The written notification may be sent along with a check or other mailing subsequently sent to the missing security holder but must be provided no later than 7 months after the sending of the not yet negotiated check.

''(B) An exclusion for paying agents from the notification requirements when the value of the not yet negotiated check is less than $25.

''(C) A provision clarifying that the requirements described in subparagraph (A) shall have no effect on State escheatment laws.

''(D) For purposes of such revised regulations—

''(i) a security holder shall be considered a 'missing security holder' if a check is sent to the security holder and the check is not negotiated before the earlier of the paying agent sending the next regularly scheduled check or the elapsing of 6 months after the sending of the not yet negotiated check; and

''(ii) the term 'paying agent' includes any issuer, transfer agent, broker, dealer, investment adviser, indenture trustee, custodian, or any other person that accepts payments from the issuer of a security and distributes the payments to the holders of the security.

''(2) RULEMAKING.—The Commission shall adopt such rules, regulations, and orders necessary to implement this subsection no later than 1 year after the date of enactment of this subsection. In proposing such rules, the Commission shall seek to minimize disruptions to current systems used by or on behalf of paying agents to process payment to account holders and avoid requiring multiple paying agents to send written notification to a missing security holder regarding the same not yet negotiated check.''.

SEC. 7422. SHORT SALE REFORMS.

(a) SHORT SALE DISCLOSURE.—Section 13(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(f)) is amended by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively, and inserting after paragraph (1) the following:

''(2)(A) Every institutional investment manager that effects a short sale of an equity security shall also file a report on a daily basis with the Commission in such form as the Commission, by rule, may prescribe. Such report shall include, as applicable, the name of the institution, the name of the institutional investment manager and the title, class, CUSIP number, number of shares or principal amount, aggregate fair market value of each security, and any additional information requested by the Commission. For purposes of section 552 of title 5, United States Code, this subparagraph shall be considered a statute described in subsection (b)(3)(B) of such section. The information contained in reports of an institutional investment manager filed with the Commission pursuant to this section, shall be subject to the same non-disclosure and confidentiality protection provided under section 204(b)(8) of the Investment Advisers Act of 1940.

''(B) The Commission shall prescribe rules providing for the public disclosure of the name of the issuer and the title, class, CUSIP number, aggregate amount of the number of short sales of each security, and any additional information determined by the Commission following the end of the reporting period. At a minimum, such public disclosure shall occur every month.''.

(b) SHORT SELLING ENFORCEMENT.—Section 9 of the Securities Exchange Act of 1934 (15 U.S.C. 78i) is amended—

(1) by redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (e), (f), (g), (h), (i), and (j), respectively; and

(2) inserting after subsection (c), the following new subsection:

''(d) TRANSACTIONS RELATING TO SHORT SALES OF SECURITIES.—It shall be unlawful for any person, directly or indirectly, by the use of the mails or any means or instrumentality of interstate commerce, or of any facility of any national securities exchange, or for any member of a national securities exchange to effect, alone or with one or more other persons, a manipulative short sale of any security. The Commission shall issue such other rules as are necessary or appropriate to ensure that the appropriate enforcement options and remedies are available for violations of this subsection in the public interest or for the protection of investors.''.

(c) INVESTOR NOTIFICATION.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended—

(1) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (f), (g), (h), (i), and (j), respectively; and

(2) inserting after subsection (d) the following new subsection:

''(e) NOTICES TO CUSTOMERS REGARDING SECURITIES LENDING.—Every registered broker or dealer shall provide notice to its customers that they may elect not to allow their fully paid securities to be used in connection with short sales. If a broker or dealer uses a customer's securities in connection with short sales, the broker or dealer shall provide notice to its customer that the broker or dealer may receive compensation in connection with lending the customer's securities. The Commission, by rule, as it deems necessary or appropriate in the public interest and for the protection of investors, may prescribe the form, content, time, and manner of delivery of any notice required under this paragraph.''.

SEC. 7423. STREAMLINING OF SEC FILING PROCEDURES.

(a) APPROVAL PROCESS.—Section 19(b)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(2)) is amended to read as follows:

''(2) FILING PROCEDURES.—

''(A) IN GENERAL.—Within thirty-five days of the date of publication of notice of the filing of a proposed rule change in accordance with paragraph (1) of this subsection, or within such longer period as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall—

''(i) by order approve such proposed rule change; or

''(ii) institute proceedings under subparagraph (B) to determine whether the proposed rule change should be disapproved.

''(B) PROCEEDINGS.—Proceedings to determine whether the proposed rule change should be disapproved shall include notice of the grounds for disapproval under consideration and opportunity for hearing and be concluded within 200 days from the date of receipt of a proper filing. At the conclusion of such proceedings the Commission, by order, shall approve or disapprove such proposed rule change. The Commission may extend the time for conclusion of such proceedings for up to 60 days if it finds good cause for such extension and publishes its reasons for so finding or for such longer period as to which the self-regulatory organization consents. The Commission shall approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of this title and the rules and regulations thereunder applicable to such organization. The Commission shall disapprove a proposed rule change of a self-regulatory organization if it does not make such finding. The Commission shall not approve any proposed rule change prior to the thirtieth day after the date of publication of notice of the filing thereof, unless the Commission finds good cause for so doing and publishes its reasons for so finding.''.

(b) RULES.—Not later than 12 months after the date of enactment of this Act, the Commission shall issue rules implementing a disapproval process for filings submitted on or after the effective date of such rules.

Page 1196, line 5, strike ''containing''.

Page 1198, strike line 22 through page 1199, line 16.

Page 1199, line 17, strike ''(3)'' and insert ''(2)''.

Page 1199, line 21, strike ''or (2)''.

Page 1206, strike lines 15, through 23.

Page 1211 strike line 24 through page 1212, line 21, and insert the following:

(e) INSPECTIONS BY REGISTERED ACCOUNTING FIRMS.—Subsection (a) of Section 104 of such Act is amended—

(1) by striking ''(a) IN GENERAL.—The Board shall'' and inserting the following:

''(a) IN GENERAL.—

''(1) The Board shall''; and

(2) by adding at the end of such subsection the following:

''(2) INSPECTIONS OF AUDIT REPORT FOR BROKERS AND DEALERS.—

''(A) The Board may, by rule, conduct and require a program of inspection in accordance with paragraph (a)(1), on a basis to be determined by the Board, of registered public accounting firms that provide one or more audit reports for a broker or dealer. The Board, in establishing such a program, may allow for differentiation among classes of brokers and dealers, as appropriate.

''(B) If the Board determines to establish a program of inspection pursuant to subparagraph (A), the Board shall consider in establishing any inspection schedules whether differing schedules would be appropriate with respect to registered public accounting firms that issue audit reports only for one or more brokers or dealers that do not receive, handle, or hold customer securities or cash or are not a member of the Securities Investor Protection Corporation.

''(C) Any rules of the Board pursuant to this paragraph shall be subject to prior approval by the Commission pursuant to section 107(b) before the rules become effective, including an opportunity for public notice and comment.

''(D) Notwithstanding anything to the contrary in section 102 of this Act, a public accounting firm shall not be required to register with the Board if the public accounting firm is exempt from the inspection program which may be established by the Board under subparagraph (a)(2)(A) of this section.

''(3) CONFORMING AMENDMENT.—Section 17 (e)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(e) (1) (A)) is amended by striking 'registered public accounting firm' and inserting 'independent public accounting firm or by a registered public accounting firm if registration is required under the Sarbanes-Oxley Act of 2002 as amended.'.''.

Page 1215, line 1, strike ''dealer'' and insert ''dealers''.

Page 1219, beginning on line 10, strike ''domestic'' and insert ''domestically''.

Page 1223, lines 5, strike ''shall—'' and all that follows through line 13 and insert ''shall prevent the Board from responding to requests for reports from the Committees specified under subsection (h) about the activities or programs of the Board, provided that any confidential information contained therein shall be subject to the provisions of section 105(b)(5).''.

Page 1228, line 14, strike ''**MISLEAD**'' and insert ''**MISLED**''.

Page 1231, after line 15, insert the following:

(4) APPLICATION OF FIDUCIARY DUTY FOR PERSONALIZED INVESTMENT ADVICE ABOUT SECURITIES.—Nothing in this section shall diminish in any manner nor supersede the standard of conduct applicable to all brokers, dealers and investment advisers providing personalized investment advice about securities as set forth in section 7103 of this Act.

Page 1231, line 16, strike ''(4)'' and insert ''(5)''.

Page 1231, beginning on line 19, strike '', to the extent practicable, conform to the'' and insert ''meet or exceed''.

Page 1232, strike lines 3 through page 1235, line 5, and insert the following:

(6) SUITABILITY AND SUPERVISION RULES FOR ANNUITY PRODUCTS.—A State shall have adopted rules that govern suitability requirements in the sale of annuities which shall meet or exceed the minimum requirements established by the National Association of Insurance Commissioners Suitability in Annuity Transactions Model Regulation in effect on the date of the enactment of this Act, or any successor thereto.

Page 1235, line 18, strike ''senior'' and insert ''seniors who are''.

Page 1238, line 13, insert a comma after ''finding''.

Page 1242, line 7, insert ''United States Code,'' after ''title 18,''.

Page 1243, line 9, insert ''or the rules of the Municipal Securities Rulemaking Board,'' after ''statutes,''.

Page 1243, line 17, insert ''or the rules of the Municipal Securities Rulemaking Board,'' after ''statutes,''.

Page 1247, line 18, insert ''broker, dealer, investment adviser, municipal securities dealer, transfer agent, nationally recognized statistical rating organization, or''.

Page 1248, line 1, strike ''or (E)'' and insert ''(E), (G), or (H)''.

Page 1254, line 22, strike ''or''.

Page 1254, line 24, strike the period at the end and insert ''; or'' and after such line insert the following:

(v) the independent accountant that audits the financial statements of the municipal securities issuer.

Page 1259, after line 24, insert the following new subparagraph and redesignate subsequent subparagraphs accordingly):

''(C) To monitor the extent to which traditionally underserved communities and consumers, minorities (as such term is defined in 24 section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)), and low- and moderate-income persons have access to affordable insurance products regarding all lines of insurance, except health insurance.''.

Page 1261, after line 6, insert the following new paragraph:

''(3) ADVISORY CAPACITY ON COUNCIL.—The Director shall serve in an advisory capacity on the Financial Services Oversight Council established under the Financial Stability Improvement Act of 2009.''.

Page 1261, line 9, after ''Secretary'' insert ''in coordination with the Secretary of the Department of Health and Human Services''.

Page 1261, line 14, after ''data'' insert '', including financial data,''.

Page 1262, beginning on line 2, strike ''is authorized to write'' and insert ''writes''.

Page 1262, line 3, strike ''reinsure'' and insert ''reinsures''.

Page 1262, line 4, strike ''issue'' and insert ''issues''.

Page 1278, line 13, strike ''and broadened''.

Page 1279, line 1, insert ''Federal or State'' after ''any''.

Page 1279, line 3, insert ''with respect to such study'' before ''to modernize''.

Page 17 of title VII of the bill, as added by the amendment TITLE7__02, strike lines 14 and 15 and insert the following:

''(A) permitting any yield spread premium or other similar compensation that would, for any mortgage loan, permit the total amount of direct and indirect compensation from all sources permitted to a mortgage originator to vary based on the terms of the loan (other than the amount of the principal);''.

Page 17 of title VII of the bill, as added by the amendment TITLE7__02, line 25, strike ''including through principal'' and insert ''at the option of the consumer, including through principal or rate''.

Page 18 of title VII of the bill, as added by the amendment TITLE7__02, line 5, after ''costs were'' insert ''limited by agreement with the consumer and were''.

Page 33 of title VII of the bill, as added by the amendment TITLE7__02, line 24, after ''that'' insert ''is insured by the Federal Housing Administration or''.

Page 153 of title VII of the bill, as added by the amendment TITLE7__02, line 11, after ''loan'' insert '', other than a reverse mortgage loan insured by the Federal Housing Administration,''.

Add at the end of the bill the following:

TITLE VIII—FORECLOSURE AVOIDANCE AND AFFORDABLE HOUSING

SEC. 10001. EMERGENCY MORTGAGE RELIEF.

(a) USE OF TARP FUNDS.—Using the authority available under sections 101(a) and 115(a) of division A of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a), 5225(a)), the Secretary of the Treasury shall transfer to the Secretary of Housing and Urban Development $3,000,000,000, and the Secretary of Housing and Urban Development shall credit such amount to the Emergency Homeowners' Relief Fund, which such Secretary shall establish pursuant to section 107 of the Emergency Housing Act of 1975 (12 U.S.C. 2706), as such Act is amended by this section, for use for emergency mortgage assistance in accordance with title I of such Act.

(b) REAUTHORIZATION OF EMERGENCY MORTGAGE RELIEF PROGRAM.—Title I of the Emergency Housing Act of 1975 is amended—

(1) in section 103 (12 U.S.C. 2702)—

(A) in paragraph (2)—

(i) by striking ''have indicated'' and all that follows through ''regulation of the holder'' and insert ''have certified'';

(ii) by striking ''(such as the volume of delinquent loans in its portfolio)''; and

(iii) by striking '', except that such statement'' and all that follows through ''purposes of this title''; and

(B) in paragraph (4), by inserting ''or medical conditions'' after ''adverse economic conditions'';

(2) in section 104 (12 U.S.C. 2703)—

(A) in subsection (b), by striking '', but such assistance'' and all that follows through the period at the end and inserting the following: ''. The amount of assistance provided to a homeowner under this title shall be an amount that the Secretary determines is reasonably necessary to supplement such amount as the homeowner is capable of contributing toward such mortgage payment, except that the aggregate amount of such assistance provided for any homeowner shall not exceed $50,000.'' ;

(B) in subsection (d), by striking ''interest on a loan or advance''and all that follows through the end of the subsection and inserting the following: ''(1) the rate of interest on any loan or advance of credit insured under this title shall be fixed for the life of the loan or advance of credit and shall not exceed the rate of interest that is generally charged for mortgages on single-family housing insured by the Secretary of Housing and Urban Development under title II of the National Housing Act at the time such loan or advance of credit is made, and (2) no interest shall be charged on interest which is deferred on a loan or advance of credit made under this title. In establishing rates, terms and conditions for loans or advances of credit made under this title, the Secretary shall take into account a homeowner's ability to repay such loan or advance of credit.''; and

(C) in subsection (e), by inserting after the period at the end of the first sentence the following: ''Any eligible homeowner who receives a grant or an advance of credit under this title may repay the loan in full, without penalty, by lump sum or by installment payments at any time before the loan becomes due and payable.'';

(3) in section 105 (12 U.S.C. 2704)—

(A) by striking subsection (b);

(B) in subsection (e)—

(i) by inserting ''and emergency mortgage relief payments made under section 106'' after ''insured under this section''; and

(ii) by striking ''$1,500,000,000 at any one time'' and inserting ''$3,000,000,000'';

(C) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively; and

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

''(e) The Secretary shall establish underwriting guidelines or procedures to allocate amounts made available for loans and advances insured under this section and for emergency relief payments made under section 106 based on the likelihood that a mortgagor will be able to resume mortgage payments, pursuant to the requirement under section 103(5).'';

(4) in section 107—

(A) by striking ''(a)''; and

(B) by striking subsection (b);

(5) in section 108 (12 U.S.C. 2707), by adding at the end the following new subsection:

''(d) COVERAGE OF EXISTING PROGRAMS.—The Secretary shall allow funds to be administered by a State that has an existing program that is determined by the Secretary to provide substantially similar assistance to homeowners. After such determination is made such State shall not be required to modify such program to comply with the provisions of this title.'';

(6) in section 109 (12 U.S.C. 2708)—

(A) in the section heading, by striking ''AUTHORIZATION AND'';

(B) by striking subsection (a);

(C) by striking ''(b)''; and

(D) by striking ''1977'' and inserting ''2011'';

(7) by striking sections 110, 111, and 113 (12 U.S.C. 2709, 2710, 2712); and

(8) by redesignating section 112 (12 U.S.C. 2711) as section 110.

SEC. 10002. ADDITIONAL ASSISTANCE FOR NEIGHBORHOOD STABILIZATION PROGRAM.

Using the authority made available under sections 101(a) and 115(a) of division A of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a), 5225(a)), the Secretary of the Treasury shall transfer to the Secretary of Housing and Urban Development $1,000,000,000, and the Secretary of Housing and Urban Development shall use such amounts for assistance to States and units of general local government for the redevelopment of abandoned and foreclosed homes, in accordance with the same provisions applicable under the second undesignated paragraph under the heading ''Community Planning and Development--Community Development Fund'' in title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 217) to amounts made available under such second undesignated paragraph, except as follows:

(1) Notwithstanding the matter of such second undesignated paragraph that precedes the first proviso, amounts made available by this section shall remain available until expended.

(2) The 3rd, 4th, 5th, 6th, 7th, and 15th provisos of such second undesignated paragraph shall not apply to amounts made available by this section.

(3) Amounts made available by this section shall be allocated based on a funding formula for such amounts established by the Secretary in accordance with section 2301(b) of the Housing and Economic Recovery Act of 2008 (42 U.S.C. 5301 note), except that—

(A) notwithstanding paragraph (2) of such section 2301(b), the formula shall be established not later than 30 days after the date of the enactment of this Act;

(B) the Secretary may not establish any minimum grant amount or size for grants to States;

(C) the Secretary may establish a minimum grant amount for direct allocations to units of general local government located within a State, which shall not exceed $1,000,000; and

(D) each State and local government receiving grant amounts shall establish procedures to create preferences for the development of affordable rental housing for properties assisted with amounts made available by this section.

(4) Paragraph (1) of section 2301(c) of the Housing and Economic Recovery Act of 2008 shall not apply to amounts made available by this section.

(5) Section 2302 of the Housing and Economic Recovery Act of 2008 shall not apply to amounts made available by this section.

(6) The fourth proviso from the end of such second undesignated paragraph shall be applied to amounts made available by this section by substituting ''2013'' for ''2012''.

(7) Notwithstanding section 2301(a) of the Housing and Economic Recovery Act of 2008, the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and other territory or possession of the United States for purposes of this section and title III of division B of such Act, as applied to amounts made available by this section.

(8)(A) None of the amounts made available by this section shall be distributed to—

(i) any organization which has been convicted for a violation under Federal law relating to an election for Federal office; or

(ii) any organization which employs applicable individuals.

(B) In this paragraph, the term ''applicable individual'' means an individual who—

(i) is—

(I) employed by the organization in a permanent or temporary capacity;

(II) contracted or retained by the organization; or

(III) acting on behalf of, or with the express or apparent authority of, the organization; and

(ii) has been convicted for a violation under Federal law relating to an election for Federal office.

Page 204, line 14, strike ''may decrease'' and insert ''decreases''.

Page 826, after line 20, insert the following new subsection:

(c) ADDITIONAL CONSUMER PROTECTION REGULATIONS IN RESPONSE TO STATE ACTION.—

(1) NOTICE OF PROPOSED RULE REQUIRED.—The Agency shall issue a notice of proposed rulemaking whenever a majority of the States has enacted a resolution in support of the establishment or modification of a consumer protection regulation by the Agency.

(2) AGENCY CONSIDERATIONS REQUIRED FOR ISSUANCE OF FINAL REGULATION.—Before prescribing a final regulation based upon a notice issued pursuant to paragraph (1), the Agency shall take into account whether—

(A) the proposed regulation would afford greater protection to consumers than any existing regulation;

(B) the intended benefits of the proposed regulation for consumers would outweigh any increased costs or inconveniences for consumers, and would not discriminate unfairly against any category or class of consumers; and

(C) a Federal banking agency has advised that the proposed regulation is likely to present an unacceptable safety and soundness risk to insured depository institutions.

(3) EXPLANATION OF CONSIDERATIONS.—The Agency—

(A) shall include a discussion of the considerations required in subsection (b) in the Federal Register notice of a final regulation prescribed pursuant to this section; and

(B) whenever the Agency determines not to prescribe a final regulation, shall publish an explanation of such determination in the Federal Register, and provide a copy of such explanation to each State that enacted a resolution in support of the proposed regulation, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(4) RESERVATION OF AUTHORITY.—No provision of this section shall be construed as limiting or restricting the authority of the Agency to enhance consumer protection standards established pursuant to this title in response to its own motion or in response to a request by any other interested person.

(5) RULE OF CONSTRUCTION.—No provision of this section shall be construed as exempt the Agency from complying with subchapter II of chapter 5 of title 5, United States Code.

(6) DEFINITION.—For purposes of this section, the term ''consumer protection regulation'' means a regulation that the Agency is authorized to prescribe under this title, the enumerated consumer laws, or any law or authority transferred under subtitle F or H.

Page 827, line 4, after ''defendant,'' strike the rest of line 4 through line 6 and insert, ''to enforce and secure remedies under provisions of this title or regulations issued thereunder, or otherwise provided under other law.''.

Page 831, line 23, after ''that'' insert ''directly and specifically''.

Page 832, beginning on line 8, strike ''National banks'' and all that follows through ''State laws.'' on line 9.

Page 832, line 9, strike ''State laws are'' and insert ''State consumer financial laws are''.

Page 832, line 11, strike ''state'' and insert ''State consumer financial''.

Page 832, strike lines 15 through 20, and insert the following:

''(B) the State consumer financial law prevents, significantly interferes with, or materially impairs the ability of an institution chartered as a national bank to engage in the business of banking. Any preemption determination under this subparagraph may be made by a court or by regulation or order of the Comptroller of the Currency in accordance with applicable law, on a case-by-case basis. Any such determination by a court shall comply with the standards set forth in subsection (d) of this section, with the court making the subsection (d) finding de novo; or

Page 832, line 21, insert ''consumer financial'' after ''State''

Page 832, strike line 23 and all that follows through page 833, line 2 and insert the following:

''(2) SAVINGS CLAUSE.—This Act does not preempt or alter the applicability of any State law to any subsidiary or affiliate of a national bank (other than an institution chartered as a national bank) that is not a depository institution.

Page 833, strike lines 3 through 17 and insert the following:

''(3) CASE-BY-CASE DETERMINATION.—

''(A) DEFINITION.—The term 'case-by-case determination pursuant to this section' means a determination made by the Comptroller concerning the impact of a particular State consumer financial law on any national bank that is subject to that law, or the law of any other State with substantively equivalent terms.

''(B) CONSULTATION.—When making case-by-case determination pursuant to this section that a State consumer financial law of another State has a substantively equivalent terms as one that the Comptroller is preempting, the Comptroller shall first consult with the Consumer Financial Protection Agency and shall take such Agency's views into account when making the determination.

''(4) RULE OF CONSTRUCTION.—This Act does not occupy the field in any area of State law.

''(5) STANDARDS OF REVIEW.—

''(A) PREEMPTION.—A court reviewing any determinations made by the Comptroller regarding preemption of a State law by this Act shall assess the validity of such determinations depending upon the thoroughness evident in the agency's consideration, the validity of the agency's reasoning, the consistency with other valid determinations made by the agency, and other factors which the court finds persuasive and relevant to its decision.

''(B) SAVINGS CLAUSE.—Except as provided in subparagraph (A), nothing in this section shall affect the deference that a court may

afford to the Comptroller in making determinations regarding the meaning or interpretation of title LXII of the Revised Statutes of the United States or other Federal laws.

''(6) COMPTROLLER DETERMINATION NOT DELEGABLE.—Any regulation, order or determination made by the Comptroller of the Currency under subsection (b)(1)(B) shall be made by the Comptroller and shall not be delegable to another officer or employee of the Comptroller of the Currency.

Page 833, line 18, after ''regulation'' insert ''or order''.

Page 833, strike line 25 and all that follows through page 834, line 2, and insert the following: ''prevents, significantly interferes with, or materially impairs the ability of a national bank to engage in the business of banking.''.

Page 834, line 5, after ''prescribe'' insert ''a'', after ''regulation'' insert ''or order''.

Page 835, after line 9, insert new subsections as follows:

''(g) PRESERVATION OF POWERS RELATED TO CHARGING INTEREST.—No provision of this title shall be construed as altering or otherwise affecting the authority conferred by section 5197 of the Revised Statutes of the United States (12 U.S.C. 85) for the charging of interest by a national bank at the rate allowed by the laws of the State, territory or district where the bank is located, including with respect to the meaning of 'interest' under such provision.

''(h) TRANSPARENCY OF OCC PREEMPTION DETERMINATIONS.—The Comptroller of the Currency shall publish and update no less frequently than quarterly, a list of preemption determinations by the Comptroller of the Currency then in effect that identifies the activities and practices covered by each determination and the requirements and constraints determined to be preempted.

Page 835, on lines 21 and 22 strike ''supervisory, examination, or regulatory'' and insert ''visitorial''.

Page 836, strike lines 4 through 7 and renumber subsequent sections accordingly.

Page 836, line 12, after ''or'' delete the rest of line 12 through line 15 and insert, ''nonpreempted State law against a national bank, as authorized by such law, or to seek relief as authorized by such law.''.

Page 838, line 13, after ''that'' and insert ''directly and specifically''.

Page 838, beginning line 19, strike ''Federal savings association'' and all that follows through ''State laws.''

Page 838, beginning on line 20, strike ''State laws are'' and insert ''State consumer financial laws are''.

Page 838, line 22, strike ''state'' and insert ''State consumer financial''.

Page 839, strike lines 1 through 7, and insert the following:

''(B) the State consumer financial law prevents, significantly interferes with, or materially impairs the ability of an institution chartered as a Federal savings association to engage in the business of banking. Any preemption determination under this subparagraph may be made by a court or by regulation or order of the Director of the Office of Thrift Supervision in accordance with applicable law, on a case-by-case basis. Any such determination by a court shall comply with the standards set forth in subsection (d) of this section, with the court making the subsection (d) finding de novo; or

Page 839, line 8, insert ''consumer financial'' after ''State''.

Page 839, strike lines 10 through 14 and insert the following:

''(2) SAVINGS CLAUSE.—This Act does not preempt or alter the applicability of any State law to any subsidiary or affiliate of a Federal savings association (other than an institution chartered as a Federal savings association) that is not a depository institution.

Page 839, strike line 15 and all that follows through page 840, line 4 and insert the following:

''(3) CASE-BY-CASE DETERMINATION.—

''(A) DEFINITION.—The term 'case-by-case determination pursuant to this section' means a determination made by the Director concerning the impact of a particular State consumer financial law on any Federal savings association that is subject to that law, or the law of any other State with substantively equivalent terms.

''(B) CONSULTATION.—When making case-by-case determination pursuant to this section that a State consumer financial law of another State has a substantively equivalent terms as one that the Director of the Office of Thrift Supervision is preempting, the Director shall first consult with the Consumer Financial Protection Agency and shall take such Agency's views into account when making the determination.

''(4) RULE OF CONSTRUCTION.—This Act does not occupy the field in any area of State law.

''(5) STANDARDS OF REVIEW.—

''(A) PREEMPTION.—A court reviewing any determinations made by the Director regarding preemption of a State law by this Act shall assess the validity of such determinations depending upon the thoroughness evident in the agency's consideration, the validity of the agency's reasoning, the consistency with other valid determinations made by the agency, and other factors which the court finds persuasive and relevant to its decision.

''(B) SAVINGS CLAUSE.—Except as provided in subparagraph (A), nothing in this section shall affect the deference that a court may afford to the Director in making determinations regarding the meaning or interpretation of the Home Owners' Loan Act or other Federal laws.

''(6) OTS DETERMINATION NOT DELEGABLE.—Any regulation, order, or determination made by the Director of the Office of Thrift Supervision under subsection (b)(1)(B) shall be made by the Director and shall not be delegable to another officer or employee of the Director of the Office of Thrift Supervision.

Page 840, line 7, after ''regulation'' insert ''or order''.

Page 840, line 15, after ''regulation'' insert ''or order''.

Page 840, strike lines 22 through 24 and insert the following: ''finding that the provision prevents, significantly interferes with, or materially impairs the ability of a Federal savings association to engage in the business of banking.''.

Page 841, after line 23, insert new subsections as follows and renumber subsequent sections accordingly:

''(g) PRESERVATION OF POWERS RELATED TO CHARGING OF INTEREST.—No provision of this title shall be construed as altering or otherwise affecting the authority conferred by section 4(g) of the Home Owners' Loan Act (12 U.S.C. 1463(g)) for the charging of interest by a Federal savings association at the rate allowed by the laws of the State, territory, or district where the bank is located, including with respect to the meaning of 'interest' under such provision.

''(h) TRANSPARENCY OF OTS PREEMPTION DETERMINATIONS.—The Director of the Office of Thrift Supervision shall publish and update no less frequently than quarterly, a list of preemption determinations by such Director then in effect that identifies the activities and practices covered by each determination and the requirements and constraints determined to be preempted.

Page 842, strike lines 13 through 16 and renumber subsequent sections accordingly.

Page 842, line 22, after ''law,'' delete the rest of line 22 through page 843, line 2 and insert, ''or to seek relief as authorized by such law''.

Page 30, after line 21, insert the following new subsection:

(e) STUDY OF EFFECTS CONSUMER FINANCIAL PROTECTION AGENCY REGULATIONS AND STANDARDS.—

(1) STUDY REQUIRED.—The Council shall conduct a study of the effects that regulations and standards of the Consumer Financial Protection Agency will have on all covered persons (as such term is defined in section 4002(9)), including nondepository institution covered persons. The Director of the Consumer Financial Protection Agency shall take the findings of the study into account when issuing regulations.

(2) VALUE OF NONBANK PRODUCTS.—The study shall include an evaluation and assessment of the appropriateness of using ''APR'' as a true measure of the value of all nonbank products.

(3) SUBMISSION.—Not later than 240 days after the date of the enactment of this Act, the Director of the Consumer Financial Protection Agency shall submit the study to Congress and include any recommendations the Director may have for changes in law and regulations to improve consumer protections and maintain access to credit.

Page 734, strike lines 8 through 12, and insert the following:

(A) consider the potential benefits and costs to consumers, covered persons, and the Federal Government, including the potential reduction of consumers' access to consumer financial products or services, resulting from such regulation; and

Page 734, line 20, insert before the period the following: ''and whether such regulation will have an inconsistent effect on nondepository institution covered persons and depository institution covered persons''.

Page 731, after line 24, insert the following new subsection:

(h) ASSESSMENTS FOR CERTAIN NONDEPOSITORY INSTITUTION COVERED PERSONS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, a nondepository institution covered person shall not be subject to assessments by the Agency if—

(A) the assets that are financial activities of that nondepository covered person represent less than a substantial portion of its total assets; and

(B) the gross revenues derived from financial activities of that nondepository covered person are less than a substantial portion of its gross revenues.

(2) EXTENSIVE CONSUMER FINANCIAL PRODUCTS OR SERVICES OPERATIONS.—Paragraph (1) shall not apply to nondepository institution covered person that the Director determines has a level of assets or revenues derived from financial activities, a number of transactions in consumer financial products or services, or a number of accounts relating to consumer financial products or services that the Director determines represents an extensive consumer financial products or services operation.

Page 1068, line 7, strike ''knowingly or recklessly violated'' and insert ''was grossly negligent in violating''.

Page 1068, beginning on line 18, strike ''knowledge and recklessness'' and insert ''gross negligence''.

Page 1019, line 22, strike ''57a(b)'' and insert ''57a''.

Page 1019, after line 22, insert the following:

(1) in subsection (a)(1), by striking ''(h)'' and inserting ''(f)'';

Page 1019, line 23, strike ''(1)'' and insert ''(2)''.

Page 1020, strike lines 6 through 13 and insert the following:

(3) by striking subsection (c);

(4) in subsection (d), by striking ''(d)(1) The Commission's'' and all that follows through

the end of paragraph (2) and by redesignating paragraph (3) of such subsection as subsection (c);

(5) In such subsection (c) (as so redesignated), by inserting ''prescribed'' after ''any rule'';

(6) by striking subsections (f), (i), and (j) and redesignating subsections (e), (g), and (h) as subsections (d), (e), and (f), respectively;

Page 1020, line 14, strike ''(4)'' and insert ''(7)''.

Page 1020, after line 14, insert the following:

(A) in paragraph (1)(A), by striking ''promulgated'' and inserting ''prescribed'';

Page 1020, line 15, strike ''(A)'' and insert ''(B)''.

Page 1020, strike lines 17 through 20 and insert the following:

(C) in paragraph (3), by striking ''The court shall hold unlawful'' and all that follows through the end of the paragraph; and

(D) by striking paragraphs (4) and (5) and inserting the following:

''(4) The procedure set forth in this subsection for judicial review of a rule prescribed under subsection (a)(1)(B) is the exclusive means for such review, other than in an enforcement proceeding.''; and

(7) in subsection (e)(2) (as so redesignated), by striking ''class or persons'' and inserting ''class of persons''.

Page 754, after line 1, add the following new subsection at the end of section 4203:

(h) ASSISTIVE DIVISION FOR COMMUNITY FINANCIAL INSTITUTIONS.—

(1) ESTABLISHMENT; PURPOSE.—There is established in the Agency an office to be known as the ''Assistive Division for Community Financial Institutions'' to advise the Director on the impact of Agency policies and regulations on community financial institutions and to help ensure that the policies and regulations of the Agency do not unduly burden community financial institutions.

(2) ADDITIONAL DUTIES.—The Assistive Division for Community Financial Institutions shall also—

(A) provide assistance to and respond to inquiries from community financial institutions regarding policies of the Agency and the effects of such policies on community financial institutions;

(B) provide educational materials, training aides, and support to community financial institutions with respect to any new regulatory obligations the Agency establishes during the initial rule-making period;

(C) establish and maintain a toll-free telephone number, to be available at least 8 hours a day and 7 days a week, at which community financial institution may make inquiries and receive assistance under subparagraph (A); and

(D) perform other duties and exercise such other powers set by the Director.

Page 949, after line 2, add the following new section (and update the table of contents appropriately):

SEC. 4704. REPORTING OF MORTGAGE DATA BY STATE.

(a) IN GENERAL.—Section 104(a) of the Helping Families Save Their Homes Act of 2009 (division A of Public Law 111–22) is amended—

(1) in paragraph (2), by striking ''resulting'' and inserting ''in each State that result'';

(2) in paragraph (3), by inserting ''each State for'' after ''modifications in''; and

(3) in paragraph (4), by inserting ''in each State'' after ''total number of loans''.

(b) CONFORMING AMENDMENT.—Section 104(b)(1)(A) of such Act is amended by adding at the end the following sentence: ''Not later than 60 days after the date of the enactment of the Wall Street Reform and Consumer Protection Act of 2009, the Comptroller of the Currency and the Director of the Office of Thrift Supervision shall update such requirements to reflect amendments made to this section by such Act.''.

In subtitle H of title VII (relating to mortgage reform) insert ''**and Data Collection**'' after ''**Reports**''

At the end of title VII (relating to mortgage reform), add the following new section (and update the table of contents appropriately):

SEC. 9702. REPORTING OF MORTGAGE DATA BY STATE.

(a) IN GENERAL.—Section 104(a) of the Helping Families Save Their Homes Act of 2009 (division A of Public Law 111–22) is amended—

(1) in paragraph (2), by striking ''resulting'' and inserting ''in each State that result'';

(2) in paragraph (3), by inserting ''each State for'' after ''modifications in''; and

(3) in paragraph (4), by inserting ''in each State'' after ''total number of loans''.

(b) CONFORMING AMENDMENT.—Section 104(b)(1)(A) of such Act is amended by adding at the end the following sentence: ''Not later than 60 days after the date of the enactment of the Wall Street Reform and Consumer Protection Act of 2009, the Comptroller of the Currency and the Director of the Office of Thrift Supervision shall update such requirements to reflect amendments made to this section by such Act.''.

Page 119, strike lines 12 to 13 and insert the following new paragraph:

(1) the Board determines that a specified financial company fails to meet prudential standards established by the Board; or

Page 1035, line 4, strike ''Section'' and insert ''(a) IN GENERAL.—Section''.

Page 1035, strike lines 7 and 8 and insert the following:

(A) by amending paragraph (1)(A) to read as follows:

''(A) IN GENERAL.—Each credit rating agency shall register as a nationally recognized statistical rating organization for the purposes of this title (in this section referred to as the 'applicant'), and shall file with the Commission an application for registration, in such form as the Commission shall require, by rule or regulation issued in accordance with subsection (n), and containing the information described in subparagraph (B).''.

Page 1035, line 10, strike ''and''.

Page 1035, line 12, insert ''and'' after the semicolon and after such line insert the following:

(D) by adding at the end of paragraph (1) the following:

''(F) EXEMPTIONS.—The registration requirement in subparagraph (A) shall not apply to—

''(i) a credit rating agency if the credit rating agency—

''(I) does not engage in the provision of credit ratings to issuers of securities for a fee; and

''(II) issues credit ratings only in any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation; or

''(ii) such other persons as the Commission may designate by rules and regulations or order when in the public interest and for the protection of investors.''.

Page 1067, after line 20, insert the following:

(b) CONFORMING AMENDMENT.—Section 3(a)(62) of the Securities Exchange Act of 1934 is amended by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

Page 731, after line 24, insert the following:

(4) FINANCIAL EDUCATION AND COUNSELING PROGRAM.—

(A) IN GENERAL.—To the extent such victims cannot be located or such payments are otherwise not practicable, 5 percent of the Victims Relief Fund shall be transferred, up to $10,000,000 on an annual basis, to the Secretary of the Treasury so that the Secretary may carry out the Financial Education and Counseling Grant Program established under section 1132 of the Housing and Economic Recovery Act of 2008 (12 U.S.C. 1701).

(B) MEMORANDUM OF UNDERSTANDING.—Not later than 12 months after the date of enactment of this subtitle, the Director shall enter into a memorandum of understanding with the Secretary of the Treasury to coordinate the release of Civil Penalty Fund amounts under subparagraph (A).

(C) ASSISTANCE FOR INDIVIDUALS AT FINANCIAL RISK.—Section 1132 of the Housing and Economic Recovery Act of 2008 (12 U.S.C. 1701) is amended—

(i) in subsection (a), by striking ''prospective homebuyers'' each place that term appears and inserting ''individuals at financial risk'';

(ii) in subsection (b)—

(I) in paragraph (1), by striking ''prospective homebuyers'' and inserting ''individuals at financial risk''; and

(II) by adding at the end the following:

''(3) DETERMINATION OF FINANCIAL RISK.—For purposes of this section, the Director of the Consumer Financial Protection Agency shall establish the criteria used to determine whether an individual is at financial risk, and the Secretary shall use such criteria when selecting organizations under paragraph (2).''; and

(iii) in subsection (c)(1)—

(I) in subparagraph (A), by striking ''or'';

(II) in subparagraph (B), by striking the period and inserting ''; or''; and

(III) by adding at the end the following:

''(C) a nonprofit corporation that—

''(i) is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986; and

''(ii) specializes or has expertise in working with individuals at financial risk.''.

Page 1278, after line 17 insert the following:

(7) Geographic disparities in access to and cost of insurance products.

Page 35, line 25, insert ''compelled to waive and shall not be'' after ''be''.

Page 26, line 22, strike ''DEPARTMENT OF THE TREASURY'' and insert ''VOTING MEMBERS OF THE COUNCIL''.

Page 26, line 23, insert ''and all other voting members of the Council may, with the approval of the Council,'' after ''shall''.

Page 27, line 10, strike ''Secretary of the Treasury'' and insert ''Council''.

Page 33, after line 10, insert the following new section (and conform the table of contents accordingly):

SEC. 1100. FEDERAL RESERVE BOARD AUTHORITY THAT OF AGENT ACTING ON BEHALF OF COUNCIL.

For purposes of this subtitle, the Board of Governors of the Federal Reserve System shall act in the capacity of agent for the Council, acting on behalf of the Council.

Page 1028, after line 10, insert the following new paragraph (and redesignate the subsequent paragraph):

''(8) APPLICABLE PRIVILEGES NOT WAIVED.—An investment advisor, and investment advisor to a private fund, a private fund, foreign private fund advisor, a foreign private fund, an advisor to a venture capital fund, a venture capital fund, or other person shall not be compelled to waive and shall not be deemed to have waived any privilege otherwise applicable to any data or information by transferring the data or information to, or permitting that data or information to be used by—

''(A) the Financial Services Oversight Council;

''(B) the Commission;

''(C) any Federal financial regulator or State financial regulator, in any capacity; or

''(D) any other agency of the Federal Government (as defined in section 6 of title 18, United States Code).''.

Page 701, after line 9, insert the following:

(D) CONSUMER COMPLAINT WEBSITE.—The Director shall establish an Internet website for consumer complaints and inquiries concerning institutions regulated by the Agency. The website shall be interoperable with the database established under subparagraph (A).

Page 825, after line 12, insert the following:

SEC. 4313. OVERDRAFT PROTECTION NOTICE REQUIREMENTS.

Not later than 180 days after the date of the enactment of this Act, the Director shall promulgate a new rule that requires banks to prominently place in each consumer branch office information regarding the fees and charges associated with enrollment in the bank's overdraft protection program.

Page 1230, line 15, strike ''$500,000'' and insert ''1,000,000''.

Page 1230, line 18, strike ''$100,000'' and insert ''250,000''.

Page 1236, line 13, strike ''$8,000,000'' and insert ''16,000,000''.

Page 93, line 8, insert ''pursuant to subsection (e)(5)'' after ''action''.

Page 93, beginning line 12, insert the following new subsection:

(i) RULE OF CONSTRUCTION.—Nothing in subsection (h) shall be construed as limiting the authority of a Federal financial regulatory agency to take action with respect to a financial company subject to the jurisdiction of such agency pursuant to applicable law other than this section.

Page 22, after line 12, insert the following new subparagraph:

(C) A State securities commissioner (or an officer performing like functions), to be designated by a selection process determined by such State securities commissioners, provided that the term for which a State securities commissioner may serve shall last no more than the 2-year period beginning on the date that the commissioner is selected.

Page 253, after line 21, insert the following new paragraph:

(3) Section 4(j) of the Bank Holding Company Act of 1956 is amended by inserting after paragraph (4) the following new paragraph (and redesignating succeeding paragraphs accordingly):

''(5) FINANCIAL STABILITY.—

''(A) IN GENERAL.—In every case, the Board shall take into consideration the extent to which the proposed acquisition, merger, or consolidation may pose risk to the stability of the United States financial system or the economy of the United States, including the resulting scope, nature, size, scale, concentration, or interconnectedness of activities that are financial in nature.

''(B) STANDARDS FOR APPROVAL.—The Board may, in the sole discretion of the Board, disapprove any acquisition, merger, or consolidation of, or by, a financial holding company subject to stricter standards if the Board determines that the resulting concentration of liabilities on a consolidated basis is likely to pose a great threat to financial stability during times of severe economic distress.''.

Page 255, after line 2, insert the following new section:

SEC. 1316. MUTUAL NATIONAL BANKS AND FEDERAL MUTUAL BANK HOLDING COMPANIES AUTHORIZED.

(a) IN GENERAL.—Chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after section 5133 the following new sections:

''SEC. 5133A. MUTUAL NATIONAL BANKS.

''(a) IN GENERAL.—Notwithstanding the section designated the 'Third' of section 5134, in order to provide mutual institutions for the deposit of funds, the extension of credit, and provision of other services, the Comptroller of the Currency may charter mutual national banks either de novo or through a conversion of any insured depository institution or any State mutual bank or credit union, subject to regulations prescribed by the Comptroller of the Currency in accordance with this section. The powers conferred by this section are intended to provide for the creation and maintenance of mutual national banks as bodies corporate existing in perpetuity for the benefit of their depositors and the communities in which they operate.

''(b) REGULATIONS.—

''(1) REGULATIONS OF THE COMPTROLLER.—The Comptroller of the Currency is authorized to prescribe appropriate regulations for the organization, incorporation, examination, operation, and regulation of mutual national banks. Except to the extent that such existing regulations conflict with sections 5133A and 5133B, mutual national banks shall be subject to the regulations of the Director of the Office of Thrift Supervision governing corporate organization, governance, and conversion of mutual institutions, as in effect on the date of the enactment of the Wall Street Reform and Consumer Protection Act of 2009, including parts 543, 544, 546, 563b, and 563c of chapter V of title 12, Code of Federal Regulations (as in effect on that date), for up to 3 years beginning on the date of the enactment of the Wall Street Reform and Consumer Protection Act of 2009.

''(2) APPLICABILITY OF CAPITAL STOCK REQUIREMENTS.—The Comptroller of the Currency shall prescribe regulations regarding the manner in which requirements of this title with respect to capital stock, and limitations imposed on national banks under this title based on capital stock, shall apply to mutual national banks.

''(c) CONVERSIONS.—

''(1) CONVERSION OF A MUTUAL DEPOSITORY TO A MUTUAL NATIONAL BANK.—Subject to such regulations as the Comptroller of the Currency may prescribe for the protection of depositors' rights and for any other purpose the Comptroller of the Currency may consider appropriate, any mutual depository may convert to a mutual national bank by filing with the Comptroller of the Currency a notice of its election to convert on a specified date that is not earlier than 30 days after the date on which the notice is filed, and the mutual depository shall be converted to a mutual national bank charter on the date specified in the notice.

''(2) CONVERSION TO STOCK NATIONAL BANK.—Subject to such regulations as the Comptroller of the Currency may prescribe for the protection of depositors' rights and for any other purpose the Comptroller of the Currency may consider appropriate, any national bank that is organized in the mutual form under subsection (a) may reorganize as a stock national bank.

''(3) CONVERSION TO STATE BANKS.—Any national mutual bank may convert to a State bank charter in accordance with regulations prescribed by the Comptroller of the Currency and applicable State law.

''(d) TERMINATING MUTUALITY.—If a mutual national bank elects to terminate mutuality, it must do so by—

''(1) liquidating; or

''(2) converting to a national banking association operating in stock form.

''(e) STATUS AND RIGHTS OF MEMBERS.—

''(1) In general, the status of a member is primarily that of a depositor and secondarily that of a holder of a contingent right to participate in the equity of a mutual national bank upon a liquidation or conversion.

''(2) Each member of a mutual national bank shall have the following rights:

''(A) Such rights as may be agreed upon, by contract, between the member and the mutual national bank.

''(B) The right to vote for members of the board of directors of the mutual national bank.

''(C) The right to attend any meeting of members properly called by the board of directors of a mutual national bank.

''(D) In the event the board of directors, in its sole discretion, determines a conversion of a mutual national bank to a national banking association operating in stock form is in the best interests of the community in which the bank operates and the members approve the conversion through a special proxy, then the members as of a record date set by the board of directors shall have the first right to subscribe for and purchase stock in the converted bank.

''(E) In the event the board of directors, in its sole discretion, determines a liquidation of the mutual national bank is in the best interests of the community in which the bank operates and the members approve the liquidation, or if for any other reason the bank is liquidated by operation of law, then the members as of the date of liquidation shall have the right to have credited to their accounts, on a pro rata basis, any residual assets left after the liquidation of the mutual national bank.

''(3) In the consideration of all questions requiring action by the members of a national mutual bank, the bank may provide in its charter that each member shall be permitted (i) one vote per member, or (ii) to cast one vote for each $100, or fraction thereof, of the withdrawal value of the member's account, but not more than 1,000 votes per member.

''(f) PROXIES.—

''(1) A member may give, in writing or electronically, a perpetual proxy to a committee of the board of directors of a mutual depository, provided that the member may revoke such a proxy in writing or electronically, with such revocation to take effect after six business days.

''(2) Such proxies may be used to vote on any issue requiring approval of the members, including the conversion of a mutual depository into a mutual national bank and the reorganization of a mutual national bank into a Federal mutual bank holding company, except that, without a prior finding by the regulator of the mutual national bank that such action is needed to avoid loss to the Federal Deposit Insurance Corporation's deposit insurance fund or to protect the stability of the United States financial system, such proxies may not be used to vote in favor of—

''(A) terminating mutuality for a mutual national bank or a Federal mutual bank holding company;

''(B) permitting the modification of a Federal mutual bank holding company; or

''(C) issuing mutual capital certificates (except when used to found a mutual national bank or a Federal mutual bank holding company de novo).

''(3) Proxies given by a member, in writing or electronically, to management of, or to a committee of the board of directors of, a mutual depository shall not be deemed to have been revoked solely because of, and shall continue to exist following, a conversion to a mutual national bank and any concurrent or subsequent reorganization to a Federal mutual bank holding company.

''(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

''(2) MUTUAL NATIONAL BANK.—The term 'mutual national bank' means a national banking association that operates in mutual

form and is chartered by the Comptroller of the Currency under this section.

''(3) MUTUAL DEPOSITORY.—The term 'mutual depository' means a depository institution that is organized in non-stock form, including a Federal non-stock depository and any form of non-stock depository provided for under State law, the deposits of which are insured by an instrumentality of the Federal Government.

''(4) MUTUALITY.—The term 'mutuality' means the quality of being an insured depository institution organized under a Federal or State law providing for the organization of non-stock depository institutions, or a holding company organized under a Federal or State law providing for the organization of non-stock entities that control one or more depository institutions.

''(5) MEMBER.—The term 'member' means each tax-liable depositor in a mutual depository's savings, demand, or other authorized depository accounts and each tax-liable depositor in such an account in a depository subsidiary of a Federal mutual bank holding company.

''(6) TAX LIABLE DEPOSITOR.—The term 'tax liable depositor' means the single person responsible for paying any Federal taxes due on any interest paid on any deposits held within any savings, demand, or other authorized depository account or accounts with any mutual depository.

''(7) MEMBERSHIP RIGHTS.—The term 'membership rights' means the rights of each member under this section.

''(h) CONFORMING REFERENCES.—Unless otherwise provided by the Comptroller of the Currency—

''(1) any reference in any Federal law to a national bank operating in stock form, including a reference to the term 'national banking association', 'member bank', 'national bank', 'national association', 'bank', 'insured bank', 'insured depository institution', or 'depository institution', shall be deemed to refer also to a mutual national bank;

''(2) any reference in any Federal law to the term 'board of directors', 'director', or 'directors' of a national bank operating in stock form shall be deemed to refer also to the board of a mutual national bank; and

''(3) any terms in Federal law that may apply only to a national bank operating in stock form, including the terms 'stock', 'shares', 'shares of stock', 'capital stock', 'common stock', 'stock certificate', 'stock certificates', 'certificates representing shares of stock', 'stock dividend', 'transferable stock', 'each class of stock', 'cumulate such shares', 'par value', 'preferred stock' shall not apply to a mutual national bank, unless the Comptroller of the Currency determines that the context requires otherwise.

''SEC. 5133B. FEDERAL MUTUAL BANK HOLDING COMPANIES.

''(a) REORGANIZATION OF MUTUAL NATIONAL BANK AS A HOLDING COMPANY.—

''(1) IN GENERAL.—Subject to approval under the Bank Holding Company Act of 1956, a mutual national bank may reorganize so as to become a Federal mutual bank holding company by submitting a reorganization plan to the appropriate bank holding company regulator.

''(2) PLAN APPROVAL.—Upon the approval of the reorganization plan by the appropriate bank holding company regulator and the issuance of the appropriate charters—

''(A) the substantial part of the mutual national bank's assets and liabilities, including all of the bank's insured liabilities, shall be transferred to a national banking association, a majority of the shares of voting stock of which is owned, directly or indirectly, by the mutual national bank that is to become a Federal mutual bank holding company; and

''(B) the mutual national bank shall become a Federal mutual bank holding company.

''(b) DIRECTORS AND CERTAIN ACCOUNT HOLDERS' APPROVAL OF PLAN REQUIRED.—This subsection does not authorize a reorganization unless—

''(1) a majority of the mutual national bank's board of directors has approved the plan providing for such reorganization; and

''(2) a majority of members has approved the plan at a meeting held at the call of the directors under the procedures prescribed by the bank's charter and bylaws.

''(c) OWNERSHIP OF DEPOSITORY SUBSIDIARIES.—To avoid terminating mutuality, a Federal mutual bank holding company must own, directly or indirectly, a majority of the shares of voting stock of each of its depository subsidiaries.

''(d) NO TERMINATION OF MUTUALITY.—Neither a reorganization of a mutual depository nor a modification of a Federal mutual bank holding company shall cause a termination of mutuality.

''(e) RETENTION OF CAPITAL.—In connection with a transaction described in subsection (a), a mutual national bank may, subject to the approval of the appropriate bank holding company regulator, retain capital at the holding company level to the extent that the capital retained at the holding company level exceeds the amount of capital required for the national banking association chartered as a part of a transaction described in subsection (a) to meet all relevant capital standards established by the Comptroller of the Currency for national banking associations.

''(f) TERMINATING MUTUALITY.—If a Federal mutual bank holding company elects to terminate mutuality, it must do so by either liquidating or converting to a bank holding company operating in stock form.

''(g) MEMBERSHIP RIGHTS.—Holders of savings, demand, or other authorized depository accounts in a depository subsidiary of a Federal mutual bank holding company shall have the same membership rights with respect to the Federal mutual bank holding company as those holders would have had if the depository subsidiary of the Federal mutual bank holding company had been a mutual national bank.

''(h) REGULATION.—A Federal mutual bank holding company shall be—

''(1) chartered by the appropriate bank holding company regulator and shall be subject to such regulations as the appropriate bank holding company regulator shall prescribe; and

''(2) regulated under the Bank Holding Company Act of 1956 on the same terms and subject to the same limitations as any other company that controls a bank.

''(i) CAPITAL IMPROVEMENT.—

''(1) PLEDGE OF STOCK OF NATIONAL BANK SUBSIDIARY.—This section shall not prohibit a Federal mutual bank holding company from pledging all or a portion of the stock of the national banking association chartered as part of a transaction described in subsection (a) to raise capital for such national banking association.

''(2) ISSUANCE OF NONVOTING SHARES.—This section shall not prohibit a national banking association chartered as part of a transaction described in subsection (a) from issuing any nonvoting shares or less than 50 percent of the voting shares of such bank to any person other than the Federal mutual bank holding company.

''(j) INSOLVENCY AND LIQUIDATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the appropriate bank holding company regulator may file a petition under chapter 7 of title 11, United States Code, with respect to a Federal mutual bank holding company upon—

''(A) the default of any national bank—

''(i) the stock of which is owned by the Federal mutual bank holding company; and

''(ii) that was chartered in a transaction described in subsection (a); or

''(B) a foreclosure on a pledge by the Federal mutual bank holding company described in subsection (i)(1).

''(2) DISTRIBUTION OF NET PROCEEDS.—Except as provided in paragraph (3), the net proceeds of any liquidation of any Federal mutual bank holding company under paragraph (1) shall be transferred to persons who hold membership interests in such Federal mutual bank holding company.

''(3) RECOVERY BY FDIC.—If the Federal Deposit Insurance Corporation incurs a loss as a result of the default of any insured bank subsidiary of a Federal mutual bank holding company that is liquidated under paragraph (1), the Federal Deposit Insurance Corporation shall succeed to the interests of the depositors of the bank as members in the Federal mutual bank holding company, to the extent of the Federal Deposit Insurance Corporation's loss.

''(k) DEFINITIONS.—

''(1) FEDERAL MUTUAL BANK HOLDING COMPANY.—The term 'Federal mutual bank holding company' means a holding company that is organized in mutual form and owns, directly or indirectly, a majority of the shares of voting stock of one or more depository subsidiaries of a Federal mutual bank holding company.

''(2) DEPOSITORY SUBSIDIARY OF A FEDERAL MUTUAL BANK HOLDING COMPANY.—The term 'depository subsidiary of a Federal mutual bank holding company' means a depository institution organized in stock form that is insured by the Federal Deposit Insurance Corporation, the majority of the shares of voting stock of which are owned by the Federal mutual bank holding company or its wholly owned subsidiaries and none of the shares of stock of which are pledged or otherwise subjected to lien except as permitted in subsection (i).

''(3) REORGANIZATION OF A MUTUAL DEPOSITORY.—The term 'reorganization of a mutual depository' means the conversion of a mutual depository into a depository subsidiary of a Federal mutual bank holding company.

''(4) MODIFICATION OF A FEDERAL MUTUAL BANK HOLDING COMPANY.—The term 'modification of a Federal mutual bank holding company' means either (A) the sale of shares of common or preferred stock in a depository subsidiary of a Federal mutual bank holding company to any party other than the subsidiary's parent Federal mutual bank holding company or a wholly owned subsidiary of that parent, or (B) the voluntary grant of a lien on shares of common or preferred stock in a depository subsidiary of a Federal mutual bank holding company.

''(5) DEFAULT.—With respect to a national bank, the term 'default' means an adjudication or other official determination by any court of competent jurisdiction, the Comptroller of the Currency, or other public authority pursuant to which a conservator, receiver, or other legal custodian is appointed for the national bank.

''(l) CONFORMING REFERENCES.—Unless otherwise provided by the appropriate bank holding company regulator—

''(1) any reference in any Federal law to a bank holding company operating in stock form shall be deemed to refer also to a Federal mutual bank holding company;

''(2) any reference in any Federal law to the term 'board of directors', 'director', or 'directors' of a national bank operating in stock form shall be deemed to refer also to the board of a Federal mutual bank holding company; and

''(3) any terms in Federal law that may apply only to a national bank operating in stock form, including the terms 'stock', 'shares', 'shares of stock', 'capital stock', 'common stock', 'stock certificate', 'stock certificates', 'certificates representing shares of stock', 'stock dividend', 'transferable stock', 'each class of stock', 'cumulate such shares', 'par value', 'preferred stock' shall not apply to a Federal mutual bank holding company, unless the appropriate bank holding company regulator determines that the context requires otherwise.''.

(b) LIMITATION ON FEDERAL REGULATION OF STATE BANKS.—Except as otherwise provided in Federal law, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation may not adopt or enforce any regulation that contravenes the corporate governance rules prescribed by State law or regulation for State banks unless the Director, Board, or Corporation finds that the Federal regulation is necessary to assure the safety and soundness of the State banks.

(c) TECHNICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq) is amended by inserting after the item relating to section 5133 the following new items:

''5133A. Mutual national banks
''5133B. Federal mutual bank holding companies''

(d) APPROPRIATE FEDERAL BANKING AGENCY FOR FEDERAL MUTUAL BANK HOLDING COMPANIES.—Section 3(q)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)(2)) is amended by inserting after subparagraph (F) the following new subparagraph:

''(G) supervisory or regulatory proceedings arising from the authority given to the appropriate bank holding company regulator under section 5133B of the Revised Statutes of the United States.''.

(e) MUTUAL HOLDING COMPANY CONVERSION.—

(1) IN GENERAL.—Any mutual holding company, including any form of mutual depository holding company provided for under State law, may convert to a Federal mutual bank holding company by filing with the appropriate bank holding company regulator a notice of its election to convert on a specified date that is not earlier than 30 days after the date on which the notice is filed, and the mutual holding company shall be converted to a Federal mutual holding company charter on the date specified in the notice.

(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) FEDERAL MUTUAL BANK HOLDING COMPANY.—The term ''Federal mutual bank holding company'' has the same meaning as in section 5133B of the Revised Statutes of the United States (as added by this section); and

(B) MUTUAL HOLDING COMPANY.—The term ''mutual holding company'' has the same meaning as in section 10(o)(10)(A) of the Home Owners Loan Act as in effect on the day before the date of enactment of this Act.

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

Page 255, after line 2, insert the following new section (and conform the table of contents accordingly):

SEC. 1316. NATIONWIDE DEPOSIT CAP FOR INTERSTATE ACQUISITIONS.

(a) AMENDMENTS TO THE BANK HOLDING COMPANY ACT OF 1956.—

(1) CONCENTRATION LIMIT FOR BANK HOLDING COMPANIES.—Section 3(d)(2)(A) of the Bank Holding Company Act (12 U.S.C. 1842(d)(2)(A)) is amended by striking ''paragraph (1)(A)'' and inserting ''subsection (a) of this section''.

(2) REMOVAL OF NONBANK SAVINGS ASSOCIATION PROVISION IN LIGHT OF BEING DEFINED AS A BANK.—Section 4 of the Bank Holding Company Act is amended by striking subsection (i) and insert the following new subsection:

''(i) [Repealed.]''.

(b) AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—

(1) IN GENERAL.—Section 18(e) of the Federal Deposit Insurance Act (12 U.S.C. I 828(c)) is amended—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) by inserting after paragraph (11), the following new paragraph:

''(12) NATIONWIDE DEPOSIT CAP.—The responsible agency may not approve an application for an interstate merger transaction if the resulting insured depository institution (including all insured depository institutions which are affiliates of the resulting insured depository institution), upon consummation of the transaction, would control more than 10 percent of, the total amount of deposits of insured depository institutions in the United States.''.

(2) PARALLEL REQUIREMENT.—Section 44(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(b)(2)(A) is amended to read as follows:

''(A) NATIONWIDE CONCENTRATION LIMITS.—The responsible agency may not approve an application for an interstate merger transaction involving two or more insured depository institutions if the resulting insured depository institution (including all insured depository institutions which are affiliates of such institution), upon consummation of the transaction would control more than 10 percent of the total amount of deposits of insured depository institutions in the United States.''.

(c) AMENDMENTS TO THE HOME OWNERS' LOAN ACT.—Section 10(e)(2) of the Home Owners' Loan Act (12 U.S.C. 467a(e)(2)) is amended—

(1) by striking ''or'' at the end of subparagraph (C); and

(2) by striking the period at the end of subparagraph (D), the following new subparagraph:

''(E) in the case of an application involving an interstate acquisition, if the applicant (including all insured depository institutions which are affiliates of the applicant) controls, or upon consummation of the acquisition for which such application is filed would control, more than 10 percent of the total amount of deposits of insured depository institutions in the United States.''

Page 763, beginning online 11, strike ''authority to exercise'' and all that follows through ''this title'' and insert ''rulemaking, supervisory, enforcement or other authority, including the authority to order assessments, under this title''.

Page 436, after line 11, insert the following new section:

SEC. 1615. TREASURY STUDY.

(a) STUDY REQUIRED.—The Secretary shall carry out a study analyzing how the resolution authority provided under this subtitle should be funded. Such study shall consider the following factors:

(1) The consequences of any assessments on the overall recovery of the economy of the United States.

(2) Any immediate or continuing consequences of assessments on other aspects of the economy of the United States, including job creation, public and private investments, small business loans, and general credit availability.

(3) The consequences of any assessments on individual sectors of the financial services industry.

(4) The consequences of any assessments on the financial integrity on individual firms within each sector of the financial services industry.

(5) The appropriateness and effect of assessments on firms that are subject to separate assessments under existing State or Federal depositor, policyholder, or investor protection mechanisms and the consequences of any such assessments on these mechanisms themselves.

(6) The implications of assessments on all relevant stakeholders, including taxpayers, depositors, insurance policyholders, investors, counterparties, and creditors.

(7) Evaluation of the appropriate assessment base, including but not limited to factors such as assets and liabilities, assets under management, policyholder reserves, other reserves, statutory and regulatory capital requirements, trusteed assets, and deposits and inflationary factors.

(b) REPORT.—Not later than the end of the 6-month period beginning on the date of the enactment of this subtitle, the Secretary shall issue a report to the Congress containing all determinations and conclusions made by the Secretary in carrying out the study required under subsection (a).

Page 894, after line 4, add at the end of section 4601(a)(1) the following new subparagraph:

(C) RETENTION OF CONSUMER ADVISORY COUNCIL.—

(i) RETENTION AND CONTINUATION.—Notwithstanding the transfer of functions under subparagraph (A), the Consumer Advisory Council established by the Board of Governors pursuant to section 703(b) of Public Law 90–321 (15 U.S.C. 1691b(b)) shall continue as an entity within the Federal Reserve System.

(ii) ADDITIONAL FUNCTIONS.—In addition to the functions performed by the Consumer Advisory Council as of the designated transfer date, the Consumer Advisory Council shall—

(I) submit to the Director (and make available to the public) an annual set of recommendations for consumer protection regulations and meet with the Director to discuss the annual recommendations;

(II) meet with the Board of Governors of the Federal Reserve System at least once a year and provide oral or written representations concerning matters within the jurisdiction of the Board; and

(III) call for information and make recommendations in regard to consumer protection regulations.

(iii) RESPONSE TO RECOMMENDATIONS.—When the Chair of the Federal Reserve testifies before Congress, the Chair shall also testify about the recommendations of the Consumer Advisory Council under clause (ii)(II) and its recommendations for consumer protection regulations.

Page 216, line 21, strike ''or''.

Page 216, after line 21, insert the following new subparagraphs:

''(II) a change of control of an industrial bank, its section 6 holding company, or any entity that directly or indirectly controls the industrial bank, in a transaction other than a merger described in subclause (I), by an acquiring company that is predominately engaged in activities not permissible for a financial holding company pursuant to subsection (k), if—

''(aa) the transaction is approved by the appropriate Federal banking agency and the Board; and

''(bb) the industrial bank does not thereafter establish a domestic branch as defined in section 3(o) of the Federal Deposit Insurance Act (12 U.S.C. 1813(o)),

''(III) an inadvertent acquisition of control, as determined by the Board, if such inadvertent acquisition of control is reversed

or rectified within 180 days of its discovery, or''.

Page 216, line 22, strike ''(II)'' and insert ''(IV)''.

Page 669, line 15, insert ''(b),'' after ''Subsections''.

Page 669, line 20, insert ''except for section 505 as it applies to section 501(b)'' before the period.

Page 670, after line 9, insert the following:

(N) Section 626 of the Omnibus Appropriations Act, 2009 (Public Law 111–8).

(O) The Unlawful Internet Gambling Enforcement Act of 2006.

Page 701, line 1, insert ''the Federal Trade Commission,'' after ''banking agencies,''.

Page 714, line 13, strike ''received and collected'' and insert ''identified''.

Page 743, line 3, insert ''a provision of'' after ''reports under''.

Page 743, line 4, insert ''a provision of'' after ''title,''.

Page 743, line 5, insert ''any provision of'' after ''law,''.

Page 743, line 8, insert ''under that provision of law'' after ''exclusive authority''.

Page 897, beginning on line 21, strike ''BACKSTOP''.

Page 898, line 2, strike ''4202(e)(3)'' and insert ''paragraph (2) or (3) of section 4202(e)''.

Page 898, line 8, insert ''transferred under subsection (a)'' after ''functions''.

Page 954, line 2, insert ''and shall not apply to the term 'Board' when used in reference to the Federal Deposit Insurance Corporation or the National Credit Union Administration'' before the period.

Page 957, line 3, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 957, line 20, insert ''(and except for any insertion of 'Federal Trade Commission' made by this subtitle)'' after ''subparagraph (B)''.

Page 958, line 2, strike ''and 129(m) (as amended by paragraph (7))'' and insert ''129(m) (as amended by paragraph (7)), 140A, or 149 (as amended by paragraph (8)).''.

Page 959, after line 13, insert the following:

(8) SECTION 149.—Section 149(b) of the Truth in Lending Act (15 U.S.C. 1665d(b)) is amended by inserting ''the Federal Trade Commission,'' after ''in consultation with''.

Page 960, beginning on line 1, strike ''paragraph (7)(A)'' and insert '' paragraphs (7)(B), (8)(A), (8)(C), and (8)(D) of this subsection (and except for any insertion of 'Federal Trade Commission' made by this subtitle)''.

Page 961, after line 21, insert the following:

(5) SECTION 609.—Section 609(d)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(d)(1)) is amended by inserting ''the Federal Trade Commission,'' after ''in consultation with''.

Page 961, line 22, strike ''(5)'' and insert ''(6)''.

Page 961, line 22, strike ''611(e)(2)'' and insert ''611(e)''.

Page 961, line 23, strike ''15 U.S.C.1681i(e)(2)'' and insert ''15 U.S.C. 1681i(e)''.

Page 961, line 24, strike ''amended to read as follows:'' and insert ''amended—'', and after such line insert the following:

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

Page 962, line 5, strike the period following the quotation marks and insert ''; and'' and after such line insert the following:

(B) in the heading of paragraph (3) by inserting ''CONSUMER REPORTING'' before ''AGENCY''.

Page 962, strike lines 6 through 8 and insert the following:

(7) SECTION 615.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended—

(A) in subsection (d)(2)(B), by inserting ''the Federal Trade Commission,'' after ''in consultation with'';

(B) in subsection (e)(1), by striking ''and the Commission'' and inserting ''the Federal Trade Commission, the Securities and Exchange Commission, and the Commodities Futures Trading Commission''; and

(C) by striking subparagraph (A) of subsection (h)(6) and inserting the following:

Page 962, line 11, strike ''(7)'' and insert ''(8)''.

Page 963, line 2, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 968, after line 7 insert the following:

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

(i) by inserting ''the Agency and'' before ''the Federal Trade Commission'' in the first sentence;

(ii) by inserting ''Agency and the Federal Trade'' after ''provide the''; and

(iii) by inserting ''Agency,'' before ''Federal Trade Commission'' in the second sentence;

(D) in paragraph (4) of subsection (c)—

(i) by inserting ''Agency'', before ''the Federal Trade Commission''; and

(ii) inserting ''Agency, the Federal Trade'' after ''complaint of the'';

(E) in paragraph (2) of subsection (f), by inserting ''the Federal Trade Commission'' after ''in consultation with'';

Page 968, line 8, strike ''(C)'' and insert ''(F)''.

Page 968, beginning on line 12, strike ''with respect to a covered person described in subsection (b)'' and insert '', except that, with respect to sections 615(e) and 628 of this title, the agencies identified in subsections (a) and (b) of this section shall prescribe such regulations as necessary to carry out the purposes of such sections with respect to entities within their enforcement authority under such subsections''.

Page 968, line 14, strike ''(D)'' and insert ''(G)''.

Page 973, strike lines 8 and 9 and insert the following:

(iii) in paragraph (1)(B)—

(I) by inserting ''of Governors of the Federal Reserve System'' after ''Board''; and

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

Page 974, line 2, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 978, line 4, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 982, line 21, strike ''and'' and after such line insert the following:

(iii) in paragraph (1)(B), by inserting ''of Governors of the Federal Reserve System'' after ''Board'';

Page 982, line 22, strike ''(iii)'' and insert ''(iv)''.

Page 983, line 7, insert ''(other than the Consumer Financial Protection Agency)'' after ''agency''.

Page 988, after line 7, insert the following (and redesignate succeeding subsections accordingly):

(a) SECTION 501.—Section 501(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801(b)) is amended by inserting ''(other than the Consumer Financial Protection Agency)'' after ''title''.

(b) SECTION 502.—Section 502(e)(5) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e)(5)) is amended by inserting ''the Consumer Financial Protection Agency,'' after ''(including''.

(c) SECTION 503.—Section 503(e)(1) of the Gramm-Leach-Bliley Act (15 U.S.C. 6803(e)(1)) is amended—

(1) by inserting ''Consumer Financial Protection Agency in consultation with the other'' before ''agencies''; and

(2) by striking ''jointly''.

Page 988, line 13, strike ''and'' at the end.

Page 988, line 15, strike the period and insert ''; and'' and after such line insert the following:

(3) by inserting ''the Federal banking agencies, the National Credit Union Administration, the Secretary of the Treasury, the Federal Trade Commission, and'' before ''representatives of State insurance authorities''.

Page 989, after line 15, insert the following:

(f) SECTION 507.—Subsection 507(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6807(b)) is amended by striking ''Federal Trade Commission'' and inserting ''Consumer Financial Protection Agency, or in the case of a rule under section 501(b), the Federal Trade Commission or the Securities and Exchange Commission''.

Page 1019, line 8, strike ''and'' and after such line insert the following:

(2) by inserting a comma after ''under this Act'';

(3) by inserting a comma after ''subsection (a)(1))''; and

Page 1019, line 9, strike ''(2)'' and insert ''(4)''.

Page 1019, line 15, insert ''partnership, or corporation'' after ''person,''.

Page 825, after line 12, insert the following:

SEC. 4313. REVIEW, REPORT, AND PROGRAM WITH RESPECT TO EXCHANGE FACILITATORS.

(a) REVIEW.—The Director shall review all Federal laws and regulations relating to the protection of persons who utilize exchange facilitators.

(b) REPORT.—Not later than 180 days after the effective date of this subtitle, the Director shall submit to Congress a report describing—

(1) recommendations for legislation to ensure the appropriate protection of persons who utilize exchange facilitators;

(2) recommendations for updating the regulations of Federal departments and agencies to ensure the appropriate protection of such persons; and

(3) recommendations for Agency regulations to ensure the appropriate protection of such persons.

(c) PROGRAM.—Not later than 180 days after the date of the submission of the report under subsection (b), the Director shall establish and carry out a program, utilizing the authorities of the Agency, to protect persons who utilize exchange facilitators.

(d) EXCHANGE FACILITATOR DEFINED.—In this section, the term ''exchange facilitator'' means a person that—

(1) facilitates, for a fee, an exchange of like-kind property by entering into an agreement with a taxpayer by which the exchange facilitator acquires from the taxpayer the contractual rights to sell the taxpayer's relinquished property and transfers a replacement property to the taxpayer as a qualified intermediary (within the meaning of Treasury Regulations section 1.1031(k)–1(g)(4)) or enters into an agreement with the taxpayer to take title to a property as an exchange accommodation titleholder (within the meaning of Revenue Procedure 2000–37) or enters into an agreement with a taxpayer to act as a qualified trustee or qualified escrow holder (within the meaning of Treasury Regulations section 1.1031(k)–1(g)(3));

(2) maintains an office for the purpose of soliciting business as an exchange facilitator; or

(3) purports to be an exchange facilitator by advertising any of the services listed in paragraph (1) or soliciting clients in printed publications, direct mail, television or radio advertisements, telephone calls, facsimile transmissions, or other electronic communications directed to the general public for purposes of providing any such services.

Page 255, after line 2, insert the following new section:

SEC. 1316. DE NOVO BRANCHING INTO STATES.

(a) NATIONAL BANKS.—Section 5155(g)(1)(A) of the Revised Statutes (12 U.S.C. 36(g)(1)(A)) is amended to read as follows:

''(A) the law of the State where the branch is located, or is to be located, would permit establishment of the branch if the national bank were a state bank chartered by such State;''.

(b) STATE INSURED BANKS.—Section 18(d)(4)(A)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(4)(A)(i)) is amended to read as follows:

''(i) the law of the State where the branch is located, or is to be located, would permit establishment of the branch if the bank were a State bank chartered by such State;''.

Page 277, line 22, strike the period and insert ''; and''.

Page 277, after line 22, insert the following:

(C) is not an insured depository institution (as defined in section 3(c) of the Federal Deposit Insurance act), a Federal credit union or a State-chartered credit union (as such terms are defined in section 101 of the Federal Credit Union Act), or a government-sponsored enterprise (as such term is defined in section 1004(f) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. 1811 note)).

Page 305, beginning on line 25, strike ''(that became a legally enforceable or perfected security interest after the date of the enactment of this clause) other than a legally enforceable or perfected security interest of the Federal Government,'' and insert ''in assets of the covered financial company arising under a qualified financial contract (as defined under subsection (c)(8)(D)(i)) with an original term of 30 days or less (except that, for a contract for a term linked to a calendar month, the original term must be less than one calendar month), secured by collateral other than securities issued by the United States Treasury, the Board of Governors of the Federal Reserve System, any agency of the United States, any Federal Reserve bank, or any Government Sponsored Enterprise, that became a legally enforceable or perfected security interest after the date of the enactment of this clause, and that is not a security interest of the Federal Government''.

Page 306, beginning on line 7, strike ''the amount of up to 20 percent'' and insert ''in the amount specified under clause (v)''.

Page 306, line 13, insert after the period the following sentence: ''This clause shall not apply with respect to debt obligations secured by real property. This clause may only be implemented with respect to secured creditors if, as a result of the dissolution of the covered financial company, no funds are available to satisfy, in whole or in part, any claims of unsecured creditors or shareholders.''.

Page 306, after line 13, insert the following:

(v) AMOUNT SPECIFIED.—For purposes of clause (iv), the amount specified under this clause, in the case of a secured creditor, is the amount of up to 10 percent.

Page 318, after line 11, insert the following subparagraphs (and redesignate subparagraphs (B) through (E) as subparagraphs (J) through (M), respectively):

(B) PREFERENTIAL TRANSFERS.—The Corporation as receiver for any covered financial company may avoid a transfer of an interest of the covered financial company in property that—

(i) was made to or for the benefit of a creditor;

(ii) was made for or on account of an antecedent debt that was owed by the covered financial company before the transfer was made;

(iii) was made while the covered financial company was insolvent;

(iv) was made—

(I) on or within 90 days before the date on which the Corporation was appointed receiver; or

(II) between 90 days and one year before the date that the Corporation was appointed receiver, if such creditor at the time of the transfer was an insider, as that term is defined in section 101(31) of title 11, United States Code; and

(v) enables such creditor to receive more than such creditor would receive in the liquidation of the covered financial company if—

(I) the transfer had not been made; and

(II) such creditor received payment of such debt to the extent provided by the provisions of this subtitle.

(C) POST-RECEIVERSHIP TRANSACTIONS.—The Corporation as receiver for any covered financial company may avoid a transfer of property of the receivership that occurred after the Corporation was appointed receiver that was not authorized under this title.

(D) RIGHT OF RECOVERY.—To the extent that a transfer is avoided under subparagraphs (A), (B) or (C), the Corporation may recover, for the benefit of the covered financial company, the property transferred or, if a court so orders, the value of such property from—

(i) the initial transferee of such transfer or the entity for whose benefit such transfer was made; or

(ii) any immediate or mediate transferee of any such initial transferee.

(E) RIGHTS OF TRANSFEREE OR OBLIGEE.—The Corporation may not recover under subparagraph (D)(ii)—

(i) from a transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith, and without knowledge of the violability of the transfer avoided; or

(ii) any immediate or mediate good faith transferee of such transferee.

(F) DEFENSES.—A transferee or obligee from whom the Corporation seeks to recover a transfer or avoid an obligation under subparagraphs (A), (B) or (C) shall have the same affirmative defenses and rights to liens on the property transferred to the extent they would be available to a transferee or obligee from whom a trustee under title 11 seeks to recover a transfer under sections 547, 548, and 549 of title 11, United States Code.

(G) LIMITATIONS ON AVOIDING POWERS.—The rights of the Corporation under subparagraphs (A), (B) or (C) are restricted to the same extent as the rights of a trustee in bankruptcy under section 546(b)(1) of the Bankruptcy Code.

(H) PRESUMPTION OF INSOLVENCY.—For purposes of subparagraph (B), the covered financial company is presumed to have been insolvent on and during the 90 days immediately preceding the date on which the Corporation is appointed as receiver.

(I) RIGHTS UNDER THIS SUBSECTION.—The rights of the Corporation as receiver for a covered financial company under this subsection shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency of a Federal Home Loan Bank) under title 11, United States Code.

Page 31, line 24, strike ''control of the Council; and'' and insert ''control of or used by the Council;''.

Page 32, line 5, strike the period and insert ''; and'' and after such line insert the following:

(C) the officers, directors, employees, financial advisors, staff, working groups, and agents and representatives of the Council (as related to the agent's or representative's activities on behalf of the Council) at such reasonable times as the Comptroller General may request.

Page 32, after line 12, insert the following:

(3) COPIES.—Comptroller General may make and retain copies of such books, accounts, and other records access to which is granted under this provision as the Comptroller General considers appropriate.

Page 732, after line 10, insert the following:

SEC. 4111. OVERSIGHT BY GAO.

(a) AUTHORITY.—The Comptroller General may audit the programs, activities, receipts, expenditures, and financial transactions of the Agency and of any agents and representatives of the Agency as related to the agent's or representative's activities on behalf of or under authority of the Agency.

(b) ACCESS.—Notwithstanding any other provision of law, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the Agency, or any vehicles established by the Agency under this Act, and to the directors, officers, employees, independent public accountants, financial advisors, staff, working groups, and agents and representatives of the Agency (as related to the agent's or representative's activities on behalf of the Agency) or any vehicle established by the Agency at such reasonable time as the Comptroller General may request. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General deems appropriate.

Page 732, line 11, strike ''4111'' and insert ''4112''.

Page 1077, line 23, strike ''1 year'' and insert ''18 months''.

Page 1079, after line 24, insert the following:

(3) ACCESS.—

(A) IN GENERAL.—For purposes of conducting the study described in paragraph (1), the Comptroller General shall have access, upon request and with the consent of the Securities and Exchange Commission, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by each nationally recognized statistical rating organization, and to the officers, directors, employees, independent public accountants, financial advisors, staff and agents and representatives of the organization (as related to the agent's or representative's activities on behalf of the organization) at such reasonable times as the Comptroller General may request. The Comptroller General may make and retain copies of books, records, accounts, and other records as the Comptroller General deems appropriate.

(B) CONFIDENTIALITY.—The Comptroller General may not disclose reasonably designated proprietary, trade secret or business confidential information obtained from the organization except that such information shall be disclosed by the Comptroller General—

(i) to other Federal Government departments, agencies, and officials for official use upon request;

(ii) to committees of Congress upon request; and

(iii) to a court in any judicial proceeding under court order.

Nothing in this provision shall be construed to limit the requirements imposed by section 1905 of title 18, United States Code.

Page 1186, beginning on line 8, strike ''and the Securities and Exchange Commission shall each'' and insert ''shall''.

Page 1186, line 17, strike ''and''.

Page 1186, line 20, strike the period and insert a semicolon and after such line insert the following:

(3) determine how to reduce the burden of complying with section 404(b) of the Sarbanes-Oxley Act of 2002 for companies whose market capitalization is less than $250,000,000

for the relevant reporting period while maintaining investor protections for such companies; and

(4) determine whether various methods of reducing the compliance burden or a complete exemption for such companies (whose market capitalization is less than $250,000,000 for the relevant reporting period) from such compliance would encourage companies to list on exchanges in the United States in their initial public offerings.

Page 1186, beginning on line 21, strike ''On or before June 1, 2010'' and insert ''Not later than 9 months after the date of the enactment of this subtitle''.

Page 1186, beginning on line 22, strike ''and the Securities and Exchange Commission shall submit separate reports'' and insert ''shall submit a report''.

Page 1222, line 4, strike ''and the Comptroller General shall jointly'' and insert ''shall''.

Page 1222, line 15, strike ''180 days'' and insert ''9 months''.

Page 1222, beginning on line 16, strike ''and the Comptroller General''.

Page 706, after line 7, insert the following new paragraph:

(3) OFFICE OF FINANCIAL PROTECTION FOR OLDER AMERICANS.—

(A) ESTABLISHMENT.—Before the end of the 180-day period beginning on the date of the enactment of this title, the Director shall establish within the Agency the Office of Financial Protection for Older Americans, whose functions shall include activities designed to facilitate the financial literacy of individuals who have attained the age of 62 years or more (in this paragraph, referred to as ''seniors'') on protection from unfair and deceptive practices and on current and future financial choices, including through the dissemination of materials to seniors on such topics.

(B) DIRECTOR.—The Office of Financial Protection for Older Americans shall be headed by a director.

(C) DUTIES.—Such unit shall perform the following duties:

(i) Develop goals for programs that provide seniors financial literacy and counseling, including programs that—

(I) help seniors recognize warning signs of unfair and deceptive practices, protect themselves from such practices;

(II) provide one-on-one financial counseling on issues including long-term savings and later-life economic security; and

(III) provide personal consumer credit advocacy to respond to consumer problems caused by unfair and deceptive practices.

(ii) Monitor certifications or designations of financial advisors who advise seniors and alert the Securities and Exchange Commission and State regulators of certifications or designations that are identified as unfair or deceptive.

(iii) Not later than 18 months after the date of the establishment of the Office of Financial Protection for Older Americans, submit to Congress and the Securities and Exchange Commission recommendations of the best practices for any legislative and regulatory—

(I) disseminating information regarding the legitimacy of certifications of financial advisers who advise seniors;

(II) methods in which a senior can identify the financial advisor most appropriate for the senior's needs; and

(III) methods in which a senior can verify a financial advisor's credentials.

(iv) Conduct research to identify best practices and effective methods, tools, technology and strategies to educate and counsel seniors about personal finance management with a focus on—

(I) protecting themselves from unfair and deceptive practices;

(II) long-term savings; and

(III) planning for retirement and long-term care.

(v) Coordinate consumer protection efforts of seniors with other Federal agencies and State regulators, as appropriate, to promote consistent, effective, and efficient enforcement.

(vi) Work with community organizations, non-profit organizations, and other entities that are involved with educating or assisting seniors (including the National Education and Resource Center on Women and Retirement Planning).

Page 760, strike line 19 and all that follows through page 762, line 22, and insert the following:

(a) EXCLUSION FOR MERCHANTS, RETAILERS, AND SELLERS OF NONFINANCIAL SERVICES.—

(1) IN GENERAL.—Notwithstanding any provision of this title (other than paragraph (4)) and subject to paragraph (2), the Director and the Agency may not exercise any rulemaking, supervisory, enforcement or other authority, including authority to order assessments, under this title with respect to—

(A) credit extended directly by a merchant, retailer, or seller of nonfinancial goods or services to a consumer, in a case in which the good or service being provided is not itself a consumer financial product or service, exclusively for the purpose of enabling that consumer to purchase such goods or services directly from the merchant, retailer, or seller of financial services; or

(B) collection of debt, directly by the merchant, retailer, or seller of nonfinancial services, arising from such credit extended. In the application of this paragraph, the extension of credit and the collection of debt described in subparagraphs (A) and (B), respectively, shall not be considered a consumer financial product or service.

(2) EXCEPTIONS FOR EXISTING AUTHORITY.—The Director may exercise any rulemaking authority regarding an extension of credit described in paragraph (1)(A) or the collection of debt arising from such extension, as may be authorized by the enumerated consumer laws or any law or authority transferred under subtitle F or H.

(3) RULE OF CONSTRUCTION.—No provision of this title shall be construed as modifying, limiting, or superseding the authority of the Federal Trade Commission or any agency other than the Agency with respect to credit extended, or the collection of debt arising from such extension, directly by a merchant or retailer to a consumer exclusively for the purpose of enabling that consumer to purchase goods or services directly from the merchant or retailer.

(4) EXCLUSION NOT APPLICABLE TO CERTAIN CREDIT TRANSACTIONS.—Paragraph (1) shall not apply to—

(A) any credit transaction, including the collection of the debt arising from such extension, in which the merchant, retailer, or seller of nonfinancial services assigns, sells, or otherwise conveys such debt owed by the consumer to another person; or

(B) any credit transaction—

(i) in which the credit provided significantly exceeds the market value of the product or service provided, and

(ii) with respect to which the Director finds that the sale of the product or service is done as a subterfuge so as to evade or circumvent the provisions of this title.

Page 675, strike line 10 and all that follows through page 676, line 9, and insert the following:

(xi) Financial data processing by any technological means, including providing data processing, access to or use of databases or facilities, or advice regarding processing or archiving, if the data to be processed, furnished, stored, or archived are financial, banking, or economic, except that it shall not be considered a financial activity with respect to financial data processing—

(I) to the extent the person is providing interactive computer service, as defined in section 230 of the Communications Act of 1934 (47 U.S.C. 230); or

(II) if the person—

(aa) unknowingly or incidentally transmits, processes, or stores financial data in a manner that such data is undifferentiated from other types of data that the person transmits, processes, or stores;

(bb) does not provide to any consumer a consumer financial product or service in connection with or relating to in any manner financial data processing; and

(cc) does not provide a material service to any covered person in connection with the provision of a consumer financial product or service.

Page 1205, line 2, insert before the period at the end the following: ''and to provide additional levels of coverage on an optional basis''.

Page 1205, line 22, strike ''and'' after the semicolon.

Page 1205, line 25, strike the period at the end and insert ''; and''.

Page 1205, after line 25, insert the following:

(6) examine the feasibility of SIPC providing additional levels of coverage on an optional basis, what those additional levels of coverage should be, and the appropriate risked-based premium for providing additional coverage.

Page 1018, after line 25, insert the following:

SEC. 4818. AMENDMENTS TO TRUTH IN LENDING ACT.

(a) IN GENERAL.—Section 128(e) of the Truth in Lending Act is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) INSTITUTIONAL CERTIFICATION REQUIRED.—(A) Except as provided in subparagraph (B), before a creditor may issue any funds with respect to an extension of credit described in paragraph (1), the creditor shall obtain from the relevant institution of higher education such institution's certification—

''(i) of the enrollment status of the borrower;

''(ii) of the borrower's cost of attendance at the institution as determined by the institution under part F of title IV of the Higher Education Act of 1965;

''(iii) of the difference between the borrower's cost of attendance and the borrower's estimated financial assistance received under title IV of the Higher Education Act of 1965 and other assistance known to the institution, as applicable; and

''(iv) that the institution has—

''(I) informed the borrower—

''(aa) about the availability of, and the borrower's potential eligibility for, Federal financial assistance under this title, including disclosing the terms, conditions, and interest rates of Federal student loans;

''(bb) of the borrower's ability to select a private educational lender of the borrower's choice;

''(cc) about the impact of a proposed private education loan on the borrowers' potential eligibility for other financial assistance, including Federal financial assistance under the Higher Education Act of 1965; and

''(dd) about a borrower's right to accept or reject a private education loan within the 30-day period following a private educational lender's approval of a borrower's application and about a borrower's 3-day right to cancel altogether;

''(II) determined whether the borrower has applied for and exhausted the Federal financial assistance available to the borrower

under the Higher Education Act of 1965 and informed the borrower accordingly; and

''(III) counseled the borrower on the borrower's financial aid options.

''(B) A creditor may issue funds with respect to an extension of credit described in paragraph (1) without obtaining from the relevant institution of higher education such institution's certification if such institution fails to provide such certification within 21 calendar days or 15 business days, whichever comes first, of the creditor's request for such certification.'';

(2) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(3) by inserting after paragraph (8) the following new paragraph (9):

''(9) PROVISION OF INFORMATION.—On or before the date a creditor issues any funds with respect to an extension of credit described in paragraph (1), the creditor shall notify the relevant institution of higher education, in writing, of the amount of the extension of credit and the student on whose behalf credit is extended. The form of such written notification shall be subject to the regulations of the Agency.''.

(b) REGULATIONS.—

(1) DEADLINE FOR REGULATIONS.—Not later than 365 days after the date of enactment of this Act, the Agency shall issue regulations in final form to implement paragraphs (3) and (9) of section 128(e) of the Truth in Lending Act, as amended by subsection (a). Such regulations shall become effective not later than 6 months after their date of issuance.

(2) EFFECTIVE DATE.—The regulations in effect pursuant to section 128(e) of the Truth in Lending Act as of the date of the enactment of this Act shall remain in effect until the effective date of the regulations issued under paragraph (1).

(c) STUDY AND REPORT ON PRIVATE EDUCATION LOANS AND PRIVATE EDUCATIONAL LENDERS.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director and the Secretary of Education, in consultation with the Commissioners of the Federal Trade Commission, and the Attorney General, shall submit a report to the Committee on Financial Services and the Committee on Education and Labor of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Health Education, Labor, and Pensions of the Senate on private education loans (as that term is defined in section 140 of the Truth in Lending Act (15 U.S.C. 1650)) and private educational lenders (as that term is defined in such section).

(2) CONTENT.—The report required by this subsection shall examine, at a minimum, the following:

(A) the growth and changes of the private education loan market in the United States;

(B) factors influencing such growth and changes;

(C) the extent to which students and parents of students rely on private education loans to finance postsecondary education and the private education loan indebtedness of borrowers,

(D) the characteristics of private education loan borrowers, including the types of institutions of higher education they attend, socioeconomic characteristics (including income and education levels, racial characteristics, geographical background, age, and gender), what other forms of financing borrowers use to pay for education, whether they exhaust their federal loan options before taking out a private loan, whether such borrowers are dependent or independent students (as determined under part F of title IV of the Higher Education Act of 1965) or parents of such students, whether such borrowers are students enrolled in a program leading to a certificate, license or credential other than a degree, an associates degree, a baccalaureate degree, or a graduate or professional degree and, if practicable, employment and repayment behaviors;

(E) the characteristics of private educational lenders, including whether such creditors are for-profit, non-profit, or institutions of higher education;

(F) the underwriting criteria used by private educational lenders, including the use of cohort default rate (as such term is defined in section 435(m) of the Higher Education Act of 1965);

(G) the terms, conditions, and pricing of private education loans;

(H) the consumer protections available to private education loan borrowers, including the effectiveness of existing disclosures and requirements and borrowers' awareness and understanding about terms and conditions of various financial products;

(I) whether federal regulators and the public have access to information sufficient to provide them with assurances that private education loans are provided in accord with the Nation's fair lending laws and that allows public officials to determine lenders' compliance with fair lending laws; and

(J) any statutory or legislative recommendations necessary to improve consumer protections for private education loan borrowers and to better enable federal regulators and the public to ascertain private educational lender compliance with fair lending laws.

(d) REPORT.—Not later than 18 months after the issuance of regulations under subsection (b)(1), the Consumer Financial Protection Agency and the Secretary of Education shall jointly submit to Congress a report on the compliance of institutions and private educational lenders with the amendments made by this section. The report shall include the degree to which specific institutions utilize certifications in effectively encouraging the exhaustion of Federal student loan eligibility and lowering student debt.

Page 198, after line 15, insert the following new subtitle:

Subtitle K—Home Affordable Modification Program

SEC. 9911. HOME AFFORDABLE MODIFICATION PROGRAM GUIDELINES.

(a) NET PRESENT VALUE INPUT DATA.—The Secretary of the Treasury (in this section referred to as the ''Secretary'') shall revise the supplemental directives and other guidelines for the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary of the Treasury, authorized under the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), to require each mortgage servicer participating in such program to provide each borrower under a mortgage whose request for a mortgage modification under the Program is denied with all borrower-related and mortgage-related input data used in any net present value (NPV) analyses performed in connection with the subject mortgage. Such input data shall be provided to the borrower at the time of such denial.

(b) WEB-BASED SITE FOR NPV CALCULATOR AND APPLICATION.—

(1) NPV CALCULATOR.—In carrying out the Home Affordable Modification Program, the Secretary shall establish and maintain a site on the World Wide Web that provides a calculator for net present value analyses of a mortgage, based on the Secretary's methodology for calculating such value, that mortgagors can use to enter information regarding their own mortgages and that provides a determination after entering such information regarding a mortgage of whether such mortgage would be accepted or rejected for modification under the Program, using such methodology.

(2) DISCLOSURE.—Such Web site shall also prominently disclose that each mortgage servicer participating in such Program may use a method for calculating net present value of a mortgage that is different than the method used by such calculator.

(3) APPLICATION.—The Secretary shall make a reasonable effort to include on such World Wide Web site a method for homeowners to apply for a mortgage modification under the Home Affordable Modification Program.

(c) PUBLIC AVAILABILITY OF NPV METHODOLOGY, COMPUTER MODEL, AND VARIABLES.—The Secretary shall make publicly available, including by posting on a World Wide Web site of the Secretary—

(1) the Secretary's methodology and computer model, including all formulae used in such computer model, used for calculating net present value of a mortgage that is used by the calculator established pursuant to subsection (b); and

(2) all variables used in such net present value analysis.

Page 1068, after line 22, insert the following:

(c) REQUIREMENTS FOR LIABILITY.—Section 21D of the Securities Exchange Act of 1934 (15 U.S.C. 78u–4) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) REQUIREMENTS FOR LIABILITY.—A purchaser of a security given a rating by a nationally recognized statistical rating organization shall have the right to recover for damages if the process of determining the credit rating was—

''(1) grossly negligent, based on the facts and circumstances at the time the rating was issued; and

''(2) a substantial factor in the economic loss suffered by the investor.

No action shall be maintained to enforce any liability created under this subsection unless brought within 2 years after the discovery of the facts constituting the violation and within 3 years after the initial issuance of the rating.''.

Strike section 1109 and insert the following new section:

SEC. 1109. EMERGENCY FINANCIAL STABILIZATION.

(a) IN GENERAL.—Upon the written determination of the Council that a liquidity event exists that could destabilize the financial system (which determination shall be made upon a vote of not less than two-thirds of the members of the Council then serving) and with the written consent of the Secretary of the Treasury (after certification by the President that an emergency exists), the Corporation may create a widely-available program designed to avoid or mitigate adverse effects on systemic economic conditions or financial stability by guaranteeing obligations of solvent insured depository institutions or solvent depository institution holding companies (including any affiliates thereof), if necessary to prevent systemic financial instability during times of severe economic distress, except that a guarantee of obligations under this section may not include provision of equity in any form.

(b) POLICIES AND PROCEDURES.—Prior to exercising any authority under this section, the Corporation shall establish policies and procedures governing the issuance of guarantees. The terms and conditions of any guarantees issued shall be established by the Corporation with the approval of the Secretary of the Treasury and the Financial Stability Oversight Council. Such terms and conditions may include the Corporation requiring collateral as a condition of any such guarantee.

(c) CAP FOR GUARANTEED AMOUNT.—

(1) IN GENERAL.—In connection with any program established pursuant to subsection (a) and subject to paragraph (2), the Corporation may not have guaranteed debt outstanding at any time of more than $500,000,000,000 (as indexed to reflect growth in assets of insured depository institutions and depository institution holding companies as determined by the Corporation).

(2) ADDITIONAL DEBT GUARANTEE AUTHORITY.—If the Corporation, with the concurrence of the Council and the Secretary (in consultation with the President), determines that the Corporation must guarantee debt in excess of $500,000,000,000 (as indexed pursuant to paragraph (1)) to prevent systemic financial instability, the Corporation may transmit to the Congress a request for authority to guarantee debt in excess of $500,000,000,000 (as indexed pursuant to paragraph (1)). Such request shall be considered granted by Congress upon adoption of a joint resolution approving such request. Such joint resolution shall be considered in the Senate under expedited procedures.

(d) FUNDING.—

(1) ADMINISTRATIVE EXPENSES AND COST OF GUARANTEES.—A program established pursuant to this section shall require funding only for the purposes of paying administrative expenses and for paying a guarantee in the event that a guaranteed loan defaults.

(2) FEES AND OTHER CHARGES.—The Corporation shall charge fees or other charges to all participants in such program established pursuant to this section to offset projected losses and administrative expenses. To the extent that a program established pursuant to this section has expenses or losses, the program will be funded entirely through fees or other charges assessed on participants in such program.

(3) EXCESS FUNDS.—If at the conclusion of such program there are any excess funds collected from the fees associated with such program, the funds will be deposited into the Systemic Dissolution Fund established pursuant to section 1609(n).

(4) AUTHORITY OF CORPORATION.—For purposes of conducting a program established pursuant to this section, the Corporation—

(A) may borrow funds from the Secretary of the Treasury, which shall be repaid in full with interest through fees and charges paid by participants in accordance with paragraph (2), and there shall be available to the Corporation amounts in the Treasury not otherwise appropriated, including for the payment of reasonable administrative expenses;

(B) may not borrow funds from the Deposit Insurance Fund established pursuant to section 11(a)(4) of the Federal Deposit Insurance Act; and

(C) may not borrow funds from the Systemic Dissolution Fund established pursuant to section 1609(n).

(5) BACK-UP SPECIAL ASSESSMENT.—To the extent that the funds collected pursuant to paragraph (2) are insufficient to cover any losses or expenses (including monies borrowed pursuant to paragraph (4)) arising from a program established pursuant to this section, the Corporation shall impose a special assessment solely on participants in the program.

(e) PLAN FOR MAINTENANCE OR INCREASE OF LENDING.—In connection with any application or request to participate in such program authorized pursuant to this section, a solvent entity seeking to participate in such program shall be required to submit to the Corporation a plan detailing how the use of such guaranteed funds will facilitate the increase or maintenance of such solvent company's level of lending to consumers or small businesses.

(f) SUNSET OF CORPORATION'S AUTHORITY.—The Corporation's authority under subsections (a) and (d) and the authority to borrow funds from the Treasury under section 1609(o) shall expire on December 31, 2013.

(g) RULE OF CONSTRUCTION.—For purposes of this section, a guarantee of deposits held by insured depository institutions shall not be treated as a debt guarantee program.

(h) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) CORPORATION.—The term ''Corporation'' means the Federal Deposit Insurance Corporation.

(2) DEPOSITORY INSTITUTION HOLDING COMPANY.—The term ''depository institution holding company'' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(3) INSURED DEPOSITORY INSTITUTION.—The term ''insured depository institution'' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(4) SOLVENT.—The term ''solvent'' means assets are more than the obligations to creditors.

Page 110, after line 7, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 1110. ADDITIONAL RELATED AMENDMENTS.

(a) FEDERAL DEPOSIT INSURANCE ACT RELATED AMENDMENTS.—

(1) SUSPENSION OF PARALLEL FEDERAL DEPOSIT INSURANCE ACT AUTHORITY.—Effective upon the date of the enactment of this section through December 31, 2013, the Corporation may not exercise its authority under section 13(c)(4)(G)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(i)) to establish any widely-available debt guarantee program for which section 1109 would provide authority.

(2) FEDERAL DEPOSIT INSURANCE ACT AUTHORITY PRESERVED.—Effective December 31, 2013, the Corporation shall have the same authority pursuant to section 13(c)(4)(G)(i) of the Federal Deposit Insurance Act as the Corporation had prior to the date of enactment of this Act.

(b) EFFECT OF DEFAULT ON AN FDIC GUARANTEE.—If an insured depository institution or depository institution holding company participating in a program under section 1109 or any participant in a debt guarantee program established pursuant to section 13(c)(4)(G)(i) of the Federal Deposit Insurance Act defaults on any obligation guaranteed by the Corporation after the date of enactment of this Act, the Corporation may—

(1) appoint itself as receiver for the insured depository institution that defaults;

(2) with respect to any other participating company that is not an insured depository institution that defaults—

(A) require consideration of whether a determination shall be made as provided in section 1603 to resolve the company under subtitle G; and

(B) if the Corporation is not appointed receiver pursuant to subtitle G within 30 days of the date of default, require the company to file a petition for bankruptcy under section 301 of title 11, United States Code, or file a petition for bankruptcy against the company under section 303 of title 11, United States Code.

(c) AUTHORITY TO FILE INVOLUNTARY PETITION FOR BANKRUPTCY.—Section 303 of title 11, United States Code, is amended by adding at the end the following:

''(m) Notwithstanding subsections (a) and (b), an involuntary case may be commenced by the Federal Deposit Insurance Corporation against a depository institution holding company as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) or other company participating in a guarantee program established by the Corporation on the ground that the company has defaulted on a debt or obligation guaranteed by the Corporation.''.

(d) BANKRUPTCY PRIORITY FOR DEFAULTS ON DEBT GUARANTEED PURSUANT TO SECTION 1109.—Section 507(a)(9) of title 11, United States Code, is amended by inserting before the period at the end the following: ''and allowed unsecured claims based upon any debt to the Federal Deposit Insurance Corporation that arose prior to the commencement of the case under this title, as a result of the debtor's default on a guarantee provided by the Corporation pursuant to section 1109 of the Financial Stability Improvement Act of 2009 or the Federal Deposit Insurance Act, under a program established by the Corporation after the date of enactment of the Financial Stability Improvement Act of 2009''.

Page 110, line 8, strike ''**MUST**'' and insert ''**MAY**''.

Page 110, strike line 10 and all that follows through line 18 and insert the following:

(a) IN GENERAL.—In connection with any payment, credit extension, or guarantee or any commitment under section 1109 or 1604, the Corporation may obtain from the insured depository institution, depository institution holding company (including any affiliates thereof), or covered financial company, as the case may be—

Page 110, line 19, strike ''financial company'' and insert ''insured depository institution, depository institution holding company (including any affiliates thereof), or covered financial company''.

Page 111, line 3, strike ''financial company'' and insert ''insured depository institution, depository institution holding company (including any affiliates thereof), or covered financial company''.

Strike section 1614 and insert the following new section:

SEC. 1614. APPLICATION OF EXECUTIVE COMPENSATION LIMITATIONS.

At any time that the Corporation has borrowed from the Treasury pursuant to section 1609(o) to resolve a covered financial company, the Corporation shall apply the executive compensation limits under section 111 of the Emergency Economic Stabilization Act of 2008 to such company for so long as such company is in receivership.

Page 436, after line 11, insert the following new section:

SEC. 1615. PRIORITY OF CLAIMS IN FEDERAL DEPOSIT INSURANCE ACT.

Section 11(d)(11)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(11)(A)) is amended—

(1) by redesignating clauses (iii) through (v) as clauses (iv) through (vi), respectively; and

(2) by inserting after clause (ii) the following new clause (iii):

''(iii) Any obligation of the institution owed to the Corporation as a result of the institution's default on a Corporation-guaranteed debt.''.

Page 825, after line 12, insert the following new section:

SEC. 4313. REGULATION OF PERSON-TO-PERSON LENDING.

(a) SCOPE OF EXEMPTION FROM FEDERAL SECURITIES REGULATION.—Section 3(a) of the Securities Act of 1933 (15 U.S.C. 77c(a)) is amended by adding at the end the following new paragraph:

''(15) PERSON-TO-PERSON LENDING.—

''(A) IN GENERAL.—Any consumer loan, and any note representing a whole or fractional interest in any such loan, funded or sold through a person-to-person lending platform.

''(B) DEFINITIONS.— For purposes of this paragraph:

''(i) CONSUMER LOAN.—The term 'consumer loan' means a loan made to a natural person,

the proceeds of which are intended primarily for personal, family, educational, household, or business use.

''(ii) PERSON-TO-PERSON LENDING PLATFORM.—

''(I) IN GENERAL.—The term 'person-to-person lending platform' means an Internet website, the primary purpose of which is to provide a transaction platform for the funding or sale of individual consumer loans, or the sale of notes representing whole or fractional interests in individual consumer loans, by matching natural persons who wish to obtain such loans with persons who wish to fund them, or by matching persons who wish to sell such loans or notes with persons who wish to purchase them.

''(II) PROHIBITION ON MULTIPLE LOANS IN A SINGLE TRANSACTION.—The term 'person-to-person lending platform' does not include any platform on which multiple loans may be funded or sold in a single transaction, or on which a note representing an interest in multiple loans or other debt obligations may be sold.''.

(b) REGULATION BY THE AGENCY.—

(1) IN GENERAL.—Primary jurisdiction for the regulation of the lending activities of person-to-person lending and person-to-person lending platforms is hereby vested in the Agency.

(2) INTERIM REQUIREMENTS.—Until the Director issues and adopts disclosure requirements with respect to the sale of consumer loans, or notes representing whole or fractional interests therein, on person-to-person lending platforms, a person-to-person lending platform that registers the offer and sale of any such notes under the Securities Act of 1933 shall, with respect to such registered offer and sale, provide the disclosure required under the Securities Act of 1933 to be contained in the registration statement and prospectus and provide such disclosure required in any periodic reports required to be filed by such person-to-person lender pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934.

(3) DEFINITIONS.—For purposes of this subsection, the terms ''consumer loan'', ''person-to-person lending platform'', ''prospectus'', and ''registration statement'' shall have the meaning given such term under the Securities Act of 1933.

(c) RULEMAKING.—The Director may prescribe such regulations and issue such orders as the Director considers necessary or appropriate to implement the provisions of this section and to provide borrower protection, lender protection, consumer choice, and expanded consumer access to fair and reasonable credit choices.

(d) EFFECTIVE DATE.—Notwithstanding section 4310, this section shall take effect on the date of the enactment of this title.

Page 699, line 13, strike ''and''.

Page 699, line 17, insert ''and'' after ''services;''.

Page 699, after line 17, insert the following:

(vi) the nature, range, and size of variations between the credit scores sold to creditors and those sold to consumers by consumer reporting agencies that compile and maintain files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act; 15 U.S.C. 1681a(p)), and whether such variations disadvantage consumers;

Page 788, after line 10, insert the following:

(3) CONSIDER AS UNFAIR CERTAIN PRACTICES WITH REGARD TO THE PROVISION OF CREDIT SCORES.—Subject to regulations prescribed by the Director, it shall be considered unfair for any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act; 15 U.S.C. 1681a(p)) to make available for purchase by creditors any credit score for a consumer that is not also available for purchase by that consumer at the same price as other credit scores sold to consumers by such agency.

Page 699, line 17, insert '', and the impact of Federal policies, including resource limits in means-tested Federal benefit programs (as defined in section 318 of the Higher Education Act of 1965; 20 U.S.C. 1059e), on such consumers in influencing banking behavior'' after ''financial products or services''.

In section 4109(f) (as modified pursuant to the rule providing for the consideration of the bill and contained in the amendment designated MWB_05), strike paragraph (3) and insert the following:

(3) EXCEPTION.—Notwithstanding paragraph (1), an attorney's activities related to assisting another person in preventing a foreclosure shall be subject to this title except to the extent such activities constitute, or are incidental to, the provision of legal services to a client of the attorney.

Page 776, after line 19, insert the following new subsection:

(l) EXCLUSION FOR ACTIVITIES RELATING TO CHARITABLE CONTRIBUTIONS.—

(1) The Director and the Agency may not exercise any rulemaking, supervisory, enforcement, or other authority, including authority to order assessments or penalties, over any activities related to the solicitation or making of voluntary contributions to or through a tax-exempt organization as recognized by the Internal Revenue Service, by any agent, volunteer or representative of such organizations to the extent the organization, agent, volunteer or representative thereof is soliciting or providing advice, information, education or instruction to donor(s) or potential donor(s) relating to a contribution to or through the organization.

(2) This exclusion shall not apply to other activities not described in the paragraph above and are financial activities as described in any subparagraph of section 4002(19), or otherwise subject to any of the enumerated consumer laws, or the authorities transferred under subtitle F or H.

In the last section title I of the bill (as added pursuant to the rule providing for the consideration of the bill and contained in the amendment designated ''TARP—001''), strike ''$22,059,000,000,'' and insert ''23,625,000,000''.

Page 481, strike line 8 and all that follows through page 665, line 6, and insert the following:

TITLE III—DERIVATIVE MARKETS TRANSPARENCY AND ACCOUNTABILITY ACT

SEC. 3001. SHORT TITLE.

This title may be cited as the ''Derivative Markets Transparency and Accountability Act of 2009''.

SEC. 3002. REVIEW OF REGULATORY AUTHORITY.

(a) CONSULTATION.—

(1) CFTC.—Before commencing any rulemaking or issuing an order regarding swaps, swap dealers, major swap participants, swap repositories, persons associated with a swap dealer or major swap participant, eligible contract participants, or swap execution facilities pursuant to subtitle A, the Commodity Futures Trading Commission shall consult with the Securities and Exchange Commission and the Prudential Regulators.

(2) SEC.—Before commencing any rulemaking or issuing an order regarding security-based swaps, security-based swap dealers, major security-based swap participants, security-based swap repositories, persons associated with a security-based swap dealer or major security-based swap participant, eligible contract participants with regard to security-based swaps, or swap execution facilities pursuant to subtitle B, the Securities and Exchange Commission shall consult with the Commodity Futures Trading Commission and the Prudential Regulators.

(3) In developing and promulgating rules or orders pursuant to this subsection, the Commodity Futures Trading Commission and the Securities and Exchange Commission shall consider each other's views and the views of the Prudential Regulators.

(4) In adopting a rule or order described in paragraph (1) or (2), the Commodity Futures Trading Commission and the Securities and Exchange Commission shall treat functionally or economically similar products or entities similarly.

(5) Paragraph (4) shall not be construed to require the Commodity Futures Trading Commission or the Securities Exchange Commission to adopt a rule or order that treats functionally or economically similar products or entities identically.

(b) LIMITATION.—

(1) CFTC.—Nothing in this title, unless specifically provided, shall be construed to confer jurisdiction on the Commodity Futures Trading Commission to issue a rule, regulation, or order providing for oversight or regulation of—

(A) security-based swaps; or

(B) with regard to their activities or functions concerning security-based swaps—

(i) security-based swap dealers;

(ii) major security-based swap participants;

(iii) security-based swap repositories;

(iv) persons associated with a security-based swap dealer or major security-based swap participant;

(v) eligible contract participants with respect to security-based swaps; or

(vi) swap execution facilities.

(2) SEC.—Nothing in this title, unless specifically provided, shall be construed to confer jurisdiction on the Securities and Exchange Commission to issue a rule, regulation, or order providing for oversight or regulation of—

(A) swaps; or

(B) with regard to their activities or functions concerning swaps—

(i) swap dealers;

(ii) major swap participants;

(iii) swap repositories;

(iv) persons associated with a swap dealer or major swap participant;

(v) eligible contract participants with respect to swaps; or

(vi) swap execution facilities.

(c) OBJECTION TO COMMISSION REGULATION.—

(1) FILING OF PETITION FOR REVIEW.—If either Commission referred to in this section believes that a final rule, regulation, or order of the other such Commission conflicts with subsection (a)(4) or (b), then the complaining Commission may obtain review thereof in the United States Court of Appeals for the District of Columbia Circuit by filing in the court, not later than 60 days after the date of publication of the final rule, regulation, or order, a written petition requesting that the rule, regulation, or order be set aside. Any such proceeding shall be expedited by the Court of Appeals.

(2) TRANSMITTAL OF PETITION AND RECORD.—A copy of a petition described in paragraph (1) shall be transmitted not later than 1 business day after filing by the complaining Commission to the Secretary of the responding Commission. On receipt of the petition, the responding Commission shall file with the court a copy of the rule, regulation, or order under review and any documents referred to therein, and any other materials prescribed by the court.

(3) STANDARD OF REVIEW.—The court, giving deference to the views of neither Commission, shall determine to affirm or set aside a rule, regulation, or order of the responding Commission under this subsection, based on the determination of the court, as to whether the rule, regulation, or order is in

conflict with subsection (a)(4) or (b), as applicable.

(4) JUDICIAL STAY.—The filing of a petition by the complaining Commission pursuant to paragraph (1) shall operate as a stay of the rule, regulation, or order, until the date on which the determination of the court is final (including any appeal of the determination).

(d) DEFINITIONS.—In this section, the terms ''Prudential Regulators'', ''swap'', ''swap dealer'', ''major swap participant'', ''swap repository'', ''person associated with a swap dealer or major swap participant'', ''eligible contract participant'', ''swap execution facility'', ''security-based swap'', ''security-based swap dealer'', ''major security-based swap participant'', ''security-based swap repository'', and ''person associated with a security-based swap dealer or major security-based swap participant'' shall have the meanings provided, respectively, in the Commodity Exchange Act, including any modification of the meanings under section 3101(b) of this Act.

(e)(1) Notwithstanding subsections (b) and (c), the Commodity Futures Trading Commission and the Securities Exchange Commission shall jointly adopt rules to—

(A) define the terms ''security-based swap agreement'' in section 3(a)(76) of the Securities Exchange Act of 1934 and ''swap'' in section 1a(35)(A)(v) of the Commodity Exchange Act;

(B) require the maintenance of records of all activities related to transactions defined in subparagraph (A) that are not cleared; and

(C) make available to the Securities and Exchange Commission information relating to transactions defined in subparagraph (A) that are uncleared.

(2) In the event that the Commodity Futures Trading Commission and the Securities Exchange Commission fail to jointly prescribe rules pursuant to paragraph (1) in a timely manner, at the request of either Commission, the Financial Services Oversight Council shall resolve the dispute—

(A) within a reasonable time after receiving the request;

(B) after consideration of relevant information provided by each Commission; and

(C) by agreeing with one of the Commissions regarding the entirety of the matter or by determining a compromise position.

SEC. 3003. INTERNATIONAL HARMONIZATION.

(a) In order to promote effective and consistent global regulation of contracts of sale of swaps and security-based swaps, the Commodity Futures Trading Commission, the Securities and Exchange Commission, and the Prudential Regulators (as defined in section 1a(42) of the Commodity Exchange Act), as appropriate, shall consult and coordinate with foreign regulatory authorities on the establishment of consistent international standards with respect to the regulation of contracts of sale of swaps and security-based swaps, and may agree to such information-sharing arrangements as may be deemed to be necessary or appropriate in the public interest or for the protection of investors, swap counterparties, and security-based swap counterparties.

(b) In order to promote effective and consistent global regulation of contracts of sale of a commodity for future delivery, the Commodity Futures Trading Commission shall consult and coordinate with foreign regulatory authorities on the establishment of consistent international standards with respect to the regulation of contracts of sale of a commodity for future delivery, and may agree to such information-sharing arrangements as may be deemed necessary or appropriate in the public interest for the protection users of contracts of sale of a commodity for future delivery.

SEC. 3004. PROHIBITION AGAINST GOVERNMENT ASSISTANCE.

(a) IN GENERAL.—No provision of this title shall be construed to authorize Federal assistance to support clearing operations or liquidation of a derivatives clearing organization described in the Commodity Exchange Act or a clearing agency described in the Securities Exchange Act of 1934, except where explicitly authorized by an Act of Congress.

(b) DEFINITION.—For the purposes of this section, the term ''Federal assistance'' means the use of public funds for the purposes of—

(1) making loans to, or purchasing any debt obligation of, a derivatives clearing organization, a clearing agency, or a subsidiary of either;

(2) purchasing assets of a derivatives clearing organization, a clearing agency, or a subsidiary of either;

(3) assuming or guaranteeing the obligations of a derivatives clearing organization, a clearing agency, or a subsidiary of either; or

(4) acquiring any type of equity interest or security of a derivatives clearing organization, a clearing agency, or a subsidiary of either.

SEC. 3005. STUDIES.

(a) STUDY ON EFFECTS OF POSITION LIMITS ON TRADING ON EXCHANGES IN THE UNITED STATES.—

(1) STUDY.—The Commodity Futures Trading Commission, in consultation with each entity that is a designated contract market under the Commodity Exchange Act, shall conduct a study of the effects (if any) of the position limits imposed pursuant to the other provisions of this titleon excessive speculation and on the movement of transactions from exchanges in the United States to trading venues outside the United States.

(2) REPORT TO THE CONGRESS.—Within 12 months after the imposition of position limits pursuant to the other provisions of this title, the Commodity Futures Trading Commission, in consultation with each entity that is a designated contract market under the Commodity Exchange Act, shall submit to the Congress a report on the matters described in paragraph (1).

(3) Within 30 legislative days after the submission to the Congress of the report described in paragraph (2), the Committee on Agriculture of the House of Representatives shall hold a hearing examining the findings of the report.

(4) In addition to the study required in paragraph (1), the Chairman of the Commodity Futures Trading Commission shall prepare and submit to the Congress biennial reports on the growth or decline of the derivatives markets in the United States and abroad, which shall include assessments of the causes of any such growth or decline, the effectiveness of regulatory regimes in managing systemic risk, a comparison of the costs of compliance at the time of the report for market participants subject to regulation by the United States with the costs of compliance in December 2008 for the market participants, and the quality of the available data. In preparing the report, the Chairman shall solicit the views of, consult with, and address the concerns raised by, market participants, regulators, legislators, and other interested parties.

(b) STUDY ON FEASIBILITY OF REQUIRING USE OF STANDARDIZED ALGORITHMIC DESCRIPTIONS FOR FINANCIAL DERIVATIVES.—

(1) IN GENERAL.—The Securities and Exchange Commission and the Commodity Futures Trading Commission shall conduct a joint study of the feasibility of requiring the derivatives industry to adopt standardized computer-readable algorithmic descriptions which may be used to describe complex and standardized financial derivatives.

(2) GOALS.—The algorithmic descriptions defined in the study shall be designed to facilitate computerized analysis of individual derivative contracts and to calculate net exposures to complex derivatives. The algorithmic descriptions shall be optimized for simultaneous use by:

(A) commercial users and traders of derivatives;

(B) derivative clearing houses, exchanges and electronic trading platforms;

(C) trade repositories and regulator investigations of market activities; and

(D) systemic risk regulators.

The study will also examine the extent to which the algorithmic description, together with standardized and extensible legal definitions, may serve as the binding legal definition of derivative contracts. The study will examine the logistics of possible implementations of standardized algorithmic descriptions for derivatives contracts. The study shall be limited to electronic formats for exchange of derivative contract descriptions and will not contemplate disclosure of proprietary valuation models.

(3) INTERNATIONAL COORDINATION.—In conducting the study, the Securities and Exchange Commission and the Commodity Futures Trading Commission shall coordinate the study with international financial institutions and regulators as appropriate and practical.

(4) REPORT.—Within 8 months after the date of the enactment of this Act, the Securities and Exchange Commission and the Commodity Futures Trading Commission shall jointly submit to the Committees on Agriculture and on Financial Services of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry and on Banking, Housing, and Urban Affairs of the Senate a written report which contains the results of the study required by paragraphs (1) through (3).

(c) STUDY OF DESIRABILITY AND FEASIBILITY OF ESTABLISHING SINGLE REGULATOR FOR ALL TRANSACTIONS INVOLVING FINANCIAL DERIVATIVES.—

(1) IN GENERAL.—The Secretary of the Treasury, the Commodity Futures Trading Commission, and the Securities and Exchange Commission shall conduct a joint study of the desirability and feasibility of establishing, by January 1, 2012, a single regulator for all transactions involving financial derivatives.

(2) REPORT TO THE CONGRESS.—Not later than December 1, 2010, Secretary of the Treasury, the Commodity Futures Trading Commission, and the Securities and Exchange Commission shall jointly submit to the Committees on Agriculture and on Financial Services of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry and on Banking, Housing, and Urban Affairs of the Senate a written report that contains the results of the study required by paragraph (1).

SEC. 3006. RECOMMENDATIONS FOR CHANGES TO INSOLVENCY LAWS.

Not later than 180 days after the date of the enactment of this Act, the Securities and Exchange Commission, the Commodity Futures Trading Commission, and the Prudential Regulators (as defined in section 1a of the Commodity Exchange Act, as amended by section 3111 of this Act) shall transmit to Congress recommendations for legislative changes to the Federal insolvency laws—

(1) in order to enhance the legal certainty with respect to swap participants clearing non-proprietary swap positions with a swap clearinghouse, including—

(A) customer rights to recover margin deposits or custodial property held at or through an insolvent swap clearinghouse, or clearing participant; and

(B) the enforceability of clearing rules relating to the portability of customer swap positions (and associated margin) upon the insolvency of a clearing participant;

(2) to clarify and harmonize the insolvency law framework applicable to entities that are both commodity brokers (as defined in section 101(6) of title 11, United States Code) and registered brokers or dealers (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))); and

(3) to facilitate the portfolio margining of securities and commodity futures and options positions held through entities that are both futures commission merchants (as defined in section 1a of the Commodity Exchange Act) and registered brokers or dealers (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

SEC. 3007. ABUSIVE SWAPS.

The Commodity Futures Trading Commission and the Securities and Exchange Commission may, by rule or order, jointly collect information as may be necessary concerning the markets for any types of swap (as defined in section 1a(35) of the Commodity Exchange Act) or security-based swap (as defined in section 1a(38) of such Act) and jointly issue a report with respect to any types of swaps or security-based swaps which the Commodity Futures Trading Commission and the Securities and Exchange Commission find are detrimental to the stability of a financial market or of participants in a financial market.

SEC. 3008. AUTHORITY TO PROHIBIT PARTICIPATION IN SWAP ACTIVITIES.

If the Commodity Futures Trading Commission or the Securities and Exchange Commission determines that the regulation of swaps or security-based swaps markets in a foreign country undermines the stability of the United States financial system, either Commission, in consultation with the Secretary of the Treasury, may prohibit an entity domiciled in that country from participating in the United States in any swap or security-based swap activities.

SEC. 3009. MEMORANDUM.

(a)(1) The Commodity Futures Trading Commission and the Federal Energy Regulatory Commission shall, not later than 180 days after the date of the enactment of this section, negotiate a memorandum of understanding to establish procedures for—

(A) applying their respective authorities in a manner so as to ensure effective and efficient regulation in the public interest,

(B) resolving conflicts concerning overlapping jurisdiction between the two agencies, and

(C) avoiding, to the extent possible, conflicting or duplicative regulation.

(2) Such memorandum and any subsequent amendments to the memorandum shall be promptly submitted to the appropriate committees of Congress.

(b) The Commodity Futures Trading Commission and the Federal Energy Regulatory Commission shall, not later than 180 days after the date of the enactment of this section, negotiate a memorandum of understanding to share information that may be requested where either Commission is conducting an investigation into potential manipulation, fraud, or market power abuse in markets subject to such Commission's regulation or oversight. Shared information shall remain subject to the same restrictions on disclosure applicable to the Commission initially holding the information.

Subtitle A—Regulation of Swap Markets

SEC. 3101. DEFINITIONS.

(a) AMENDMENTS TO DEFINITIONS IN THE COMMODITY EXCHANGE ACT.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) in paragraph (12)(A)—

(A) in clause (vii)(III), by striking ''$25,000,000'' and inserting ''$50,000,000''; and

(B) in clause (xi), by striking ''total assets in an amount'' and inserting ''amounts invested on a discretionary basis'';

(2) in paragraph (29)—

(A) in subparagraph (D), by striking ''and'';

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

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

''(E) a swap execution facility registered under section 5h;

''(F) a swap repository; and''; and

(3) by adding at the end the following:

''(35) SWAP.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'swap' means any agreement, contract, or transaction that—

''(i) is a put, call, cap, floor, collar, or similar option of any kind for the purchase or sale of, or based on the value of, 1 or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind;

''(ii) provides for any purchase, sale, payment, or delivery (other than a dividend on an equity security) that is dependent on the occurrence, non-occurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence;

''(iii) provides on an executory basis for the exchange, on a fixed or contingent basis, of 1 or more payments based on the value or level of 1 or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind, or any interest therein or based on the value thereof, and that transfers, as between the parties to the transaction, in whole or in part, the financial risk associated with a future change in any such value or level without also conveying a current or future direct or indirect ownership interest in an asset (including any enterprise or investment pool) or liability that incorporates the financial risk so transferred, and includes any agreement, contract, or transaction commonly known as an interest rate swap, a rate floor, rate cap, rate collar, cross-currency rate swap, basis swap, currency swap, total return swap, equity index swap, equity swap, debt index swap, debt swap, credit spread, credit default swap, credit swap, weather swap, energy swap, metal swap, agricultural swap, emissions swap, or commodity swap;

''(iv) is, or in the future becomes, commonly known to the trade as a swap;

''(v) meets the definition of 'swap agreement' as defined in section 206A of the Gramm-Leach-Bliley Act of which a material term of which is based on the price, yield, value, or volatility of any security or any group or index of securities, or any interest therein; or

''(vi) is any combination or permutation of, or option on, any agreement, contract, or transaction described in any of clauses (i) through (v).

''(B) EXCLUSIONS.—The term 'swap' does not include—

''(i) any contract of sale of a commodity for future delivery (or any option on such a contract) or security futures product traded on or subject to the rules of any board of trade designated as a contract market under section 5 or 5f;

''(ii) any sale of a nonfinancial commodity or security for deferred shipment or delivery, so long as the transaction is intended to be physically settled;

''(iii) any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based on the value thereof, that is subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);

''(iv) any put, call, straddle, option, or privilege relating to foreign currency entered into on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a));

''(v) any agreement, contract, or transaction providing for the purchase or sale of 1 or more securities on a fixed basis that is subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq);

''(vi) any agreement, contract, or transaction providing for the purchase or sale of 1 or more securities on a contingent basis that is subject to the Securities Act of 1933 (15 U.S.C. 77a et seq) and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), unless the agreement, contract, or transaction predicates the purchase or sale on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of a party other than a party to the agreement, contract, or transaction;

''(vii) any note, bond, or evidence of indebtedness that is a security as defined in section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1));

''(viii) any agreement, contract, or transaction that is—

''(I) based on a security; and

''(II) entered into directly or through an underwriter (as defined in section 2(a)(11) of the Securities Act of 1933) (15 U.S.C. 77b(a)(11)) by the issuer of the security for the purposes of raising capital, unless the agreement, contract, or transaction is entered into to manage a risk associated with capital-raising;

''(ix) any foreign exchange forward;

''(x) any foreign exchange swap;

''(xi) any agreement, contract, or transaction a counterparty of which is a Federal Reserve bank, the United States government or an agency of the United States government that is expressly backed by the full faith and credit of the United States; and

''(xii) any security-based swap.

''(C) RULE OF CONSTRUCTION REGARDING MASTER AGREEMENTS.—The term 'swap' shall be construed to include a master agreement that provides for an agreement, contract, or transaction that is a swap pursuant to subparagraph (A), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement, contract, or transaction that is not a swap pursuant to subparagraph (A), except that the master agreement shall be considered to be a swap only with respect to each agreement, contract, or transaction under the master agreement that is a swap pursuant to subparagraph (A).

''(D) FOREIGN EXCHANGE SWAPS AND FORWARDS EXCEPTION.—

''(i) IN GENERAL.—Notwithstanding clauses (ix) and (x) of subparagraph (B), foreign exchange swaps and foreign exchange forwards shall be considered swaps under this paragraph if the Commission makes a determination that either foreign exchange swaps or foreign exchange forwards or both should be regulated as swaps under this Act and the Secretary concurs with such determination.

''(ii) SCOPE OF AUTHORITY.—

''(I) The Commission and the Secretary shall jointly determine which of the authorities under this Act regarding swaps the Commission shall exercise over foreign exchange swaps and foreign exchange forwards. Such authorities shall subsequently be exercised solely by the Commission. The Commission

and the Secretary may jointly amend any previously made determination under this subclause.

''(II) Notwithstanding clause (i), the Commission and the Secretary of the Treasury may determine that either foreign exchange swaps or foreign exchange forwards or both should not be regulated as swaps under this Act if such determination is jointly made.

''(iii) REPORTING.—Notwithstanding clauses (ix) and (x) of subparagraph (B) and subparagraph (D)(ii), all foreign exchange swaps and foreign exchange forwards shall be reported to either a swap repository, or, if there is no swap repository that would accept such swaps or forwards, to the Commission pursuant to section 4r within such time period as the Commission may by rule or regulation prescribe.

''(iv) SECRETARY.—For purposes of this subparagraph only, the term 'Secretary' means the Secretary of the Treasury.

''(36) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

''(37) SECURITY-BASED SWAP.—The term 'security-based swap' has the same meaning as in section 3(a)(68) of the Securities and Exchange Act of 1934.

''(38) SWAP DEALER.—

''(A) IN GENERAL.—The term 'swap dealer' means any person who—

''(i) holds itself out as a dealer in swaps;

''(ii) makes a market in swaps;

''(iii) regularly engages in the purchase of swaps and their resale to customers in the ordinary course of a business; or

''(iv) engages in any activity causing the person to be commonly known in the trade as a dealer or market maker in swaps.

''(B) A person may be designated a swap dealer for a single type or single class or category of swap and considered not a swap dealer for other types, classes, or categories of swaps.

''(C) DE MINIMUS EXCEPTION.—The Commission shall make a determination to exempt from designation as a swap dealer an entity that engages in a de minimus amount of swap dealing in connection with transactions with or on the behalf of its customers.

''(39) MAJOR SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'major swap participant' means any person who is not a swap dealer, and—

''(i) maintains a substantial net position in outstanding swaps, excluding positions held primarily for hedging, reducing or otherwise mitigating its commercial risk, including operating and balance sheet risk; or

''(ii) whose outstanding swaps create substantial net counterparty exposure among the aggregate of its counterparties that could expose those counterparties to significant credit losses.

''(B) DEFINITION OF SUBSTANTIAL NET POSTION.—The Commission shall define by rule or regulation the terms 'substantial net position', 'substantial net counterparty exposure', and 'significant credit losses' at thresholds that the Commission determines prudent for the effective monitoring, management and oversight of entities which are systemically important or can significantly impact the financial system through counterparty credit risk. In setting the definitions, the Commission shall consider the person's relative position in uncleared as opposed to cleared swaps.

''(C) A person may be designated a major swap participant for 1 or more individual types of swaps without being classified as a major swap participant for all classes of swaps.

''(40) MAJOR SECURITY-BASED SWAP PARTICIPANT.—The term 'major security-based swap participant' has the same meaning as in section 3(a)(67) of the Securities Exchange Act of 1934.

''(41) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

''(42) PRUDENTIAL REGULATOR.—The term 'Prudential Regulator' means—

''(A) the Board in the case of a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant that is—

''(i) a State-chartered bank that is a member of the Federal Reserve System; or

''(ii) a State-chartered branch or agency of a foreign bank;

''(B) the Office of the Comptroller of the Currency in the case of a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant that is—

''(i) a national bank; or

''(ii) a federally chartered branch or agency of a foreign bank; and

''(C) the Federal Deposit Insurance Corporation in the case of a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant that is a State-chartered bank that is not a member of the Federal Reserve System.

''(43) SECURITY-BASED SWAP DEALER.—The term 'security-based swap dealer' has the same meaning as in section 3(a)(71) of the Securities Exchange Act of 1934.

''(44) FOREIGN EXCHANGE FORWARD.—The term 'foreign exchange forward' means a transaction that solely involves the exchange of 2 different currencies on a specific future date at a fixed rate agreed at the inception of the contract.

''(45) FOREIGN EXCHANGE SWAP.—The term 'foreign exchange swap' means a transaction that solely involves the exchange of 2 different currencies on a specific date at a fixed rate agreed at the inception of the contract, and a reverse exchange of the same 2 currencies at a date further in the future and at a fixed rate agreed at the inception of the contract.

''(46) PERSON ASSOCIATED WITH A SECURITY-BASED SWAP DEALER OR MAJOR SECURITY-BASED SWAP PARTICIPANT.—The term 'person associated with a security-based swap dealer or major security-based swap participant' or 'associated person of a security-based swap dealer or major security-based swap participant' has the same meaning as in section 3(a)(70) of the Securities Exchange Act of 1934.

''(47) PERSON ASSOCIATED WITH A SWAP DEALER OR MAJOR SWAP PARTICIPANT.—The term 'person associated with a swap dealer or major swap participant' or 'associated person of a swap dealer or major swap participant' means any partner, officer, director, or branch manager of a swap dealer or major swap participant (or any person occupying a similar status or performing similar functions), any person directly or indirectly controlling, controlled by, or under common control with a swap dealer or major swap participant, or any employee of a swap dealer or major swap participant, except that any person associated with a swap dealer or major swap participant whose functions are solely clerical or ministerial shall not be included in the meaning of the term other than for purposes of section 4s(b)(6).

''(48) SWAP REPOSITORY.—The term 'swap repository' means any person that collects, calculates, prepares or maintains information or records with respect to transactions or positions in or the terms and conditions of swaps entered into by third parties.

''(49) SWAP EXECUTION FACILITY.—The term 'swap execution facility' means a person or entity that facilitates the execution or trading of swaps between two persons through any means of interstate commerce, but which is not a designated contract market, including any electronic trade execution or voice brokerage facility.

''(50) DERIVATIVE.—The term 'derivative' means—

''(A) a contract of sale of a commodity for future delivery; or

''(B) a swap.''.

(b) AUTHORITY TO FURTHER DEFINE TERMS.—The Commodity Futures Trading Commission shall adopt a rule further defining the terms ''swap'', ''swap dealer'', ''major swap participant'', and ''eligible contract participant'' for the purpose of including transactions and entities that have been structured to evade this title.

(c) EXEMPTIONS.—Section 4(c) of the Commodity Exchange Act (7 U.S.C. 4(c)) is amended by adding at the end the following: ''The Commission shall not have the authority to grant exemptions from the provisions of sections 3101(a), 3101(c), 3104, 3105, 3106, 3107, 3109, 3110, 3113, 3115, 3120, and 3121 of the Derivative Markets Transparency and Accountability Act of 2009, except as expressly authorized under the provisions of that Act. Notwithstanding the preceding sentence, the Commodity Futures Trading Commission may exempt from any provision of the Commodity Exchange Act, pursuant to this subsection, an agreement, contract, or transaction that is entered into pursuant to a tariff approved by the Federal Energy Regulatory Commission, if the Commodity Futures Trading Commission determines that the exemption would be consistent with the public interest, and shall consider and not unreasonably deny any request made by the Federal Energy Regulatory Commission for such an exemption.''.

SEC. 3102. JURISDICTION.

(a) EXCLUSIVE JURISDICTION.—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)) is amended—

(1) in the 1st sentence of subparagraph (A)—

(A) by striking ''(c) through (i)'' and inserting ''(c) and (f)'';

(B) by inserting ''swaps, or'' before ''contracts of sale'';

(C) by striking ''derivatives transaction execution facility'' and inserting ''swap execution facility''; and

(D) by striking ''5a'' and inserting ''5h''; and

(2) by adding at the end the following:

''(G)(i) Nothing in this paragraph shall limit the jurisdiction conferred on the Securities and Exchange Commission by the Derivative Markets Transparency and Accountability Act of 2009 with regard to security-based swap agreements as defined pursuant to section 3002(e) of such Act, and security-based swaps.

''(ii) In addition to the authority of the Securities Exchange Commission described in clause (i), nothing in this subparagraph shall limit or affect any statutory authority of the Commission with respect to an agreement, contract, or transaction described in clause (i).

''(H)(i) Nothing in this Act shall limit or affect any statutory authority of the Federal Energy Regulatory Commission with respect to an agreement, contract, or transaction that is—

''(I) not executed, traded, or cleared on a registered entity or trading facility; and

''(II) entered into pursuant to a tariff or rate schedule approved by the Federal Energy Regulatory Commission.

''(ii) In addition to the authority of the Federal Energy Regulatory Commission described in clause (i), nothing in this subparagraph shall limit or affect any statutory authority of the Commission with respect to an agreement, contract, or transaction described in clause (i).''.

(b) ADDITIONS.—Section 2(c)(2)(A) of such Act (7 U.S.C. 2(c)(2)(A)) is amended—

(1) in clause (i) by striking ''or'' at the end;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following:

''(ii) a swap; or''.

(c) Section 12(e) of such Act (7 U.S.C. 16(e)) is amended—

(1) in paragraph (1)(B), by inserting ''or (3)'' after ''paragraph (2)'';

(2) in paragraph (2), by striking subparagraphs (A) and (B) and inserting the following:

''(A) a swap; and

''(B) an agreement, contract, or transaction that is excluded from this Act under section 2(c) or 2(f) of this Act or title IV of the Commodity Futures Modernization Act of 2000 or exempted under section 4(c) of this Act (regardless of whether any such agreement, contract, or transaction is otherwise subject to this Act).''; and

(3) by adding at the end the following:

''(3) A swap may not be regulated as an insurance contract under State law.

''(4) The provisions of this Act relating to swaps that were enacted by the Derivative Markets Transparency and Accountability Act of 2009, including any rule or regulation thereunder, shall not apply to activities outside the United States unless those activities—

''(A) have a direct and significant connection with activities in or effect on United States commerce; or

''(B) contravene such rules or regulations as the Commission may prescribe as necessary or appropriate to prevent the evasion of any provision of this Act that was enacted by the Derivative Markets Transparency and Accountability Act of 2009.''.

(d) Nothing in the Derivative Markets Transparency and Accountability Act of 2009 or the amendments to the Commodity Exchange Act made by such Act shall limit or affect any statutory enforcement authority of the Federal Energy Regulatory Commission pursuant to Section 222 of the Federal Power Act and Section 4A of the Natural Gas Act that existed prior to the date of enactment of the Derivative Markets Transparency and Accountability Act of 2009.

SEC. 3103. CLEARING AND EXECUTION TRANSPARENCY.

(a) CLEARING AND EXECUTION TRANSPARENCY REQUIREMENTS.—

(1) Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by striking subsections (d), (e), (g), and (h).

(2)(A) Prior to the final effective dates in this title, a person may petition the Commodity Futures Trading Commission to remain subject to paragraphs (3) through (7) of section 2(h) of the Commodity Exchange Act.

(B) The Commodity Futures Trading Commission shall consider any petition submitted under subparagraph (A) in a prompt manner and may allow a person to continue operating subject to paragraphs (3) through (7) of section 2(h) of the Commodity Exchange Act for up to one year after the effective date of this subtitle.

(3) Section 2 of such Act (7 U.S.C. 2) is further amended by inserting after subsection (c) the following:

''(d) SWAPS.—Nothing in this Act (other than subsections (a)(1)(A), (a)(1)(B), (c)(2)(A)(ii), (e), (f), (j), and (k), sections 4a, 4b, 4b-1, 4c(a), 4c(b), 4o, 4r, 4s, 4t, 5, 5b, 5c, 5h, 6(c), 6(d), 6c, 6d, 8, 8a, 9, 12(e)(2), 12(f), 13(a), 13(b), 21, and 22(a)(4) and such other provisions of this Act as are applicable by their terms to registered entities and Commission registrants) governs or applies to a swap.

''(e) LIMITATION ON PARTICIPATION.—It shall be unlawful for any person, other than an eligible contract participant, to enter into a swap unless the swap is entered into on or subject to the rules of a board of trade designated as a contract market under section 5.''.

(4) Section 2 of such Act (7 U.S.C. 2) is further amended by inserting after subsection (i) the following:

''(j) CLEARING REQUIREMENT.—

''(1) IN GENERAL.—

''(A) STANDARD FOR CLEARING.—A swap shall be submitted for clearing if a derivatives clearing organization that is registered under this Act will accept the swap for clearing, and the Commission has determined under paragraph (2)(B)(ii) that the swap is required to be cleared.

''(B) OPEN ACCESS.—The rules of a derivatives clearing organization described in subparagraph (A) shall—

''(i) prescribe that all swaps submitted to the derivatives clearing organization with the same terms and conditions are economically equivalent within the derivatives clearing organization and may be offset with each other within the derivatives clearing organization; and

''(ii) provide for non-discriminatory clearing of a swap executed bilaterally or on or through the rules of an unaffiliated designated contract market or swap execution facility.

''(2) COMMISSION REVIEW.—

''(A) COMMISSION-INITIATED REVIEW.—

''(i) The Commission shall review each swap, or any group, category, type or class of swaps to make a determination as to whether the swap or group, category, type, or class of swaps should be required to be cleared.

''(ii) The Commission shall provide at least a 30-day public comment period regarding any determination made under clause (i).

''(B) SWAP SUBMISSIONS.—

''(i) A derivatives clearing organization shall submit to the Commission each swap, or any group, category, type or class of swaps that it plans to accept for clearing, and provide notice to its members (in a manner to be determined by the Commission) of the submission.

''(ii) The Commission shall—

''(I) make available to the public any submission received under clause (i);

''(II) review each submission made under clause (i), and determine whether the swap, or group, category, type, or class of swaps described in the submission is required to be cleared; and

''(III) provide at least a 30-day public comment period regarding its determination as to whether the clearing requirement under paragraph (1)(A) shall apply to the submission.

''(C) DEADLINE.—The Commission shall make its determination under subparagraph (B)(ii) not later than 90 days after receiving a submission made under subparagraph (B)(i), unless the submitting derivatives clearing organization agrees to an extension for the time limitation established under this subparagraph.

''(D) DETERMINATION.—

''(i) In reviewing a submission made under subparagraph (B), the Commission shall review whether the submission is consistent with section 5b(c)(2),

''(ii) In reviewing a swap, group of swaps, or class of swaps pursuant to subparagraph (A) or a submission made under subparagraph (B), the Commission shall take into account the following factors:

''(I) The existence of significant outstanding notional exposures, trading liquidity and adequate pricing data.

''(II) The availability of rule framework, capacity, operational expertise and resources, and credit support infrastructure to clear the contract on terms that are consistent with the material terms and trading conventions on which the contract is then traded.

''(III) The effect on the mitigation of systemic risk, taking into account the size of the market for such contract and the resources of the derivatives clearing organization available to clear the contract.

''(IV) The effect on competition, including appropriate fees and charges applied to clearing.

''(V) The existence of reasonable legal certainty in the event of the insolvency of the relevant derivatives clearing organization or 1 or more of its clearing members with regard to the treatment of customer and swap counterparty positions, funds, and property.

''(iii) In making a determination under subparagraph (B)(ii) that the clearing requirement shall apply, the Commission may require such terms and conditions to the requirement as the Commission determines to be appropriate.

''(E) RULES.—Not later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules for a derivatives clearing organization's submission for review, pursuant to this paragraph, of a swap, or a group, category, type or class of swaps, that it seeks to accept for clearing.

''(3) STAY OF CLEARING REQUIREMENT.—

''(A) After a determination pursuant to paragraph (2)(B), the Commission, on application of a counterparty to a swap or on its own initiative, may stay the clearing requirement of paragraph (1) until the Commission completes a review of the terms of the swap (or the group, category, type or class of swaps) and the clearing arrangement.

''(B) DEADLINE.—The Commission shall complete a review undertaken pursuant to subparagraph (A) not later than 90 days after issuance of the stay, unless the derivatives clearing organization that clears the swap, or group, category, type or class of swaps, agrees to an extension of the time limitation established under this subparagraph.

''(C) DETERMINATION.—Upon completion of the review undertaken pursuant to subparagraph (A), the Commission may—

''(i) determine, unconditionally or subject to such terms and conditions as the Commission determines to be appropriate, that the swap, or group, category, type or class of swaps, must be cleared pursuant to this subsection if it finds that such clearing is consistent with paragraph (2)(D); or

''(ii) determine that the clearing requirement of paragraph (1) shall not apply to the swap, or group, category, type or class of swaps.

''(D) RULES.—Not later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules for reviewing, pursuant to this paragraph, a derivatives clearing organization's clearing of a swap, or a group, category, type or class of swaps, that it has accepted for clearing.

''(4) PREVENTION OF EVASION.—The Commission may prescribe rules under this subsection, or issue interpretations of the rules, as necessary to prevent evasions of this subsection.

''(5) REQUIRED REPORTING.—

''(A) IN GENERAL.—All swaps that are not accepted for clearing by any derivatives clearing organization shall be reported either to a swap repository described in section 21 or, if there is no repository that would accept the swap, to the Commission pursuant to section 4r within such time period as the Commission may by rule or regulation prescribe. Counterparties to a swap may agree which counterparty will report the swap as required by this paragraph.

''(B) SWAP DEALER DESIGNATION.—With regard to swaps where only 1 counterparty is a

swap dealer, the swap dealer shall report the swap as required by this paragraph.

''(6) REPORTING TRANSITION RULES.—Rules adopted by the Commission under this section shall provide for the reporting of data, as follows:

''(A) Swaps entered into before the date of the enactment of this subsection shall be reported to a registered swap repository or the Commission no later than 180 days after the effective date of this subsection; and

''(B) Swaps entered into on or after such date of enactment shall be reported to a registered swap repository or the Commission no later than the later of—

''(i) 90 days after such effective date; or

''(ii) such other time after entering into the swap as the Commission may prescribe by rule or regulation.

''(7) CLEARING TRANSITION RULES.—

''(A) Swaps entered into before the date of the enactment of this subsection are exempt from the clearing requirements of this subsection if reported pursuant to paragraph (6)(A).

''(B) Swaps entered into before application of the clearing requirement pursuant to this subsection are exempt from the clearing requirements of this subsection if reported pursuant to paragraph (6)(B).

''(8) EXCEPTIONS.—

''(A) IN GENERAL.—The requirements of paragraph (1) shall not apply to a swap if one of the counterparties to the swap—

''(i) is not a swap dealer or major swap participant;

''(ii) is using swaps to hedge or mitigate commercial risk, including operating or balance sheet risk; and

''(iii) notifies the Commission, in a manner set forth by the Commission, how it generally meets its financial obligations associated with entering into non-cleared swaps.

''(B) ABUSE OF EXCEPTION.—The Commission may prescribe rules under this subsection, or issue interpretations of the rules, as necessary to prevent abuse of the exemption in subparagraph (A) by swap dealers and major swap participants.

''(C) OPTION TO CLEAR.—The application of the clearing exception in subparagraph (A) is solely at the discretion of the counterparty to the swap that meets the conditions of clauses (i) through (iii) of subparagraph (A).

''(k) EXECUTION TRANSPARENCY.—

''(1) REQUIREMENT.—A swap that is subject to the clearing requirement of subsection (j) shall not be traded except on or through a board of trade designated as a contract market under section 5, or on or through a swap execution facility registered under section 5h, that makes the swap available for trading.

''(2) EXCEPTIONS.—The requirement of paragraph (1) shall not apply to a swap if no designated contract market or swap execution facility makes the swap available for trading.

''(3) AGRICULTURAL SWAPS.—No person shall offer to enter into, enter into or confirm the execution of, any swap in an agricultural commodity (as defined by the Commission) that is subject to paragraphs (1) and (2) except pursuant to a rule or regulation of the Commission allowing the swap under such terms and conditions as the Commission shall prescribe.

''(4) REQUIRED REPORTING.—If the exception of paragraph (2) applies and there is no facility that makes the swap available to trade, the counterparties shall comply with any recordkeeping and transaction reporting requirements that may be prescribed by the Commission with respect to swaps subject to the requirements of paragraph (1).

''(5) EXCHANGE TRADING.—In adopting rules and regulations, the Commission shall endeavor to eliminate unnecessary impediments to the trading on boards of trade designated as contract markets under section 5 of contracts, agreements, or transactions that would be security-based swaps but for the trading of such contracts, agreements or transactions on such a designated contract market.''.

(b) DERIVATIVES CLEARING ORGANIZATIONS.—

(1) Subsections (a) and (b) of section 5b of such Act (7 U.S.C. 7a-1) are amended to read as follows:

''(a) REGISTRATION REQUIREMENT.—

''(1) IN GENERAL.—It shall be unlawful for any entity, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a derivatives clearing organization described in section 1a(10) of this Act with respect to—

''(A) a contract of sale of a commodity for future delivery (or option on such a contract) or option on a commodity, in each case unless the contract or option is—

''(i) excluded from this Act by section 2(a)(1)(C)(i), 2(c), or 2(f); or

''(ii) a security futures product cleared by a clearing agency registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.); or

''(B) a swap.

''(2) EXISTING BANKS AND CLEARING AGENCIES.—A bank or a clearing agency registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 required to be registered as a derivatives clearing organization under this section is deemed to be registered under this section to the extent that the bank cleared swaps, as defined in this Act, as a multilateral clearing organization or the clearing agency cleared swaps, as defined in this Act, before the enactment of this subsection. A bank to which this paragraph applies may, by the vote of the shareholders owning not less than 51 percent of the voting interests of the bank, be converted into a State corporation, partnership, limited liability company, or other similar legal form pursuant to a plan of conversion, if the conversion is not in contravention of applicable State law.

''(b) VOLUNTARY REGISTRATION.—A person that clears agreements, contracts, or transactions that are not required to be cleared under this Act may register with the Commission as a derivatives clearing organization.''.

(2) Section 5b of such Act (7 U.S.C. 7a-1) is amended by adding at the end the following:

''(g) RULES.—Not later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules governing persons that are registered as derivatives clearing organizations for swaps under this subsection.

''(h) EXEMPTIONS.—

''(1) IN GENERAL.—The Commission may exempt, conditionally or unconditionally, a derivatives clearing organization from registration under this section for the clearing of swaps if the Commission finds that the derivatives clearing organization is subject to comparable, comprehensive supervision and regulation on a consolidated basis by a Prudential Regulator or the appropriate governmental authorities in the organization's home country.

''(2) A person that is required to be registered as a derivatives clearing organization under this section, whose principal business is clearing securities and options on securities and which is a clearing agency registered with the Securities Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), shall be unconditionally exempt from registration under this section solely for the purpose of clearing swaps, unless the Commission finds that the clearing agency is not subject to comparable, comprehensive supervision and regulation by the Securities and Exchange Commission.

''(i) DESIGNATION OF COMPLIANCE OFFICER.—

''(1) IN GENERAL.—Each derivatives clearing organization shall designate an individual to serve as a compliance officer.

''(2) DUTIES.—The compliance officer—

''(A) shall report directly to the board or to the senior officer of the derivatives clearing organization; and

''(B) shall—

''(i) review compliance with the core principles in section 5b(c)(2).

''(ii) in consultation with the board of the derivatives clearing organization, a body performing a function similar to that of a board, or the senior officer of the derivatives clearing organization, resolve any conflicts of interest that may arise;

''(iii) be responsible for administering the policies and procedures required to be established pursuant to this section; and

''(iv) ensure compliance with this Act and the rules and regulations issued under this Act; and

''(C) shall establish procedures for remediation of non-compliance issues found during compliance office reviews, lookbacks, internal or external audit findings, self-reported errors, or through validated complaints. The procedures shall establish the handling, management response, remediation, re-testing, and closing of non-compliant issues.

''(3) ANNUAL REPORTS REQUIRED.—The compliance officer shall annually prepare and sign a report on the compliance of the derivatives clearing organization with this Act and the policies and procedures of the derivatives clearing organization, including the code of ethics and conflict of interest policies of the derivatives clearing organization, in accordance with rules prescribed by the Commission. The compliance report shall accompany the financial reports of the derivatives clearing organization that are required to be furnished to the Commission pursuant to this section and shall include a certification that, under penalty of law, the report is accurate and complete.''.

(3) Section 5b(c)(2) of such Act (7 U.S.C. 7a-1(c)(2)) is amended to read as follows:

''(2) CORE PRINCIPLES FOR DERIVATIVES CLEARING ORGANIZATIONS.—

''(A) IN GENERAL.—To be registered and to maintain registration as a derivatives clearing organization, a derivatives clearing organization shall comply with the core principles specified in this paragraph and any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5). Except where the Commission determines otherwise by rule or regulation, a derivatives clearing organization shall have reasonable discretion in establishing the manner in which the organization complies with the core principles.

''(B) FINANCIAL RESOURCES.—

''(i) The derivatives clearing organization shall have adequate financial, operational, and managerial resources to discharge the responsibilities of the organization.

''(ii) The financial resources of the derivatives clearing organization shall at a minimum exceed the total amount that would—

''(I) enable the organization to meet the financial obligations of the organization to the members of, and participants in, the organization, notwithstanding a default by the member or participant creating the largest financial exposure for the organization in extreme but plausible market conditions; and

''(II) enable the organization to cover the operating costs of the organization for a period of 1 year, calculated on a rolling basis.

''(C) PARTICIPANT AND PRODUCT ELIGIBILITY.—

''(i) The derivatives clearing organization shall establish—

''(I) appropriate admission and continuing eligibility standards (including sufficient financial resources and operational capacity to meet obligations arising from participation in the organization) for members of and participants in the organization; and

''(II) appropriate standards for determining eligibility of agreements, contracts, or transactions submitted to the organization for clearing.

''(ii) The derivatives clearing organization shall have procedures in place to verify that participation and membership requirements are met on an ongoing basis.

''(iii) The participation and membership requirements of the derivatives clearing organization shall be objective, publicly disclosed, and permit fair and open access.

''(D) RISK MANAGEMENT.—

''(i) The derivatives clearing organization shall have the ability to manage the risks associated with discharging the responsibilities of a derivatives clearing organization through the use of appropriate tools and procedures.

''(ii) The derivatives clearing organization shall measure the credit exposures of the organization to the members of, and participants in, the organization at least once each business day and shall monitor the exposures throughout the business day.

''(iii) Through margin requirements and other risk control mechanisms, a derivatives clearing organization shall limit the exposures of the organization to potential losses from defaults by the members of, and participants in, the organization so that the operations of the organization would not be disrupted and non-defaulting members or participants would not be exposed to losses that they cannot anticipate or control.

''(iv) Margin required from all members and participants shall be sufficient to cover potential exposures in normal market conditions.

''(v) The models and parameters used in setting margin requirements shall be risk-based and reviewed regularly.

''(E) SETTLEMENT PROCEDURES.—The derivatives clearing organization shall—

''(i) complete money settlements on a timely basis, and not less than once each business day;

''(ii) employ money settlement arrangements that eliminate or strictly limit the exposure of the organization to settlement bank risks, such as credit and liquidity risks from the use of banks to effect money settlements;

''(iii) ensure money settlements are final when effected;

''(iv) maintain an accurate record of the flow of funds associated with each money settlement;

''(v) have the ability to comply with the terms and conditions of any permitted netting or offset arrangements with other clearing organizations; and

''(vi) for physical settlements, establish rules that clearly state the obligations of the organization with respect to physical deliveries, including how risks from these obligations shall be identified and managed.

''(F) TREATMENT OF FUNDS.—

''(i) The derivatives clearing organization shall have standards and procedures designed to protect and ensure the safety of member and participant funds and assets.

''(ii) The derivatives clearing organization shall hold member and participant funds and assets in a manner whereby risk of loss or of delay in the access of the organization to the assets and funds is minimized.

''(iii) Assets and funds invested by the derivatives clearing organization shall be held in instruments with minimal credit, market, and liquidity risks.

''(G) DEFAULT RULES AND PROCEDURES.—

''(i) The derivatives clearing organization shall have rules and procedures designed to allow for the efficient, fair, and safe management of events when members or participants become insolvent or otherwise default on their obligations to the organization.

''(ii) The default procedures of the derivatives clearing organization shall be clearly stated, and they shall ensure that the organization can take timely action to contain losses and liquidity pressures and to continue meeting the obligations of the organization.

''(iii) The default procedures shall be publicly available.

''(H) RULE ENFORCEMENT.—The derivatives clearing organization shall—

''(i) maintain adequate arrangements and resources for the effective monitoring and enforcement of compliance with rules of the organization and for resolution of disputes; and

''(ii) have the authority and ability to discipline, limit, suspend, or terminate the activities of a member or participant for violations of rules of the organization.

''(I) SYSTEM SAFEGUARDS.—The derivatives clearing organization shall—

''(i) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk through the development of appropriate controls and procedures, and the development of automated systems, that are reliable, secure, and have adequate scalable capacity;

''(ii) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that allows for the timely recovery and resumption of operations and the fulfillment of the responsibilities and obligations of the organization; and

''(iii) periodically conduct tests to verify that backup resources are sufficient to ensure continued order processing and trade matching, price reporting, market surveillance, and maintenance of a comprehensive and accurate audit trail.

''(J) REPORTING.—The derivatives clearing organization shall provide to the Commission all information necessary for the Commission to conduct oversight of the organization.

''(K) RECORDKEEPING.—The derivatives clearing organization shall maintain records of all activities related to the business of the organization as a derivatives clearing organization in a form and manner acceptable to the Commission for a period of 5 years.

''(L) PUBLIC INFORMATION.—

''(i) The derivatives clearing organization shall provide market participants with sufficient information to identify and evaluate accurately the risks and costs associated with using the services of the organization.

''(ii) The derivatives clearing organization shall make information concerning the rules and operating procedures governing the clearing and settlement systems (including default procedures) of the organization available to market participants.

''(iii) The derivatives clearing organization shall disclose publicly and to the Commission information concerning—

''(I) the terms and conditions of contracts, agreements, and transactions cleared and settled by the organization;

''(II) clearing and other fees that the organization charges the members of, and participants in, the organization;

''(III) the margin-setting methodology and the size and composition of the financial resource package of the organization;

''(IV) other information relevant to participation in the settlement and clearing activities of the organization; and

''(V) daily settlement prices, volume, and open interest for all contracts settled or cleared by the organization.

''(M) INFORMATION-SHARING.—The derivatives clearing organization shall—

''(i) enter into and abide by the terms of all appropriate and applicable domestic and international information-sharing agreements; and

''(ii) use relevant information obtained from the agreements in carrying out the risk management program of the organization.

''(N) ANTITRUST CONSIDERATIONS.—The derivatives clearing organization shall avoid—

''(i) adopting any rule or taking any action that results in any unreasonable restraint of trade; or

''(ii) imposing any material anticompetitive burden.

''(O) GOVERNANCE FITNESS STANDARDS.—

''(i) The derivatives clearing organization shall establish governance arrangements that are transparent in order to fulfill public interest requirements and to support the objectives of the owners of, and participants in, the organization.

''(ii) The derivatives clearing organization shall establish and enforce appropriate fitness standards for the directors, members of any disciplinary committee, and members of the organization, and any other persons with direct access to the settlement or clearing activities of the organization, including any parties affiliated with any of the persons described in this subparagraph.

''(P) CONFLICTS OF INTEREST.—The derivatives clearing organization shall establish and enforce rules to minimize conflicts of interest in the decision-making process of the organization and establish a process for resolving the conflicts of interest.

''(Q) COMPOSITION OF THE BOARDS.—The derivatives clearing organization shall ensure that the composition of the governing board or committee includes market participants.

''(R) LEGAL RISK.—The derivatives clearing organization shall have a well founded, transparent, and enforceable legal framework for each aspect of its activities.''.

(4) Section 5b of such Act (7 U.S.C. 7a-1) is further amended by adding after subsection (i), as added by this section, the following:

''(j) REPORTING.—

''(1) IN GENERAL.—A derivatives clearing organization that clears swaps shall provide to the Commission all information determined by the Commission to be necessary to perform the responsibilities of the Commission under this Act. The Commission shall adopt data collection and maintenance requirements for swaps cleared by derivatives clearing organizations that are comparable to the corresponding requirements for swaps accepted by swap repositories and swaps traded on swap execution facilities. The Commission shall share the information, upon request, with the Board, the Securities and Exchange Commission, the appropriate Federal banking agencies, the Financial Services Oversight Council, and the Department of Justice or other persons the Commission deems appropriate, including foreign financial supervisors (including foreign futures authorities), foreign central banks, and foreign ministries that comply with the provisions of section 8.

''(2) PUBLIC INFORMATION.—A derivatives clearing organization that clears swaps shall provide to the Commission, or its designee, such information as is required by, and in a form and at a frequency to be determined by, the Commission, in order to comply with the public reporting requirements contained in section 8(j).

''(3) A derivatives clearing organization shall keep any such books and records relating to swaps defined in section 1a(35)(A)(v) open to inspection and examination by the Securities and Exchange Commission.''.

(5) Section 8(e) of such Act (7 U.S.C. 12(e)) is amended in the last sentence by inserting

''central bank and ministries'' after ''department'' each place it appears.

(c) LEGAL CERTAINTY FOR IDENTIFIED BANKING PRODUCTS.—

(1) REPEAL.—Sections 402(d), 404, 407, 408(b), and 408(c)(2) of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27(d), 27b, 27e, 27f(b), and 27f(c)(2)) are repealed.

(2) LEGAL CERTAINTY.—Section 403 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27a) is amended to read as follows:

''SEC. 403. EXCLUSION OF IDENTIFIED BANKING PRODUCT.

''(a) EXCLUSION.—Except as provided in subsection (b) or (c)—

''(1) the Commodity Exchange Act shall not apply to, and the Commodity Futures Trading Commission shall not exercise regulatory authority under such Act with respect to, an identified banking product; and

''(2) the definitions of 'security-based swap' in section 3(a)(68) of the Securities Exchange Act of 1934 and 'security-based swap agreement' in section 3(a)(76) of the Securities Exchange Act of 1934 do not include any identified banking product.

''(b) EXCEPTION.—An appropriate Federal banking agency may except an identified banking product of a bank under its regulatory jurisdiction from the exclusions in subsection (a) if the agency determines, in consultation with the Commodity Futures Trading Commission and the Securities and Exchange Commission, that the product—

''(1) would meet the definition of swap in section 1a(35) of the Commodity Exchange Act (7 U.S.C. 1a(35)) or security-based swap in section 3(a)(68) of the Securities and Exchange Act of 1934; and

''(2) has become known to the trade as a swap or security-based swap, or otherwise has been structured as an identified banking product for the purpose of evading the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), the Securities Act of 1933 (15 U.S.C. 77a et seq.), or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

''(c) EXCEPTION.—The exclusions in subsection (a) shall not apply to an identified banking product that—

''(1) is a product of a bank that is not under the regulatory jurisdiction of an appropriate Federal banking agency;

''(2) meets the definition of swap in section 1a(35) of the Commodity Exchange Act or security-based swap in section 3(a)(68) of the Securities and Exchange Act of 1934; and

''(3) has become known to the trade as a swap or security-based swap, or otherwise has been structured as an identified banking product for the purpose of evading the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), the Securities Act of 1933 (15 U.S.C. 77a et seq.), or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).''.

SEC. 3104. PUBLIC REPORTING OF AGGREGATE SWAP DATA.

Section 8 of the Commodity Exchange Act (7 U.S.C. 12) is amended by adding at the end the following:

''(j) PUBLIC REPORTING OF AGGREGATE SWAP DATA.—

''(1) IN GENERAL.—The Commission, or a person designated by the Commission pursuant to paragraph (2), shall make available to the public, in a manner that does not disclose the business transactions and market positions of any person, aggregate data on swap trading volumes and positions from the sources set forth in paragraph (3).

''(2) DESIGNEE OF THE COMMISSION.—The Commission may designate a derivatives clearing organization or a swap repository to carry out the public reporting described in paragraph (1).

''(3) SOURCES OF INFORMATION.—The sources of the information to be publicly reported as described in paragraph (1) are—

''(A) derivatives clearing organizations pursuant to section 5b(j)(2);

''(B) swap repositories pursuant to section 21(c)(3); and

''(C) reports received by the Commission pursuant to section 4r.''.

SEC. 3105. SWAP REPOSITORIES.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 20 the following:

''SEC. 21. SWAP REPOSITORIES.

''(a) REGISTRATION REQUIREMENT.—

''(1) IN GENERAL.—It shall be unlawful for any person, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a swap repository.

''(2) INSPECTION AND EXAMINATION.—Registered swap repositories shall be subject to inspection and examination by any representative of the Commission.

''(b) STANDARD SETTING.—

''(1) DATA IDENTIFICATION.—The Commission shall prescribe standards that specify the data elements for each swap that shall be collected and maintained by each registered swap repository.

''(2) DATA COLLECTION AND MAINTENANCE.—The Commission shall prescribe data collection and data maintenance standards for swap repositories.

''(3) COMPARABILITY.—The standards prescribed by the Commission under this subsection shall be comparable to the data standards imposed by the Commission on derivatives clearing organizations that clear swaps.

''(c) DUTIES.—A swap repository shall—

''(1) accept data prescribed by the Commission for each swap under subsection (b);

''(2) maintain the data in such form and manner and for such period as may be required by the Commission;

''(3) provide to the Commission, or its designee, such information as is required by, and in a form and at a frequency to be determined by, the Commission, in order to comply with the public reporting requirements contained in section 8(j); and

''(4) make available, on a confidential basis pursuant to section 8, all data obtained by the swap repository, including individual counterparty trade and position data, to the Commission, the appropriate Federal banking agencies, the Financial Services Oversight Council, the Securities and Exchange Commission, and the Department of Justice or to other persons the Commission deems appropriate, including foreign financial supervisors (including foreign futures authorities), foreign central banks, and foreign ministries.

''(d) RULES.—Not later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules governing persons that are registered under this section, including rules that specify the data elements that shall be collected and maintained.

''(e) EXEMPTIONS.—The Commission may exempt, conditionally or unconditionally, a swap repository from the requirements of this section if the Commission finds that the swap repository is subject to comparable, comprehensive supervision and regulation on a consolidated basis by the Securities and Exchange Commission, a Prudential Regulator or the appropriate governmental authorities in the organization's home country.''.

SEC. 3106. REPORTING AND RECORDKEEPING.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 4q the following:

''SEC. 4r. REPORTING AND RECORDKEEPING FOR CERTAIN SWAPS.

''(a) IN GENERAL.—Any person who enters into a swap and—

''(1) did not have the swap cleared in accordance with section 2(j)(1); and

''(2) did not have data regarding the swap accepted by a swap repository in accordance with rules (including timeframes) adopted by the Commission under section 21,

shall meet the requirements in subsection (b).

''(b) REPORTS.—Any person described in subsection (a) shall—

''(1) make such reports in such form and manner and for such period as the Commission shall prescribe by rule or regulation regarding the swaps held by the person; and

''(2) keep books and records pertaining to the swaps held by the person in such form and manner and for such period as may be required by the Commission, which books and records shall be open to inspection by any representative of the Commission, an appropriate Federal banking agency, the Securities and Exchange Commission, the Financial Services Oversight Council, and the Department of Justice.

''(c) IDENTICAL DATA.—In adopting rules under this section, the Commission shall require persons described in subsection (a) to report the same or a more comprehensive set of data than the Commission requires swap repositories to collect under section 21.''.

SEC. 3107. REGISTRATION AND REGULATION OF SWAP DEALERS AND MAJOR SWAP PARTICIPANTS.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 4r (as added by section 3106) the following:

''SEC. 4s. REGISTRATION AND REGULATION OF SWAP DEALERS AND MAJOR SWAP PARTICIPANTS.

''(a) REGISTRATION.—

''(1) It shall be unlawful for any person to act as a swap dealer unless the person is registered as a swap dealer with the Commission.

''(2) It shall be unlawful for any person to act as a major swap participant unless the person is registered as a major swap participant with the Commission.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—A person shall register as a swap dealer or major swap participant by filing a registration application with the Commission.

''(2) CONTENTS.—The application shall be made in such form and manner as prescribed by the Commission, giving any information and facts as the Commission may deem necessary concerning the business in which the applicant is or will be engaged. The person, when registered as a swap dealer or major swap participant, shall continue to report and furnish to the Commission such information pertaining to the person's business as the Commission may require.

''(3) EXPIRATION.—Each registration shall expire at such time as the Commission may by rule or regulation prescribe.

''(4) RULES.—Except as provided in subsections (c), (d) and (e), the Commission may prescribe rules applicable to swap dealers and major swap participants, including rules that limit the activities of swap dealers and major swap participants. Except with regard to subsection (d)(1)(A), the Commission may provide conditional or unconditional exemptions from some or all of the rules or requirements prescribed under this section for swap dealers and major swap participants.

''(5) TRANSITION.—Rules adopted under this section shall provide for the registration of swap dealers and major swap participants no later than 1 year after the effective date of the Derivative Markets Transparency and Accountability Act of 2009.

''(6) STATUTORY DISQUALIFICATION.—Except to the extent otherwise specifically provided

by rule, regulation, or order, it shall be unlawful for a swap dealer or a major swap participant to permit any person associated with a swap dealer or a major swap participant who is subject to a statutory disqualification to effect or be involved in effecting swaps on behalf of the swap dealer or major swap participant, if the swap dealer or major swap participant knew, or in the exercise of reasonable care should have known, of the statutory disqualification.

''(c) RULES.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Commission shall adopt rules for persons that are registered as swap dealers or major swap participants under this section.

''(2) EXCEPTION FOR PRUDENTIAL REQUIREMENTS.—The Commission shall not prescribe rules imposing prudential requirements on swap dealers or major swap participants for which there is a Prudential Regulator. This provision shall not be construed as limiting the authority of the Commission to prescribe appropriate business conduct, reporting, and recordkeeping requirements to protect investors.

''(d) CAPITAL AND MARGIN REQUIREMENTS.—

''(1) IN GENERAL.—

''(A) BANK SWAP DEALERS AND MAJOR SWAP PARTICIPANTS.—Each registered swap dealer and major swap participant for which there is a Prudential Regulator shall meet such minimum capital requirements and minimum initial and variation margin requirements as the Prudential Regulators shall by rule or regulation jointly prescribe that:

''(i) help ensure the safety and soundness of the swap dealer or major swap participant; and

''(ii) are appropriate for the risk associated with the non-cleared swaps held as a swap dealer or major swap participant.

''(B) NON-BANK SWAP DEALERS AND MAJOR SWAP PARTICIPANTS.—Each registered swap dealer and major swap participant for which there is not a Prudential Regulator shall meet such minimum capital requirements and minimum initial and variation margin requirements as the Commission shall by rule or regulation prescribe that—

''(i) help ensure the safety and soundness of the swap dealer or major swap participant; and

''(ii) are appropriate for the risk associated with the non-cleared swaps held as a swap dealer or major swap participant.

''(2) RULES.—

''(A) BANK SWAP DEALERS AND MAJOR SWAP PARTICIPANTS.—No later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Prudential Regulators, in consultation with the Commission, shall jointly adopt rules imposing capital and margin requirements under this subsection for swap dealers and major swap participants, with respect to their activities as a swap dealer or major swap participant for which there is a Prudential Regulator

''(B) NON-BANK SWAP DEALERS AND MAJOR SWAP PARTICIPANTS.—No later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules imposing capital and margin requirements under this subsection for swap dealers and major swap participants for which there is no Prudential Regulator.

''(3) AUTHORITY.—Nothing in this section shall limit the authority of the Commission to set capital requirements for a registered futures commission merchant or introducing broker in accordance with section 4f.

''(e) REPORTING AND RECORDKEEPING.—

''(1) IN GENERAL.—Each registered swap dealer and major swap participant—

''(A) shall make such reports as are prescribed by the Commission by rule or regulation regarding the transactions and positions and financial condition of the person;

''(B) for which—

''(i) there is a Prudential Regulator, shall keep books and records of all activities related to its business as a swap dealer or major swap participant in such form and manner and for such period as may be prescribed by the Commission by rule or regulation;

''(ii) there is no Prudential Regulator, shall keep books and records in such form and manner and for such period as may be prescribed by the Commission by rule or regulation;

''(C) shall keep the books and records open to inspection and examination by any representative of the Commissionl and

''(D) shall keep any such books and records relating to swaps defined in section 1a(35)(A)(v) open to inspection and examination by the Securities and Exchange Commission.

''(2) RULES.—No later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules governing reporting and recordkeeping for swap dealers and major swap participants.

''(f) DAILY TRADING RECORDS.—

''(1) IN GENERAL.—Each registered swap dealer and major swap participant shall maintain daily trading records of its swaps and all related records (including related cash or forward transactions) and recorded communications including but not limited to electronic mail, instant messages, and recordings of telephone calls, for such period as may be prescribed by the Commission by rule or regulation.

''(2) INFORMATION REQUIREMENTS.—The daily trading records shall include such information as the Commission shall prescribe by rule or regulation.

''(3) CUSTOMER RECORDS.—Each registered swap dealer and major swap participant shall maintain daily trading records for each customer or counterparty in such manner and form as to be identifiable with each swap transaction.

''(4) AUDIT TRAIL.—Each registered swap dealer and major swap participant shall maintain a complete audit trail for conducting comprehensive and accurate trade reconstructions.

''(5) RULES.—No later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules governing daily trading records for swap dealers and major swap participants.

''(g) BUSINESS CONDUCT STANDARDS.—

''(1) IN GENERAL.—Each registered swap dealer and major swap participant shall conform with business conduct standards as may be prescribed by the Commission by rule or regulation addressing—

''(A) fraud, manipulation, and other abusive practices involving swaps (including swaps that are offered but not entered into);

''(B) diligent supervision of its business as a swap dealer;

''(C) adherence to all applicable position limits; and

''(D) such other matters as the Commission shall determine to be necessary or appropriate.

''(2) BUSINESS CONDUCT REQUIREMENTS.—Business conduct requirements adopted by the Commission shall—

''(A) establish the standard of care for a swap dealer or major swap participant to verify that any counterparty meets the eligibility standards for an eligible contract participant;

''(B) require disclosure by the swap dealer or major swap participant to any counterparty to the transaction (other than a swap dealer or major swap participant) of—

''(i) information about the material risks and characteristics of the swap;

''(ii) for cleared swaps, upon the request of the counterparty, the daily mark from the appropriate derivatives clearing organization, and for non-cleared swaps, upon request of the counterparty, the daily mark of the swap dealer or major swap participant; and

''(iii) any other material incentives or conflicts of interest that the swap dealer or major swap participant may have in connection with the swap; and

''(C) establish such other standards and requirements as the Commission may determine are necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this Act.

''(3) RULES.—The Commission shall prescribe rules under this subsection governing business conduct standards for swap dealers and major swap participants no later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009.

''(h) DOCUMENTATION STANDARDS.—

''(1) IN GENERAL.—Each registered swap dealer and major swap participant shall conform with standards, as may be prescribed by the Commission by rule or regulation, addressing timely and accurate confirmation, processing, netting, documentation, and valuation of all swaps.

''(2) RULES.—No later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules governing the standards described in paragraph (1) for swap dealers and major swap participants.

''(i) DEALER RESPONSIBILITIES.—Each registered swap dealer and major swap participant at all times shall comply with the following requirements:

''(1) MONITORING OF TRADING.—The swap dealer or major swap participant shall monitor its trading in swaps to prevent violations of applicable position limits.

''(2) DISCLOSURE OF GENERAL INFORMATION.—The swap dealer or major swap participant shall disclose to the Commission or to the Prudential Regulator for the swap dealer or major swap participant, as applicable, information concerning—

''(A) terms and conditions of its swaps;

''(B) swap trading operations, mechanisms, and practices;

''(C) financial integrity protections relating to swaps; and

''(D) other information relevant to its trading in swaps.

''(3) ABILITY TO OBTAIN INFORMATION.—The swap dealer or major swap participant shall—

''(A) establish and enforce internal systems and procedures to obtain any necessary information to perform any of the functions described in this section; and

''(B) provide the information to the Commission or to the Prudential Regulator for the swap dealer or major swap participant, as applicable, upon request.

''(4) CONFLICTS OF INTEREST.—The swap dealer and major swap participant shall implement conflict-of-interest systems and procedures that—

''(A) establish structural and institutional safeguards to assure that the activities of any person within the firm relating to research or analysis of the price or market for any commodity are separated by appropriate informational partitions within the firm from the review, pressure, or oversight of those whose involvement in trading or clearing activities might potentially bias their judgment or supervision; and

''(B) address such other issues as the Commission determines appropriate.

''(5) ANTITRUST CONSIDERATIONS.—The swap dealer or major swap participant shall avoid—

''(A) adopting any processes or taking any actions that result in any unreasonable restraints of trade; or

''(B) imposing any material anticompetitive burden on trading.''.

SEC. 3108. CONFLICTS OF INTEREST.

Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) is amended by—

(1) redesignating subsection (c) as subsection (d); and

(2) inserting after subsection (b) the following:

''(c) CONFLICTS OF INTEREST.—The Commission shall require that futures commission merchants and introducing brokers implement conflict-of-interest systems and procedures that—

''(1) establish structural and institutional safeguards to assure that the activities of any person within the firm relating to research or analysis of the price or market for any commodity are separated by appropriate informational partitions within the firm from the review, pressure, or oversight of those whose involvement in trading or clearing activities might potentially bias their judgment or supervision; and

''(2) address such other issues as the Commission determines appropriate.''.

SEC. 3109. SWAP EXECUTION FACILITIES.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5g the following:

''SEC. 5h. SWAP EXECUTION FACILITIES.

''(a) REGISTRATION.—A person may not operate a swap execution facility unless the facility is registered under this section or is registered with the Commission as a designated contract market under section 5 or a swap execution facility under section 5.

''(b) REQUIREMENTS FOR TRADING.—

''(1) A swap execution facility that is registered under subsection (a) may make available for trading any swap.

''(2) RULES FOR TRADING THROUGH THE FACILITY.—Not later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules to allow a swap to be traded through the facilities of a designated contract market or a swap execution facility. Such rules shall permit an intermediary, acting as principal or agent, to enter into or execute a swap, notwithstanding section 2(k), if the swap is executed, reported, recorded, or confirmed in accordance with the rules of the designated contract market or swap execution facility.

''(3) AGRICULTURAL SWAPS.—A swap execution facility may not list for trading or confirm the execution of any swap in an agricultural commodity (as defined by the Commission) except pursuant to a rule or regulation of the Commission allowing the swap under such terms and conditions as the Commission shall prescribe.

''(c) TRADING BY CONTRACT MARKETS.—A board of trade that operates a contract market shall, to the extent that the board of trade also operates a swap execution facility and uses the same electronic trade execution system for trading on the contract market and the swap execution facility, identify whether the electronic trading is taking place on the contract market or the swap execution facility.

''(d) CORE PRINCIPLES FOR SWAP EXECUTION FACILITIES.—

''(1) IN GENERAL.—To be registered as, and to maintain its registration as, a swap execution facility, the facility shall comply with the core principles specified in this subsection and any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5). Except where the Commission determines otherwise by rule or regulation, the facility shall have reasonable discretion in establishing the manner in which it complies with these core principles.

''(2) COMPLIANCE WITH RULES.—The swap execution facility shall—

''(A) monitor and enforce compliance with any of the rules of the facility, including the terms and conditions of the swaps traded on or through the facility and any limitations on access to the facility; and

''(B) establish and enforce trading and participation rules that will deter abuses and have the capacity to detect, investigate, and enforce those rules, including means to—

''(i) provide market participants with impartial access to the market; and

''(ii) capture information that may be used in establishing whether rule violations have occurred.

''(3) SWAPS NOT READILY SUSCEPTIBLE TO MANIPULATION.—The swap execution facility shall permit trading only in swaps that are not readily susceptible to manipulation.

''(4) MONITORING OF TRADING.—The swap execution facility shall—

''(A) establish and enforce rules or terms and conditions defining, or specifications detailing, trading procedures to be used in entering and executing orders traded on or through its facilities; and

''(B) monitor trading in swaps to prevent manipulation, price distortion, and disruptions of the delivery or cash settlement process through surveillance, compliance, and disciplinary practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

''(5) ABILITY TO OBTAIN INFORMATION.—The swap execution facility shall—

''(A) establish and enforce rules that will allow the facility to obtain any necessary information to perform any of the functions described in this section;

''(B) provide the information to the Commission upon request; and

''(C) have the capacity to carry out such international information-sharing agreements as the Commission may require.

''(6) POSITION LIMITS OR ACCOUNTABILITY.—

''(A) To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, a swap execution facility that is a trading facility shall adopt for each of its contracts made available for trading on the trading facility, where necessary and appropriate, position limitations or position accountability for speculators who establish positions in the contract.

''(B) For any contract of a swap execution facility that is subject to a position limitation established by the Commission pursuant to section 4a(a), the swap execution facility—

''(i) may set a position limitation at a level that is lower than the Commission limitation; and

''(ii) shall monitor positions established on or through the swap execution facility for compliance with the limit set by the Commission and the limit, if any, set by the swap execution facility.

''(7) FINANCIAL INTEGRITY OF TRANSACTIONS.—The swap execution facility shall establish and enforce rules and procedures for ensuring the financial integrity of swaps entered on or through its facilities, including the clearance and settlement of the swaps pursuant to section 2(j)(1).

''(8) EMERGENCY AUTHORITY.—The swap execution facility shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, where necessary and appropriate, including the authority to liquidate or transfer open positions in any swap or to suspend or curtail trading in a swap.

''(9) TIMELY PUBLICATION OF TRADING INFORMATION.—The swap execution facility shall make public timely information on price, trading volume, and other trading data on swaps to the extent prescribed by the Commission. The Commission shall evaluate the impact of public disclosure on market liquidity in the relevant market, and shall seek to avoid public disclosure of information in a manner that would significantly reduce market liquidity. The Commission shall not disclose information related to the internal business decisions of particular market participants.

''(10) RECORDKEEPING AND REPORTING.—The swap execution facility shall maintain records of all activities related to the business of the facility, including a complete audit trail, in a form and manner acceptable to the Commission for a period of 5 years, and report to the Commission all information determined by the Commission to be necessary or appropriate for the Commission to perform its responsibilities under this Act in a form and manner acceptable to the Commission. The swap execution facility shall keep any such records relating to swaps defined in section 1a(35)(A)(v) open to inspection and examination by the Securities and Exchange Commission. The Commission shall adopt data collection and reporting requirements for swap execution facilities that are comparable to corresponding requirements for derivatives clearing organizations and swap repositories.

''(11) ANTITRUST CONSIDERATIONS.—The swap execution facility shall avoid—

''(A) adopting any rules or taking any actions that result in any unreasonable restraints of trade; or

''(B) imposing any material anticompetitive burden on trading on the swap execution facility.

''(12) CONFLICTS OF INTEREST.—The swap execution facility shall—

''(A) establish and enforce rules to minimize conflicts of interest in its decision-making process; and

''(B) establish a process for resolving the conflicts of interest.

''(13) FINANCIAL RESOURCES.—

''(A) The swap execution facility shall have adequate financial, operational, and managerial resources to discharge its responsibilities.

''(B) The financial resources of the swap execution facility shall be considered adequate if their value exceeds the total amount that would enable the facility to cover its operating costs for a period of 1 year, calculated on a rolling basis.

''(14) SYSTEM SAFEGUARDS.—The swap execution facility shall—

''(A) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk, through the development of appropriate controls and procedures, and the development of automated systems, that are reliable, secure, and have adequate scalable capacity;

''(B) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that allow for the timely recovery and resumption of operations and the fulfillment of the swap execution facility's responsibilities and obligation; and

''(C) periodically conduct tests to verify that backup resources are sufficient to ensure continued order processing and trade matching, price reporting, market surveillance, and maintenance of a comprehensive and accurate audit trail.

''(15) DESIGNATION OF COMPLIANCE OFFICER.—

''(A) IN GENERAL.—Each swap execution facility shall designate an individual to serve as a compliance officer.

''(B) DUTIES.—The compliance officer—

''(i) shall report directly to the board or to the senior officer of the facility;

''(ii) shall—

''(I) review compliance with the core principles in this subsection;

''(II) in consultation with the board of the facility, a body performing a function similar to that of a board, or the senior officer of the facility, resolve any conflicts of interest that may arise;

''(III) be responsible for administering the policies and procedures required to be established pursuant to this section; and

''(IV) ensure compliance with this Act and the rules and regulations issued under this Act, including rules prescribed by the Commission pursuant to this section; and

''(iii) shall establish procedures for remediation of non-compliance issues found during compliance office reviews, lookbacks, internal or external audit findings, self-reported errors, or through validated complaints, and for the handling, management response, remediation, re-testing, and closing of non-compliant issues.

''(C) ANNUAL REPORTS REQUIRED.—The compliance officer shall annually prepare and sign a report on the compliance of the facility with this Act and its policies and procedures, including its code of ethics and conflict of interest policies, in accordance with rules prescribed by the Commission. The compliance report shall accompany the financial reports of the facility that are required to be furnished to the Commission pursuant to this section and shall include a certification that, under penalty of law, the report is accurate and complete.

''(e) EXEMPTIONS.—The Commission may exempt, conditionally or unconditionally, a swap execution facility from registration under this section if the Commission finds that the facility is subject to comparable, comprehensive supervision and regulation on a consolidated basis by the Securities and Exchange Commission, a Prudential Regulator or the appropriate governmental authorities in the organization's home country.

''(f) RULES.—No later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall prescribe rules governing the regulation of swap execution facilities under this section.''.

SEC. 3110. DERIVATIVES TRANSACTION EXECUTION FACILITIES AND EXEMPT BOARDS OF TRADE.

(a) Sections 5a and 5d of the Commodity Exchange Act (7 U.S.C. 1 et seq.) are repealed.

(b)(1) Prior to the final effective dates in this title, a person may petition the Commodity Futures Trading Commission to remain subject to the provisions of section 5d of the Commodity Exchange Act, as such provisions existed prior to the effective date of this subtitle.

(2) The Commodity Futures Trading Commission shall consider any petition submitted under paragraph (1) in a prompt manner and may allow a person to continue operating subject to the provisions of section 5d of the Commodity Exchange Act for up to 1 year after the effective date of this subtitle.

SEC. 3111. DESIGNATED CONTRACT MARKETS.

(a) Section 5(d) of the Commodity Exchange Act (7 U.S.C. 7(d)) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—To be designated as, and to maintain the designation of a board of trade as a contract market, the board of trade shall comply with the core principles specified in this subsection and any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5). Except where the Commission determines otherwise by rule or regulation, the board of trade shall have reasonable discretion in establishing the manner in which it complies with the core principles.

''(2) COMPLIANCE WITH RULES.—

''(A) The board of trade shall monitor and enforce compliance with the rules of the contract market, including access requirements, the terms and conditions of any contracts to be traded on the contract market and the contract market's abusive trade practice prohibitions.

''(B) The board of trade shall have the capacity to detect, investigate, and apply appropriate sanctions to, any person or entity that violates the rules.

''(C) The rules shall provide the board of trade with the ability and authority to obtain any necessary information to perform any of the functions described in this subsection, including the capacity to carry out such international information-sharing agreements as the Commission may require.''.

(b) Section 5(d) of such Act (7 U.S.C. 7(d)) is amended by striking paragraphs (4) and (5) and inserting the following:

''(4) PREVENTION OF MARKET DISRUPTION.—The board of trade shall have the capacity and responsibility to prevent manipulation, price distortion, and disruptions of the delivery or cash-settlement process through market surveillance, compliance, and enforcement practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

''(5) POSITION LIMITATIONS OR ACCOUNTABILITY.—

''(A) To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, the board of trade shall adopt for each of its contracts, where necessary and appropriate, position limitations or position accountability for speculators.

''(B) For any contract that is subject to a position limitation established by the Commission pursuant to section 4a(a), the board of trade shall set its position limitation at a level no higher than the Commission-established limitation.''.

(c) Section 5(d) of such Act (7 U.S.C. 7(d)) is amended by striking paragraph (7) and inserting the following:

''(7) AVAILABILITY OF GENERAL INFORMATION.—The board of trade shall make available to market authorities, market participants, and the public accurate information concerning—

''(A) the terms and conditions of the contracts of the contract market; and

''(B) the rules, regulations and mechanisms for executing transactions on or through the facilities of the contract market, and the rules and specifications describing the operation of the board of trade's electronic matching platform or other trade execution facility.''.

(d) Section 5(d) of such Act (7 U.S.C. 7(d)) is amended by striking paragraph (9) and inserting the following:

''(9) EXECUTION OF TRANSACTIONS.—

''(A) The board of trade shall provide a competitive, open, and efficient market and mechanism for executing transactions that protects the price discovery process of trading in the board of trade's centralized market.

''(B) The rules may authorize, for bona fide business purposes—

''(i) transfer trades or office trades;

''(ii) an exchange of—

''(I) futures in connection with a cash commodity transaction;

''(II) futures for cash commodities; or

''(III) futures for swaps; or

''(iii) A futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is reported, recorded, or cleared in accordance with the rules of the contract market or a derivatives clearing organization.''.

(e) Section 5(d)(17) of such Act (7 U.S.C. 7(d)(17)) is amended by adding at the end the following: ''The board of trade shall keep any such records relating to swaps defined in section 1a(35)(A)(v) open to inspection and examination by the Securities and Exchange Commission.''.

(f) Section 5(d) of such Act (7 U.S.C. 7(d)) is amended by adding at the end the following:

''(19) FINANCIAL RESOURCES.—The board of trade shall have adequate financial, operational, and managerial resources to discharge the responsibilities of a contract market. For the financial resources of a board of trade to be considered adequate, their value shall exceed the total amount that would enable the contract market to cover its operating costs for a period of 1 year, calculated on a rolling basis.

''(20) SYSTEM SAFEGUARDS.—The board of trade shall—

''(A) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk through the development of appropriate controls and procedures, and the development of automated systems, that are reliable, secure, and give adequate scalable capacity;

''(B) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that allow for the timely recovery and resumption of operations and the fulfillment of the board of trade's responsibilities and obligations; and

''(C) periodically conduct tests to verify that back-up resources are sufficient to ensure continued order processing and trade matching, price reporting, market surveillance, and maintenance of a comprehensive and accurate audit trail.

''(21) DIVERSITY OF BOARDS OF DIRECTORS.—The board of trade, if a publicly traded company, shall endeavor to recruit individuals to serve on the board of directors and the other decision-making bodies (as determined by the Commission) of the board of trade from among, and to have the composition of the bodies reflect, a broad and culturally diverse pool of qualified candidates.

''(22) DISCIPLINARY PROCEDURES.—The board of trade shall establish and enforce disciplinary procedures that authorize the board of trade to discipline, suspend, or expel members or market participants that violate the rules of the board of trade, or similar methods for performing the same functions, including delegation of the functions to third parties.''.

(g) Section 5 of such Act (7 U.S.C. 7) is amended by striking subsection (b).

SEC. 3112. MARGIN.

(a) Section 8a(7)(C) of the Commodity Exchange Act (7 U.S.C. 12a(7)(C)) is amended by striking '', excepting the setting of levels of margin''.

(b) Section 8a(7) of such Act (7 U.S.C. 12a(7)) is amended by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively, and inserting after subparagraph (C) the following:

''(D) margin requirements, provided that such rules, regulations, or orders shall—

''(i) be limited to protecting the financial integrity of the derivatives clearing organization;

''(ii) be designed for risk management purposes in order to protect the financial integrity of transactions; and

''(iii) not set specific margin amounts.''.

SEC. 3113. POSITION LIMITS.

(a) Section 4a(a) of the Commodity Exchange Act (7 U.S.C. 6a(a)) is amended by—

(1) inserting ''(1)'' after ''(a)'';

(2) striking ''on electronic trading facilities with respect to a significant price discovery contract'' in the first sentence and inserting ''swaps that perform or affect a significant price discovery function with respect to registered entities'';

(3) inserting '', including any group or class of traders,'' in the second sentence after ''held by any person'';

(4) striking ''on an electronic trading facility with respect to a significant price discovery contract,'' in the second sentence and inserting ''swaps that perform or affect a significant price discovery function with respect to registered entities,''; and

(5) inserting at the end the following:

''(2)(A) In accordance with the standards set forth in paragraph (1) of this subsection and consistent with the good faith exception cited in subsection (b)(2), with respect to physical commodities other than excluded commodities as defined by the Commission, the Commission shall by rule, regulation, or order establish limits on the amount of positions, as appropriate, other than bona fide hedge positions, that may be held by any person with respect to contracts of sale for future delivery or with respect to options on the contracts or commodities traded on or subject to the rules of a designated contract market.

''(B)(i) For exempt commodities, the limits shall be established within 180 days after the date of the enactment of this paragraph.

''(ii) For agricultural commodities, the limits shall be established within 270 days after the date of the enactment of this paragraph.

''(C) In establishing the limits, the Commission shall strive to ensure that trading on foreign boards of trade in the same commodity will be subject to comparable limits and that any limits to be imposed by the Commission will not cause price discovery in the commodity to shift to trading on the foreign boards of trade.

''(3) In establishing the limits required in paragraph (2), the Commission, as appropriate, shall set limits—

''(A) on the number of positions that may be held by any person for the spot month, each other month, and the aggregate number of positions that may be held by any person for all months; and

''(B) to the maximum extent practicable, in its discretion—

''(i) to diminish, eliminate, or prevent excessive speculation as described under this section;

''(ii) to deter and prevent market manipulation, squeezes, and corners;

''(iii) to ensure sufficient market liquidity for bona fide hedgers; and

''(iv) to ensure that the price discovery function of the underlying market is not disrupted.

''(4)(A) Not later than 150 days after the establishment of position limits pursuant to paragraph (2), and biannually thereafter, the Commission shall hold 2 public hearings, 1 for agriculture commodities and 1 for energy commodities as such terms are defined by the Commission, in order to receive recommendations regarding the position limits to be established in paragraph (2).

''(B) Each public hearing held pursuant to subparagraph (A) shall, at a minimum providing there is sufficient interest, receive recommendations from—

''(i) 7 predominantly commercial short hedgers of the actual physical commodity for future delivery;

''(ii) 7 predominantly commercial long hedgers of the actual physical commodity for future delivery;

''(iii) 4 non-commercial participants in markets for commodities for future delivery; and

''(iv) each designated contract market upon which a contract in the commodity for future delivery is traded.

''(C) Within 60 days after each public hearing held pursuant to subparagraph (A), the Commission shall publish in the Federal Register its response to the recommendations regarding position limits heard at the hearing.

''(5) SIGNIFICANT PRICE DISCOVERY FUNCTION.—In making a determination whether a swap performs or affects a significant price discovery function with respect to regulated markets, the Commission shall consider, as appropriate:

''(A) PRICE LINKAGE.—The extent to which the swap uses or otherwise relies on a daily or final settlement price, or other major price parameter, of another contract traded on a regulated market based upon the same underlying commodity, to value a position, transfer or convert a position, financially settle a position, or close out a position;

''(B) ARBITRAGE.—The extent to which the price for the swap is sufficiently related to the price of another contract traded on a regulated market based upon the same underlying commodity so as to permit market participants to effectively arbitrage between the markets by simultaneously maintaining positions or executing trades in the swaps on a frequent and recurring basis;

''(C) MATERIAL PRICE REFERENCE.—The extent to which, on a frequent and recurring basis, bids, offers, or transactions in a contract traded on a regulated market are directly based on, or are determined by referencing, the price generated by the swap;

''(D) MATERIAL LIQUIDITY.—The extent to which the volume of swaps being traded in the commodity is sufficient to have a material effect on another contract traded on a regulated market; and

''(E) OTHER MATERIAL FACTORS.—Such other material factors as the Commission specifies by rule or regulation as relevant to determine whether a swap serves a significant price discovery function with respect to a regulated market.

''(6) ECONOMICALLY EQUIVALENT CONTRACTS.—

''(A) Notwithstanding any other provision of this section, the Commission shall establish limits on the amount of positions, including aggregate position limits, as appropriate, other than bona fide hedge positions, that may be held by any person with respect to swaps that are economically equivalent to contracts of sale for future delivery or to options on the contracts or commodities traded on or subject to the rules of a designated contract market subject to paragraph (2).

''(B) In establishing limits pursuant to subparagraph (A), the Commission shall—

''(i) develop the limits concurrently with limits established under paragraph (2), and the limits shall have similar requirements as under paragraph (3)(B); and

''(ii) establish the limits simultaneously with limits established under paragraph (2).

''(7) AGGREGATE POSITION LIMITS.—The Commission shall, by rule or regulation, establish limits (including related hedge exemption provisions) on the aggregate number or amount of positions in contracts based upon the same underlying commodity (as defined by the Commission) that may be held by any person, including any group or class of traders, for each month across—

''(A) contracts listed by designated contract markets;

''(B) with respect to an agreement contract, or transaction that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, contracts traded on a foreign board of trade that provides members or other participants located in the United States with direct access to its electronic trading and order matching system; and

''(C) swap contracts that perform or affect a significant price discovery function with respect to regulated entities.

''(8) EXEMPTIONS.—The Commission, by rule, regulation, or order, may exempt, conditionally or unconditionally, any person or class of persons, any swap or class of swaps, any contract of sale of a commodity for future delivery or class of such contracts, any option or class of options, or any transaction or class of transactions from any requirement it may establish under this section with respect to position limits.''.

(b) Section 4a(b) of such Act (7 U.S.C. 6a(b)) is amended—

(1) in paragraph (1), by striking ''or derivatives transaction execution facility or facilities or electronic trading facility'' and inserting ''or swap execution facility or facilities''; and

(2) in paragraph (2), by striking ''or derivatives transaction execution facility or facilities or electronic trading facility'' and inserting ''or swap execution facility''.

(c) Section 4a(c) of such Act is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding after and below the end the following:

''(2) For the purposes of implementation of subsection (a)(2) for contracts of sale for future delivery or options on the contracts or commodities, the Commission shall define what constitutes a bona fide hedging transaction or position as a transaction or position that—

''(A)(i) represents a substitute for transactions made or to be made or positions taken or to be taken at a later time in a physical marketing channel;

''(ii) is economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise; and

''(iii) arises from the potential change in the value of—

''(I) assets that a person owns, produces, manufactures, processes, or merchandises or anticipates owning, producing, manufacturing, processing, or merchandising;

''(II) liabilities that a person owns or anticipates incurring; or

''(III) services that a person provides, purchases, or anticipates providing or purchasing; or

''(B) reduces risks attendant to a position resulting from a swap that—

''(i) was executed opposite a counterparty for which the transaction would qualify as a bona fide hedging transaction pursuant to subparagraph (A); or

''(ii) meets the requirements of subparagraph (A).''.

(d) This section shall become effective on the date of its enactment.

SEC. 3114. ENHANCED AUTHORITY OVER REGISTERED ENTITIES.

(a) Section 5c(a) of the Commodity Exchange Act (7 U.S.C. 7a–2(a)) is amended—

(1) in paragraph (1), by striking ''5a(d) and 5b(c)(2)'' and inserting ''5b(c)(2) and 5h(e)''; and

(2) in paragraph (2), by striking ''shall not'' and inserting ''may''.

(b) Section 5c(b) of such Act (7 U.S.C. 7a-2(b)) is amended in each of paragraphs (1), (2), and (3) by inserting ''or swap execution facility'' after ''contract market'' each place it appears.

(c) Section 5c(c)(1) of such Act (7 U.S.C. 7a-2(c)(1)) is amended—

(1) by inserting ''(A)'' after ''IN GENERAL.—''; and

(2) by adding at the end the following:

''(B) The new rule or rule amendment shall become effective, pursuant to the registered entity's certification and notice of such certification to its members (in a manner to be

determined by the Commission), 10 business days after the Commission's receipt of the certification (or such shorter period determined by the Commission by rule or regulation) unless the Commission notifies the registered entity within such time that it is staying the certification because there exist novel or complex issues that require additional time to analyze, an inadequate explanation by the submitting registered entity, or a potential inconsistency with this Act (including regulations under this Act).

''(C)(i) A notification by the Commission pursuant to subparagraph (B) shall stay the certification of the new contract or instrument or clearing of the new contract or instrument, new rule or new amendment for up to an additional 90 days from the date of the notification.

''(ii) The Commission shall provide at least a 30-day public comment period, within the 90-day period in which the stay is in effect described in clause (i), whenever it reviews a rule or rule amendment pursuant to a notification by the Commission under this paragraph.''.

(d) Section 5c(d) of such Act (7 U.S.C. 7a–2(d)) is repealed.

SEC. 3115. FOREIGN BOARDS OF TRADE.

(a) IN GENERAL.—Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

''(e) FOREIGN BOARDS OF TRADE.—

''(1) IN GENERAL.—The Commission may not permit a foreign board of trade to provide to the members of the foreign board of trade or other participants located in the United States direct access to the electronic trading and order-matching system of the foreign board of trade with respect to an agreement, contract, or transaction that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, unless the Commission determines that—

''(A) the foreign board of trade makes public daily trading information regarding the agreement, contract, or transaction that is comparable to the daily trading information published by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(B) the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade)—

''(i) adopts position limits (including related hedge exemption provisions) for the agreement, contract, or transaction that are comparable, taking into consideration the relative sizes of the respective markets, to the position limits (including related hedge exemption provisions) adopted by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles;

''(ii) has the authority to require or direct market participants to limit, reduce, or liquidate any position the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade) determines to be necessary to prevent or reduce the threat of price manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process;

''(iii) agrees to promptly notify the Commission, with regard to the agreement, contract, or transaction that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, of any change regarding—

''(I) the information that the foreign board of trade will make publicly available;

''(II) the position limits that the foreign board of trade or foreign futures authority will adopt and enforce;

''(III) the position reductions required to prevent manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process; and

''(IV) any other area of interest expressed by the Commission to the foreign board of trade or foreign futures authority;

''(iv) provides information to the Commission regarding large trader positions in the agreement, contract, or transaction that is comparable to the large trader position information collected by the Commission for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(v) provides the Commission with information necessary to publish reports on aggregate trader positions for the agreement, contract, or transaction traded on the foreign board of trade that are comparable to the reports on aggregate trader positions for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles.

''(2) EXISTING FOREIGN BOARDS OF TRADE.—Paragraph (1) shall not be effective with respect to any foreign board of trade to which the Commission has granted direct access permission before the date of the enactment of this subsection until the date that is 180 days after such date of enactment.

''(3) PERSONS LOCATED IN THE UNITED STATES.—''.

(b) LIABILITY OF REGISTERED PERSONS TRADING ON A FOREIGN BOARD OF TRADE.—

(1) Section 4(a) of such Act (7. U.S.C. 6(a)) is amended by inserting ''or by subsection (f)'' after ''Unless exempted by the Commission pursuant to subsection (c)''; and

(2) Section 4 of such Act (7 U.S.C 6) is further amended by adding at the end the following:

''(f)(1) A person registered with the Commission, or exempt from registration by the Commission, under this Act may not be found to have violated subsection (a) with respect to a transaction in, or in connection with, a contract of sale of a commodity for future delivery if the person—

''(A) has reason to believe that the transaction and the contract is made on or subject to the rules of a foreign board of trade that is—

''(i) legally organized under the laws of a foreign country;

''(ii) authorized to act as a board of trade by a foreign futures authority; and

''(iii) subject to regulation by the foreign futures authority; and

''(B) has not been determined by the Commission to be operating in violation of subsection (a).

''(2) Nothing in this subsection shall be construed as implying or creating any presumption that a board of trade, exchange, or market is located outside the United States, or its territories or possessions, for purposes of subsection (a).''.

(c) CONTRACT ENFORCEMENT FOR FOREIGN FUTURES CONTRACTS.—Section 22(a) of such Act (7 U.S.C. 25(a)) is amended by adding at the end the following:

''(5) CONTRACT ENFORCEMENT FOR FOREIGN FUTURES CONTRACTS.—A contract of sale of a commodity for future delivery traded or executed on or through the facilities of a board of trade, exchange, or market located outside the United States for purposes of section 4(a) shall not be void, voidable, or unenforceable, and a party to such a contract shall not be entitled to rescind or recover any payment made with respect to the contract, based on the failure of the foreign board of trade to comply with any provision of this Act.''.

SEC. 3116. LEGAL CERTAINTY FOR SWAPS.

Section 22(a)(4) of the Commodity Exchange Act (7 U.S.C. 25(a)(4)) is amended to read as follows:

''(4) CONTRACT ENFORCEMENT BETWEEN ELIGIBLE COUNTERPARTIES.—

''(A) A hybrid instrument sold to any investor shall not be void, voidable, or unenforceable, and a party to such a hybrid instrument shall not be entitled to rescind, or recover any payment made with respect to, such a hybrid instrument under this section or any other provision of Federal or State law, based solely on the failure of the hybrid instrument to comply with the terms or conditions of section 2(f) or regulations of the Commission; and

''(B) An agreement, contract, or transaction between eligible contract participants or persons reasonably believed to be eligible contract participants shall not be void, voidable, or unenforceable, and a party thereto shall not be entitled to rescind, or recover any payment made with respect to, such an agreement, contract, or transaction under this section or any other provision of Federal or State law, based solely on the failure of the agreement, contract, or transaction to meet the definition of a swap set forth in section 1a, be traded in the manner set forth in section 2(k)(1), or be cleared pursuant to 2(j)(1) or regulations of the Commission pursuant thereto.''.

SEC. 3117. FDICIA AMENDMENTS.

Sections 408 and 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4421 and 4422) are repealed.

SEC. 3118. ENFORCEMENT AUTHORITY.

(a) The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 4b the following:

''SEC. 4b–1. ENFORCEMENT AUTHORITY.

''(a) CFTC.—Except as provided in subsection (b), the Commission shall have exclusive authority to enforce the provisions of subtitle A of the Derivative Markets Transparency and Accountability Act of 2009 with respect to any person.

''(b) PRUDENTIAL REGULATORS.—The Prudential Regulators shall have exclusive authority to enforce the provisions of section 4s(d) and other prudential requirements of this Act with respect to banks, and branches or agencies of foreign banks that are swap dealers or major swap participants.

''(c) REFERRAL.—(1) If the Prudential Regulator for a swap dealer or major swap participant has cause to believe that the swap dealer or major swap participant may have engaged in conduct that constitutes a violation of the nonprudential requirements of section 4s or rules adopted by the Commission thereunder, that Prudential Regulator may recommend in writing to the Commission that the Commission initiate an enforcement proceeding as authorized under this Act. The recommendation shall be accompanied by a written explanation of the concerns giving rise to the recommendation.

''(2) If the Commission has cause to believe that a swap dealer or major swap participant that has a Prudential Regulator may have engaged in conduct that constitutes a violation of the prudential requirements of section 4s or rules adopted thereunder, the Commission may recommend in writing to the Prudential Regulator that the Prudential Regulator initiate an enforcement proceeding as authorized under this Act. The recommendation shall be accompanied by a written explanation of the concerns given rise to the recommendation.''.

(b)(1) Section 4c(a) of such Act (7 U.S.C. 6c(a)) is amended by adding at the end the following:

''(3) DISRUPTIVE PRACTICES.—It shall be unlawful for any person to engage in any trading or practice on or subject to the rules of a registered entity that—

''(A) violates bids and offers (intentionally bidding at a price higher than the lowest offer, or offering at a price lower than the highest bid);

''(B) is, is of the character of, or is commonly known to the trade as 'marking the close' (bidding or offering during or near the market's closing period with the intent to influence the settlement price);

''(C) is, is of the character of, or is commonly known to the trade as 'spoofing' (bidding or offering with the intent to cancel the bid or offer before execution); or

''(D) constitutes uneconomic trading (trading that has no legitimate economic purpose but for the effect on price).

''(4) The Commission may make and promulgate such rules and regulations as, in the judgment of the Commission, are reasonably necessary to prohibit any other trading practice that is disruptive of fair and equitable trading.''.

(2) The amendment made by paragraph (1) shall become effective upon enactment.

SEC. 3119. ENFORCEMENT.

(a) Section 4b(a)(2) of the Commodity Exchange Act (7 U.S.C. 6b(a)(2)) is amended by striking ''or other agreement, contract, or transaction subject to paragraphs (1) and (2) of section 5a(g),'' and inserting ''or swap,''.

(b) Section 4b(b) of such Act (7 U.S.C. 6b(b)) is amended by striking ''or other agreement, contract or transaction subject to paragraphs (1) and (2) of section 5a(g),'' and inserting ''or swap,''.

(c) Section 4c(a) of such Act (7 U.S.C. 6c(a)) is amended by inserting ''or swap'' before ''if the transaction is used or may be used''.

(d) Section 9(a)(2) of such Act (7 U.S.C. 13(a)(2)) is amended by inserting ''or of any swap,'' before ''or to corner''.

(e) Section 9(a)(4) of such Act (7 U.S.C. 13(a)(4)) is amended by inserting ''swap repository,'' before ''or futures association''.

(f) Section 9(e)(1) of such Act (7 U.S.C. 13(e)(1)) is amended by inserting ''swap repository,'' before ''or registered futures association'' and by inserting '', or swaps,'' before ''on the basis''.

(g) Section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)) is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and inserting after paragraph (5) the following:

''(6) This section shall apply to any swap dealer, major swap participant, security-based swap dealer, major security-based swap participant, derivatives clearing organization, swap repository, security-based swap repository, or swap execution facility, whether or not it is an insured depository institution, for which the Board, the Corporation, or the Office of the Comptroller of the Currency is the appropriate Federal banking agency or Prudential Regulator for purposes of the Derivative Markets Transparency and Accountability Act of 2009.''.

SEC. 3120. RETAIL COMMODITY TRANSACTIONS.

(a) Section 2(c) of the Commodity Exchange Act (7 U.S.C. 2(c)) is amended—

(1) in paragraph (1), by striking ''(other than section 5a (to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)(B))'' and inserting ''(other than section 5b or 12(e)(2)(B))''; and

(2) in paragraph (2), by inserting after subparagraph (C) the following:

''(D) RETAIL COMMODITY TRANSACTIONS.—

''(i) This subparagraph shall apply to, and the Commission shall have jurisdiction over, any agreement, contract, or transaction in any commodity that is—

''(I) entered into with, or offered to (even if not entered into with), a person that is not an eligible contract participant or eligible commercial entity; and

''(II) entered into, or offered (even if not entered into), on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty on a similar basis.

''(ii) Clause (i) shall not apply to—

''(I) an agreement, contract, or transaction described in paragraph (1) or subparagraphs (A), (B), or (C), including any agreement, contract, or transaction specifically excluded from subparagraph (A), (B), or (C);

''(II) any security;

''(III) a contract of sale that—

''(aa) results in actual delivery within 28 days or such other longer period as the Commission may determine by rule or regulation based upon the typical commercial practice in cash or spot markets for the commodity involved; or

''(bb) creates an enforceable obligation to deliver between a seller and a buyer that have the ability to deliver and accept delivery, respectively, in connection with their line of business.

''(IV) an agreement, contract, or transaction that is listed on a national securities exchange registered under section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

''(V) an identified banking product, as defined in section 402(b) of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27(b)).

''(iii) Sections 4(a), 4(b) and 4b shall apply to any agreement, contract or transaction described in clause (i), that is not excluded from clause (i) by clause (ii), as if the agreement, contract, or transaction were a contract of sale of a commodity for future delivery.

''(iv) This subparagraph shall not be construed to limit any jurisdiction that the Commission may otherwise have under any other provision of this Act over an agreement, contract, or transaction that is a contract of sale of a commodity for future delivery;

''(v) This subparagraph shall not be construed to limit any jurisdiction that the Commission or the Securities and Exchange Commission may otherwise have under any other provisions of this Act with respect to security futures products and persons effecting transactions in security futures products;

''(vi) For the purposes of this subparagraph, an agricultural producer, packer, or handler shall be considered an eligible commercial entity for any agreement, contract, or transaction for a commodity in connection with its line of business.''.

(b) The amendments made by subsection (a) shall become effective on the date of the enactment of this section.

SEC. 3121. LARGE SWAP TRADER REPORTING.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 4s (as added by section 3107 of this Act) the following:

''SEC. 4t. LARGE SWAP TRADER REPORTING.

''(a) It shall be unlawful for any person to enter into any swap that performs or affects a significant price discovery function with respect to registered entities if—

''(1) the person directly or indirectly enters into such swaps during any 1 day in an amount equal to or in excess of such amount as shall be fixed from time to time by the Commission; and

''(2) such person directly or indirectly has or obtains a position in such swaps equal to or in excess of such amount as shall be fixed from time to time by the Commission,

unless the person files or causes to be filed with the properly designated officer of the Commission such reports regarding any transactions or positions described in paragraphs (1) and (2) as the Commission may by rule or regulation require and unless, in accordance with the rules and regulations of the Commission, the person keeps books and records of all such swaps and any transactions and positions in any related commodity traded on or subject to the rules of any board of trade, and of cash or spot transactions in, inventories of, and purchase and sale commitments of, such a commodity.

''(b) The books and records shall show complete details concerning all transactions and positions as the Commission may by rule or regulation prescribe.

''(c) The books and records shall be open at all times to inspection and examination by any representative of the Commission.

''(d) For the purpose of this subsection, the swaps, futures and cash or spot transactions and positions of any person shall include the transactions and positions of any persons directly or indirectly controlled by the person.

''(e) In making a determination whether a swap performs or affects a significant price discovery function with respect to regulated markets, the Commission shall consider the factors set forth in section 4a(a)(3).''.

SEC. 3122. SEGREGATION OF ASSETS HELD AS COLLATERAL IN SWAP TRANSACTIONS.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is further amended by inserting after section 4t the following:

''SEC. 4u. SEGREGATION OF ASSETS HELD AS COLLATERAL IN OVER-THE-COUNTER SWAP TRANSACTIONS.

''(a) SEGREGATION.—At the request of a swap counterparty who provides funds or other property to a swap dealer initial margin or collateral to secure the obligations of the counterparty under a swap between the counterparty and the swap dealer that is not submitted for clearing to a derivatives clearing organization, the swap dealer shall segregate the funds or other property for the benefit of the counterparty, and maintain the initial margin or collateral in an account which is carried by an independent third-party custodian and designated as a segregated account for the counterparty, in accordance with such rules and regulations as the Commission or Prudential Regulator may prescribe. If a swap counterparty is a swap dealer or major swap participant who owns more than 20 percent of, or has more than 50 percent representation on the board of directors of a custodian, the custodian shall not be considered independent from the swap counterparties for purposes of the preceding sentence. This subsection shall not be interpreted to preclude commercial arrangements regarding the investment of the segregated funds or other property and the related allocation of gains and losses resulting from any such investment.

''(b) FURTHER AUDIT REPORTING.—If a swap dealer does not segregate funds pursuant to the request of a swap counterparty in accordance with subsection (a), the swap dealer shall report to its counterparty on a quarterly basis that its procedures relating to margin and collateral requirements are in compliance with the agreement of the counterparties.''.

SEC. 3123. OTHER AUTHORITY.

Unless otherwise provided by its terms, this subtitle does not divest any appropriate Federal banking agency, the Commission, the Securities and Exchange Commission, or other Federal or State agency, of any authority derived from any other applicable law.

SEC. 3124. ANTITRUST.

Nothing in the amendments made by this subtitle shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of this subtitle, the term ''antitrust laws'' has the same meaning given the term in subsection (a) of the first section of the Clayton Act, except that the term includes section 5 of the Federal Trade Commission Act to the extent

that such section 5 applies to unfair methods of competition.

SEC. 3125. REVIEW OF PRIOR ACTIONS.

Notwithstanding any other provision of the Commodity Exchange Act, the Commodity Futures Trading Commission shall review, as appropriate, all regulations, rules, exemptions, exclusions, guidance, no action letters, orders, other actions taken by or on behalf of the Commission, and any action taken pursuant to the Commodity Exchange Act by an exchange, self-regulatory organization, or any other registered entity, that are currently in effect, to ensure that such prior actions are in compliance with the provisions of this title.

SEC. 3126. EXPEDITED PROCESS.

The Commodity Futures Trading Commission may use emergency and expedited procedures (including any administrative or other procedure as appropriate) to carry out this title if, in its discretion, it deems it necessary to do so.

SEC. 3127. EFFECTIVE DATE.

(a) Unless otherwise provided, the provisions of this subtitle shall become effective the later of 270 days after the date of the enactment of this subtitle or, to the extent a provision of this subtitle requires rulemaking, no less than 60 days after publication of a final rule or regulation implementing such provision of this subtitle.

(b) Subsection (a) shall not preclude the Commodity Futures Trading Commission from any rulemaking required or directed under this subtitle to implement the provisions of this subtitle.

Subtitle B—Regulation of Security-Based Swap Markets

SEC. 3201. DEFINITIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934.

(a) DEFINITIONS.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (5)(A) and (B), by inserting ''(but not security-based swaps, other than security-based swaps with or for persons that are not eligible contract participants)'' after the word ''securities'' in each place it appears;

(2) in paragraph (10), by inserting ''security-based swap,'' after ''security future,'';

(3) in paragraph (13), by adding at the end the following: ''For security-based swaps, such terms include the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.'';

(4) in paragraph (14), by adding at the end the following: ''For security-based swaps, such terms include the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.'';

(5) in paragraph (39)—

(A) by striking ''or government securities dealer'' and adding ''government securities dealer, security-based swap dealer or major security-based swap participant'' in its place in subparagraph (B)(i)(I);

(B) by adding ''security-based swap dealer, major security-based swap participant,'' after ''government securities dealer,'' in subparagraph (B)(i)(II);

(C) by striking ''or government securities dealer'' and adding ''government securities dealer, security-based swap dealer or major security-based swap participant'' in its place in subparagraph (C); and

(D) by adding ''security-based swap dealer, major security-based swap participant,'' after ''government securities dealer,'' in subparagraph (D); and

(6) by adding at the end the following:

''(65) ELIGIBLE CONTRACT PARTICIPANT.—The term 'eligible contract participant' has the same meaning as in section 1a(12) of the Commodity Exchange Act (7 U.S.C. 1a(12)).

''(66) MAJOR SWAP PARTICIPANT.—The term 'major swap participant' has the same meaning as in section 1a(39) of the Commodity Exchange Act (7 U.S.C. 1a(39)).

''(67) MAJOR SECURITY-BASED SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'major security-based swap participant' means any person who is not a security-based swap dealer, and—

''(i) maintains a substantial net position in outstanding security-based swaps, excluding positions held primarily for hedging, reducing or otherwise mitigating its commercial risk, including operating and balance sheet risk; or

''(ii) whose outstanding security-based swaps create substantial net counterparty exposure among the aggregate of its counterparties that could expose those counterparties to significant credit losses.

''(B) DEFINITION OF 'SUBSTANTIAL NET POSITION'.—The Commission shall define by rule or regulation the terms 'substantial net position', 'substantial net counterparty exposure', and 'significant credit losses' at thresholds that the Commission determines prudent for the effective monitoring, management and oversight of entities which are systemically important or can significantly impact the financial system through counterparty credit risk. In setting the definitions, the Commission shall consider the person's relative position in uncleared as opposed to cleared swaps.

''(C) A person may be designated a major security-based swap participant for 1 or more individual types of security-based swaps without being classified as a major security-based swap participant for all classes of security-based swaps.

''(68) SECURITY-BASED SWAP.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'security-based swap' means any agreement, contract, or transaction that would be a swap under section 1a(35) of the Commodity Exchange Act, and that—

''(i) is priumarily based on an index that is a narrow-based security index, including any interest therein or based on the value thereof;

''(ii) is primarily based on a single security or loan, including any interest therein or based on the value thereof; or

''(iii) is primarily based on the occurrence, non-occurrence, or extent of the occurrence of an event relating to a single issuer of a security or the issuers of securities in a narrow-based security index, provided that such event must directly affect the financial statements, financial condition, or financial obligations of the issuer.

''(B) RULE OF CONSTRUCTION REGARDING MASTER AGREEMENTS.—The term 'security-based swap' shall be construed to include a master agreement that provides for an agreement, contract, or transaction that is a security-based swap pursuant to subparagraph (A), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement, contract, or transaction that is not a security-based swap pursuant to subparagraph (A), except that the master agreement shall be considered to be a security-based swap only with respect to each agreement, contract, or transaction under the master agreement that is a security-based swap pursuant to subparagraph (A).

''(C) EXCLUSION.—The term 'security-based swap' does not include any agreement, contract, or transaction that meets the definition of a security-based swap only because it references, is based upon, or settles through the transfer, delivery, or receipt of an exempted security under section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in section 3(a)(29) as in effect on the date of enactment of the Futures Trading Act of 1982), unless such agreement, contract, or transaction is of the character of, or is commonly known in the trade as, a put, call, or other option.

''(69) SWAP.—The term 'swap' has the same meaning as in section 1a(35) of the Commodity Exchange Act (7 U.S.C. 1a(35)).

''(70) PERSON ASSOCIATED WITH A SECURITY-BASED SWAP DEALER OR MAJOR SECURITY-BASED SWAP PARTICIPANT.—The term 'person associated with a security-based swap dealer or major security-based swap participant' or 'associated person of a security-based swap dealer or major security-based swap participant' means any partner, officer, director, or branch manager of such security-based swap dealer or major security-based swap participant (or any person occupying a similar status or performing similar functions), any person directly or indirectly controlling, controlled by, or under common control with such security-based swap dealer or major security-based swap participant, or any employee of such security-based swap dealer or major security-based swap participant, except that any person associated with a security-based swap dealer or major security-based swap participant whose functions are solely clerical or ministerial shall not be included in the meaning of such term other than for purposes of section 15F(e)(2).

''(71) SECURITY-BASED SWAP DEALER.—

''(A) IN GENERAL.—The term 'security-based swap dealer' means any person that—

''(i) holds itself out as a dealer in security-based swaps;

''(ii) makes a market in security-based swaps;

''(iii) regularly engages in the purchase of security-based swaps and their resale to customers in the ordinary course of a business; or

''(iv) engages in any activity causing it to be commonly known in the trade as a dealer or market maker in security-based swaps.

''(B) DESIGNATION BY TYPE OR CLASS.—A person may be designated a security-based swap dealer for a single type or single class or category of security-based swap and considered not a security-based swap dealer for other types, classes, or categories of security-based swaps.

''(C) DE MINIMUS EXCEPTION.—The Commission shall make a determination to exempt from designation as a security-based swap dealer an entity that engages in a de minimus amount of security-based swap dealing in connection with transactions with or on the behalf of its customers.

''(72) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

''(73) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

''(74) PRUDENTIAL REGULATOR.—The term 'Prudential Regulator' means—

''(A) the Board in the case of a swap dealer, major swap participant, security-based swap dealer or major security-based swap participant that is—

''(i) a State-chartered bank that is a member of the Federal Reserve System; or

''(ii) a State-chartered branch or agency of a foreign bank;

''(B) the Office of the Comptroller of the Currency in the case of a swap dealer, major swap participant, security-based swap dealer

or major security-based swap participant that is—

''(i) a national bank; or

''(ii) a federally chartered branch or agency of a foreign bank; and

''(C) the Federal Deposit Insurance Corporation in the case of a swap dealer, major swap participant, security-based swap dealer or major security-based swap participant that is a state-chartered bank that is not a member of the Federal Reserve System.

''(75) SWAP DEALER.—The term 'swap dealer' has the same meaning as in section 1a(38) of the Commodity Exchange Act (7 U.S.C. 1a(38)).

''(76) SECURITY-BASED SWAP AGREEMENT.—

''(A) IN GENERAL.—For purposes of sections 10, 16, 20, and 21A of this Act, and section 17 of the Securities Act of 1933 (15 U.S.C. 77q), the term 'security-based swap agreement' means a swap agreement as defined in section 206A of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note) of which a material term is based on the price, yield, value, or volatility of any security or any group or index of securities, or any interest therein.

''(B) EXCLUSIONS.—The term 'security-based swap agreement' does not include any security-based swap.

''(76) SECURITY-BASED SWAP REPOSITORY.—The term 'security-based swap repository' means any person that collects, calculates, prepares or maintains information or records with respect to transactions or positions in, or the terms and conditions of, security-based swaps entered into by third parties.

''(77) SWAP EXECUTION FACILITY.—The term 'swap execution facility' means a person or entity that facilitates the execution or trading of security-based swaps between two persons through any means of interstate commerce, but which is not a national securities exchange, including any electronic trade execution or voice brokerage facility.''.''''.

(b) AUTHORITY TO FURTHER DEFINE TERMS.—The Securities and Exchange Commission may adopt a rule further defining the terms ''security-based swap'', ''security-based swap dealer'', ''major security-based swap participant'', and ''eligible contract participant'' with regard to security-based swaps (as such terms are defined in the amendments made by subsection (a)) for the purpose of including transactions and entities that have been structured to evade this title.

SEC. 3202. REPEAL OF PROHIBITION ON REGULATION OF SECURITY-BASED SWAPS.

(a) REPEAL OF LAW.—Section 206B of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note) is repealed.

(b) CONFORMING AMENDMENTS TO THE SECURITIES ACT OF 1933.—

(1) Section 2A(b) of the Securities Act of 1933 (15 U.S.C. 77b–1) is amended by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'' each place that such term appears.

(2) Section 17 of the Securities Act of 1933 (15 U.S.C. 77q) is amended—

(A) in subsection (a)—

(i) by inserting ''(including security-based swaps)'' after ''securities''; and

(ii) by striking ''206B of the Gramm-Leach-Bliley Act'' and inserting ''3(a)(76) of the Securities Exchange Act of 1934''; and

(B) in subsection (d), by striking ''206B of the Gramm-Leach-Bliley Act'' and inserting ''3(a)(76) of the Securities Exchange Act of 1934''.

(c) CONFORMING AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.) is amended as follows:

(1) Section 3A (15 U.S.C. 78c–1) is amended by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'' each place that the term appears.

(2) Section 9(a) (15 U.S.C. 78i(a)) is amended by striking paragraphs (2) through (5) and inserting:

''(2) To effect, alone or with one or more other persons, a series of transactions in any security registered on a national securities exchange or in connection with any security-based swap or security-based swap agreement with respect to such security creating actual or apparent active trading in such security, or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others.

''(3) If a dealer, broker, security-based swap dealer, major security-based swap participant or other person selling or offering for sale or purchasing or offering to purchase the security, or a security-based swap or security-based swap agreement with respect to such security, to induce the purchase or sale of any security registered on a national securities exchange or any security-based swap or security-based swap agreement with respect to such security by the circulation or dissemination in the ordinary course of business of information to the effect that the price of any such security will or is likely to rise or fall because of market operations of any one or more persons conducted for the purpose of raising or depressing the price of such security.

''(4) If a dealer, broker, security-based swap dealer, major security-based swap participant or other person selling or offering for sale or purchasing or offering to purchase the security, or a security-based swap or security-based swap agreement with respect to such security, to make, regarding any security registered on a national securities exchange or any security-based swap or security-based swap agreement with respect to such security, for the purpose of inducing the purchase or sale of such security or such security-based swap or security-based swap agreement, any statement which was at the time and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, and which he knew or had reasonable ground to believe was so false or misleading.

''(5) For a consideration, received directly or indirectly from a dealer, broker, security-based swap dealer, major security-based swap participant or other person selling or offering for sale or purchasing or offering to purchase the security, or a security-based swap or security-based swap agreement with respect to such security, to induce the purchase of any security registered on a national securities exchange or any security-based swap or security-based swap agreement with respect to such security by the circulation or dissemination of information to the effect that the price of any such security will or is likely to rise or fall because of the market operations of any one or more persons conducted for the purpose of raising or depressing the price of such security.''.

(3) Section 9(i) (15 U.S.C. 78i(i)) is amended by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'';

(4) Section 10 (15 U.S.C. 78j) is amended by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'' each place that the term appears.

(5) Section 15(c)(1) is amended—

(A) in subparagraph (A), by striking '', or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act),''; and

(B) in subparagraphs (B) and (C), by striking ''agreement (as defined in section 206B of the Gramm-Leach-Bliley Act)'' in each place that the term appears.

(6) Section 15(i) (15 U.S.C. 78o(i), as added by section 303(f) of the Commodity Futures Modernization Act of 2000 (Public Law 106–554; 114 Stat. 2763A–455) is amended by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)''.

(7) Section 16 (15 U.S.C. 78p) is amended—

(A) in subsection (a)(2)(C), by striking ''(as defined in section 206(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note))'';

(B) in subsection (b), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'' in each place that the term appears; and

(C) in subsection (g), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'';

(8) Section 20 (15 U.S.C. 78t) is amended—

(A) in subsection (d), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)''; and

(B) in subsection (f), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)''; and

(9) Section 21A (15 U.S.C. 78u–1) is amended—

(A) in subsection (a)(1), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)''; and

(B) in subsection (g), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)''.

SEC. 3203. AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.

(a) CLEARING FOR SECURITY-BASED SWAPS.—The Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.) is amended by adding the following section after section 3A:

''SEC. 3B. CLEARING FOR SECURITY-BASED SWAPS.

''(a) IN GENERAL.—

''(1) STANDARD FOR CLEARING.—A security-based swap shall be submitted for clearing if a clearing agency that is registered under this Act will accept the security-based swap for clearing, and the Commission has determined under paragraph (2)(B)(ii) of subsection (b) that the security-based swap is required to be cleared.

''(2) OPEN ACCESS.—The rules of a clearing agency described in paragraph (1) shall—

''(A) prescribe that all security-based swaps submitted to the clearing agency with the same terms and conditions are economically equivalent within the clearing agency and may be offset with each other within the clearing agency; and

''(B) provide for non-discriminatory clearing of a security-based swap executed bilaterally or on or through the rules of an unaffiliated national securities exchange or swap execution facility.

''(b) COMMISSION REVIEW.—

''(1) COMMISSION-INITIATED REVIEW.—

''(A) The Commission shall review each security-based swap, or any group, category, type or class of security-based swaps to make a determination that such security-based swap, or group, category, type or class of security-based swaps should be required to be cleared.

''(B) The Commission shall provide at least a 30-day public comment period regarding any determination under subparagraph (A).

''(2) SWAP SUBMISSIONS.—

''(A) A clearing agency shall submit to the Commission each security-based swap, or any group, category, type or class of security-based swaps that it plans to accept for clearing and provide notice to its members (in a manner to be determined by the Commission) of such submission.

''(B) The Commission shall—

''(i) make available to the public any submission received under subparagraph (A);

''(ii) review each submission made under subparagraph (A), and determine whether the security-based swap, or group, category, type, or class of security-based swaps, described in the submission is required to be cleared; and

''(iii) provide at least a 30-day public comment period regarding its determination

whether the clearing requirement under subsection (a)(1) shall apply to the submission.

''(3) DEADLINE.—The Commission shall make its determination under paragraph (2)(B) not later than 90 days after receiving a submission made under paragraph (2)(A), unless the submitting clearing agency agrees to an extension for the time limitation established under this paragraph.

''(4) DETERMINATION.—

''(A) In reviewing a submission made under paragraph (2), the Commission shall review whether the submission is consistent with section 5b(c)(2).

''(B) In reviewing a security-based swap, group of security-based swaps or class of security-based swaps pursuant to paragraph (1) or a submission made under paragraph (2), the Commission shall take into account the following factors:

''(i) The existence of significant outstanding notional exposures, trading liquidity and adequate pricing data.

''(ii) The availability of rule framework, capacity, operational expertise and resources, and credit support infrastructure to clear the contract on terms that are consistent with the material terms and trading conventions on which the contract is then traded.

''(iii) The effect on the mitigation of systemic risk, taking into account the size of the market for such contract and the resources of the clearing agency available to clear the contract.

''(iv) The effect on competition, including appropriate fees and charges applied to clearing.

''(v) The existence of reasonable legal certainty in the event of the insolvency of the relevant clearing agency or 1 or more of its clearing members with regard to the treatment of customer and security-based swap counterparty positions, funds, and property.

''(C) In making a determination under paragraph (2)(B) that the clearing requirement shall apply, the Commission may require such terms and conditions to the requirement as the Commission determines to be appropriate.

''(5) RULES.—Not later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules for a clearing agency's submission for review, pursuant to this subsection, of a security-based swap, or a group, category, type or class of security-based swaps, that it seeks to accept for clearing.

''(c) STAY OF CLEARING REQUIREMENT.—

''(1) After an determination pursuant to subsection (b)(2), the Commission, on application of a counterparty to a security-based swap or on its own initiative, may stay the clearing requirement of subsection (a)(1) until the Commission completes a review of the terms of the security-based swap (or the group, category, type or class of security-based swaps) and the clearing arrangement.

''(2) DEADLINE.—The Commission shall complete a review undertaken pursuant to paragraph (1) not later than 90 days after issuance of the stay, unless the clearing agency that clears the security-based swap, or group, category, type or class of security-based swaps, agrees to an extension of the time limitation established under this paragraph.

''(3) DETERMINATION.—Upon completion of the review undertaken pursuant to paragraph (1), the Commission may—

''(A) determine, unconditionally or subject to such terms and conditions as the Commission determines to be appropriate, that the security-based swap, or group, category, type or class of security-based swaps, must be cleared pursuant to this subsection if it finds that such clearing is consistent with subsection (b)(4); or

''(B) determine that the clearing requirement of subsection (a)(1) shall not apply to the security-based swap, or group, category, type or class of security-based swaps.

''(4) RULES.—Not later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules for reviewing, pursuant to this subsection, a clearing agency's clearing of a security-based swap, or a group, category, type or class of security-based swaps, that it has accepted for clearing.

''(d) PREVENTION OF EVASION.—The Commission may prescribe rules under this subsection, or issue interpretations of the rules, as necessary to prevent evasions of this section.

''(e) REQUIRED REPORTING.—

''(1) IN GENERAL.—All security-based swaps that are not accepted for clearing by any clearing agency shall be reported either to a security-based swap repository described in subsection 13(n) or, if there is no security-based swap repository that would accept the security-based swap, to the Commission pursuant to section 13A within such time period as the Commission may by rule or regulation prescribe. Counterparties to a security-based swap may agree which counterparty will report the security-based swap as required by this paragraph.

''(2) SWAP DEALER DESIGNATION.—With regard to security-based swaps where only 1 counterparty is a security-based swap dealer, the security-based swap dealer shall report the security-based swap as required by this subsection.

''(f) REPORTING TRANSITION RULES.—Rules adopted by the Commission under this section shall provide for the reporting of data, as follows:

''(1) Security-based swaps entered into before the date of the enactment of this section shall be reported to a registered security-based swap repository or the Commission no later than 180 days after the effective date of this section; and

''(2) Security-based swaps entered into on or after such date of enactment shall be reported to a registered security-based swap repository or the Commission no later than the later of—

''(A) 90 days after such effective date; or

''(B) such other time after entering into the security-based swap as the Commission may prescribe by rule or regulation.

''(g) CLEARING TRANSITION RULES.—

''(1) Security-based swaps entered into before the date of the enactment of this section are exempt from the clearing requirements of this subsection if reported pursuant to subsection (f)(1).

''(2) Security-based swaps entered into before application of the clearing requirement pursuant to this section are exempt from the clearing requirements of this section if reported pursuant to subsection (f)(2).

''(h) EXCEPTIONS.—

''(1) IN GENERAL.—The requirements of subsection (a)(1) shall not apply to a security-based swap if one of the counterparties to the security-based swap—

''(A) is not a security-based swap dealer or major security-based swap participant; and

''(B) is using security-based swaps to hedge or mitigate commercial risk, including operating or balance sheet risk; and

''(C) notifies the Commission, in a manner set forth by the Commission, how it generally meets its financial obligations associated with entering into non-cleared security-based swaps.

''(2) ABUSE OF EXCEPTION.—The Commission may prescribe rules under this subsection, or issue interpretations of the rules, as necessary to prevent abuse of the exemption in paragraph (1) by security-based swap dealers and major security-based swap participants.

''(3) OPTION TO CLEAR.—The application of the clearing exception in paragraph (1) is solely at the discretion the counterparty to the swap that meets the conditions of subparagraphs (A) through (C) of paragraph (1).''.

(b) CLEARING AGENCY REQUIREMENTS.—Section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended by adding at the end the following new subsections:

''(g) REGISTRATION REQUIREMENT.—It shall be unlawful for a clearing agency, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a clearing agency with respect to a swap.

''(h) VOLUNTARY REGISTRATION.—A person that clears agreements, contracts, or transactions that are not required to be cleared under this Act may register with the Commission as a clearing agency.

''(i) EXISTING BANKS AND DERIVATIVES CLEARING ORGANIZATIONS.—A bank or a derivatives clearing organization registered with the Commodity Futures Trading Commission under the Commodity Exchange Act required to be a registered as a clearing agency under this title, solely because it clears security-based swaps, is deemed to be a registered clearing agency under this title solely for the purpose of clearing security-based swaps to the extent that the bank cleared security-based swaps, as defined in this Act, as a multilateral clearing organization or the derivatives clearing organization cleared security-based swaps, as defined in this title pursuant to an exemption from registration as a clearing agency, before the enactment of this section. A bank or derivative clearing organization to which this subsection applies shall continue to comply with the requirements in section 17A(b)(3) of this title. A bank to which this subsection applies may, by the vote of the shareholders owning not less than 51 percent of the voting interests of such bank, be converted into a State corporation, partnership, limited liability company, or other similar legal form pursuant to a plan of conversion, if the conversion is not in contravention of applicable State law.

''(j) REPORTING.—

''(1) IN GENERAL.—A clearing agency that clears security-based swaps shall provide to the Commission all information determined by the Commission to be necessary to perform its responsibilities under this Act. The Commission shall adopt data collection and maintenance requirements for security-based swaps cleared by clearing agencies that are comparable to the corresponding requirements for security-based swaps accepted by security-based swap repositories and security-based swaps traded on swap execution facilities. Subject to section 24, the Commission shall share such information, upon request, with the Board, the Commodity Futures Trading Commission, the appropriate Federal banking agencies, the Financial Services Oversight Council, and the Department of Justice or to other persons the Commission deems appropriate, including foreign financial supervisors (including foreign futures authorities), foreign central banks, and foreign ministries.

''(2) PUBLIC INFORMATION.—A clearing agency that clears security-based swaps shall provide to the Commission, or its designee, such information as is required by, and in a form and at a frequency to be determined by, the Commission, in order to comply with the public reporting requirements contained in section 13.

''(k) DESIGNATION OF COMPLIANCE OFFICER.—

''(1) IN GENERAL.—Each clearing agency that clears security-based swaps shall designate an individual to serve as a compliance officer.

''(2) DUTIES.—The compliance officer shall—

''(A) report directly to the board or to the senior officer of the clearing agency;

''(B) in consultation with the board of the clearing agency, a body performing a function similar to that of a board, or the senior officer of the clearing agency, resolve any conflicts of interest that may arise;

''(C) be responsible for administering the policies and procedures required to be established pursuant to this section;

''(D) ensure compliance with securities laws and the rules and regulations issued thereunder, including rules prescribed by the Commission pursuant to this section; and

''(E) establish procedures for remediation of non-compliance issues found during compliance office reviews, lookbacks, internal or external audit findings, self-reported errors, or through validated complaints. Procedures will establish the handling, management response, remediation, re-testing, and closing of non-compliant issues.

''(3) ANNUAL REPORTS REQUIRED.—The compliance officer shall annually prepare and sign a report on the compliance of the clearing agency with the securities laws and its policies and procedures, including its code of ethics and conflict of interest policies, in accordance with rules prescribed by the Commission. Such compliance report shall accompany the financial reports of the clearing agency that are required to be furnished to the Commission pursuant to this section and shall include a certification that, under penalty of law, the report is accurate and complete.

''(l) STANDARDS FOR CLEARING AGENCIES CLEARING SWAP TRANSACTIONS.—To be registered and to maintain registration as a clearing agency that clears swap transactions, a clearing agency shall comply with such standards as the Commission may establish by rule. In establishing any such standards, and in the exercise of its oversight of such a clearing agency pursuant to this title, the Commission may conform such standards or oversight to reflect evolving United States and international standards. Except where the Commission determines otherwise by rule or regulation, a clearing agency shall have reasonable discretion in establishing the manner in which it complies with any such standards.

''(m) RULES.—Not later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules governing persons that are registered as clearing agencies for security-based swaps under this Act.

''(n) EXEMPTIONS.—

''(1) IN GENERAL.—The Commission may exempt, conditionally or unconditionally, a clearing agency from registration under this section for the clearing of security-based swaps if the Commission finds that such clearing agency is subject to comparable, comprehensive supervision and regulation on a consolidated basis by the Commodity Futures Trading Commission, a Prudential Regulator, or the appropriate governmental authorities in the organization's home country or if necessary or appropriate in the public interest and consistent with the purpose of this Act.

''(2) A person that is required to be registered as clearing agency under this section, whose principal business is clearing commodity futures and options on commodity futures transactions and which is a derivatives clearing organization registered with the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1, et seq.), shall be unconditionally exempt from registration under this section solely for the purpose of clearing security-based swaps, unless the Commission finds that such derivatives clearing organization is not subject to comparable, comprehensive supervision and regulation by the Commodity Futures Trading Commission.''.

(c) EXECUTION OF SECURITY-BASED SWAPS.—The Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.) is amended by inserting after section 5 the following:

''SEC. 5A. EXECUTION OF SECURITY-BASED SWAPS.

''(a) EXECUTION TRANSPARENCY.—

''(1) REQUIREMENT.—A security-based swap that is subject to the clearing requirement of section 3B shall not be traded except on or through a national securities exchange or on or through an swap execution facility registered under section 5h, that makes the security-based swap available for trading.

''(2) EXCEPTIONS.—The requirement of paragraph (1) shall not apply to a security-based swap if no national securities exchange or swap execution facility makes the security-based swap available for trading.

''(3) REQUIRED REPORTING.—If the exception of paragraph (2) applies and there is no national securities exchange or swap execution facility that makes the security-based swap available to trade, the counterparties shall comply with any recordkeeping and transaction reporting requirements as may be prescribed by the Commission with respect to security-based swaps subject to the requirements of paragraph (1).

''(b) EXCHANGE TRADING.—In adopting rules and regulations, the Commission shall endeavor to eliminate unnecessary impediments to the trading on national securities exchanges of contracts, agreements, or transactions that would be swaps but for the trading of such contracts, agreements or transactions on such a national securities exchange.''.

(d) SWAP EXECUTION FACILITIES.—The Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.) is amended by adding after section 3B (as added by subsection (a)) the following:

''SEC. 3C. SWAP EXECUTION FACILITIES.

''(a) REGISTRATION.—No person may operate a facility for the trading of security-based swaps unless the facility is registered as a swap execution facility under this section.

''(b) REQUIREMENTS FOR TRADING.—

''(1) IN GENERAL.—A swap execution facility that is registered under subsection (a) may list for trading any security-based swap.

''(2) RULES FOR TRADING THROUGH THE FACILITY.—Not later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules to allow a security-based swap to be traded through the facilities of an exchange or a swap execution facility. Such rules shall permit an intermediary, acting as principal or agent, to enter into or execute a security-based swap, notwithstanding section 3B(b), if the security-based swap is reported, recorded, or confirmed in accordance with the rules of the exchange or swap execution facility.

''(c) TRADING BY EXCHANGES.—An exchange shall, to the extent that the exchange also operates a swap execution facility and uses the same electronic trade execution system for trading on the exchange and the swap execution facility, identify whether the electronic trading is taking place on the exchange or the swap execution facility.

''(d) CORE PRINCIPLES FOR SWAP EXECUTION FACILITIES.—

''(1) IN GENERAL.—To be registered as, and to maintain its registration as, a swap execution facility, the facility shall comply with the core principles specified in this subsection and any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5). Except where the Commission determines otherwise by rule or regulation, the facility shall have reasonable discretion in establishing the manner in which it complies with these core principles.

''(2) COMPLIANCE WITH RULES.—The swap execution facility shall—

''(A) monitor and enforce compliance with any of the rules of the facility, including the terms and conditions of the swaps traded on or through the facility and any limitations on access to the facility; and

''(B) establish and enforce trading and participation rules that will deter abuses and have the capacity to detect, investigate, and enforce those rules, including means to—

''(i) provide market participants with impartial access to the market; and

''(ii) capture information that may be used in establishing whether rule violations have occurred.

''(3) SECURITY-BASED SWAPS NOT READILY SUSCEPTIBLE TO MANIPULATION.—The swap execution facility shall permit trading only in security-based swaps that are not readily susceptible to manipulation.

''(4) MONITORING OF TRADING.—The swap execution facility shall—

''(A) establish and enforce rules or terms and conditions defining, or specifications detailing, trading procedures to be used in entering and executing orders traded on or through its facilities; and

''(B) monitor trading in swaps to prevent manipulation, price distortion, and disruptions of the delivery or cash settlement process through surveillance, compliance, and disciplinary practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

''(5) ABILITY TO OBTAIN INFORMATION.—The swap execution facility shall—

''(A) establish and enforce rules that will allow the facility to obtain any necessary information to perform any of the functions described in this section;

''(B) provide the information to the Commission upon request; and

''(C) have the capacity to carry out such international information-sharing agreements as the Commission may require.

''(6) FINANCIAL INTEGRITY OF TRANSACTIONS.—The swap execution facility shall establish and enforce rules and procedures for ensuring the financial integrity of security-based swaps entered on or through its facilities, including the clearance and settlement of the security-based swaps pursuant to section 3B.

''(7) EMERGENCY AUTHORITY.—The swap execution facility shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, where necessary and appropriate, including the authority to suspend or curtail trading in a security-based swap.

''(8) TIMELY PUBLICATION OF TRADING INFORMATION.—The swap execution facility shall make public timely information on price, trading volume, and other trading data to the extent prescribed by the Commission. The Commission shall evaluate the impact of public disclosure on market liquidity in the relevant market, and shall seek to avoid public disclosure of information in a manner that would significantly reduce market liquidity. The Commission shall not disclose information related to the internal business decisions of particular market participants.

''(9) RECORDKEEPING AND REPORTING.—The swap execution facility shall maintain records of all activities related to the business of the facility, including a complete audit trail, in a form and manner acceptable to the Commission for a period of 5 years,

and report to the Commission all information determined by the Commission to be necessary or appropriate for the Commission to perform its responsibilities under this Act in a form and manner acceptable to the Commission. The Commission shall adopt data collection and reporting requirements for swap execution facilities that are comparable to corresponding requirements for clearing agencies and security-based swap repositories.

''(10) CONFLICTS OF INTEREST.—The swap execution facility shall—

''(A) establish and enforce rules to minimize conflicts of interest in its decision-making process; and

''(B) establish a process for resolving the conflicts of interest.

''(11) FINANCIAL RESOURCES.—The swap execution facility shall have adequate financial, operational, and managerial resources to discharge its responsibilities. Such financial resources shall be considered adequate if their value exceeds the total amount that would enable the facility to cover its operating costs for a period of one year, calculated on a rolling basis.

''(12) SYSTEM SAFEGUARDS.—The swap execution facility shall—

''(A) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk, through the development of appropriate controls and procedures, and the development of automated systems, that are reliable, secure, and have adequate scalable capacity;

''(B) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that allow for the timely recovery and resumption of operations and the fulfillment of the swap execution facility's responsibilities and obligation; and

''(C) periodically conduct tests to verify that backup resources are sufficient to ensure continued order processing and trade matching, price reporting, market surveillance, and maintenance of a comprehensive and accurate audit trail.

''(13) DESIGNATION OF COMPLIANCE OFFICER.—

''(A) IN GENERAL.—Each swap execution facility shall designate an individual to serve as a compliance officer.

''(B) DUTIES.—The compliance officer—

''(i) shall report directly to the board or to the senior officer of the facility; and

''(ii) shall—

''(I) review compliance with the core principles in section 3B(e).

''(II) in consultation with the board of the facility, a body performing a function similar to that of a board, or the senior officer of the facility, resolve any conflicts of interest that may arise;

''(III) be responsible for administering the policies and procedures required to be established pursuant to this section; and

''(IV) ensure compliance with securities laws and the rules and regulations issued thereunder, including rules prescribed by the Commission pursuant to this section; and

''(iii) shall establish procedures for remediation of non-compliance issues found during compliance office reviews, lookbacks, internal or external audit findings, self-reported errors, or through validated complaints and to establish the handling, management response, remediation, re-testing, and closing of non-compliant issues.

''(C) ANNUAL REPORTS REQUIRED.—The compliance officer shall annually prepare and sign a report on the compliance of the facility with the securities laws and its policies and procedures, including its code of ethics and conflict of interest policies, in accordance with rules prescribed by the Commission. Such compliance report shall accompany the financial reports of the facility that are required to be furnished to the Commission pursuant to this section and shall include a certification that, under penalty of law, the report is accurate and complete.

''(e) EXEMPTIONS.—The Commission may exempt, conditionally or unconditionally, a swap execution facility from registration under this section if the Commission finds that such organization is subject to comparable, comprehensive supervision and regulation on a consolidated basis by the Commodity Futures Trading Commission, a Prudential Regulator or the appropriate governmental authorities in the organization's home country or if necessary or appropriate in the public interest and consistent with the purpose of this Act.

''(f) RULES.—Not later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall prescribe rules governing the regulation of swap execution facilities under this section.''.

(e) SEGREGATION OF ASSETS HELD AS COLLATERAL IN SWAP TRANSACTIONS.—The Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.) is further amended by adding after section 3C (as added by subsection (b) the following:

''SEC. 3D. SEGREGATION OF ASSETS HELD AS COLLATERAL IN SECURITY-BASED SWAP TRANSACTIONS.

''(a) OVER-THE-COUNTER SWAPS.—At the request of a counterparty to a security-based swap who provides funds or other property to a security-based swap dealer as initial margin or collateral to secure the obligations of the counterparty under a security-based swap between the counterparty and the security-based swap dealer that is not submitted for clearing to a derivatives clearing agency, the security-based swap dealer shall segregate the funds or other property for the benefit of the counterparty, and maintain the funds or other property in an account which is carried by a third-party custodian and designated as a segregated account for the counterparty, in accordance with such rules and regulations as the Commission or Prudential Regulator may prescribe. If a security-based swap counterparty is a security-based swap dealer or major security-based swap participant who owns more than 20 percent of, or has more than 50 percent representation on the board of directors of a custodian, the custodian shall not be considered independent from the security-based swap counterparties for purposes of the preceding sentence. This subsection shall not be interpreted to preclude commercial arrangements regarding the investment of the segregated funds or other property and the related allocation of gains and losses resulting from any such investment.

''(b) FURTHER AUDIT REPORTING.—If a security-based swap dealer does not segregate funds pursuant to the request of a security-based swap counterparty in accordance with subsection (a), the security-based swap dealer shall report to its counterparty on a quarterly basis that its procedures relating to margin and collateral requirements are in compliance with the agreement of the counterparties.''.

(f) TRADING IN SECURITY-BASED SWAPS.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by adding at the end the following:

''(l) It shall be unlawful for any person to effect a transaction in a security-based swap with or for a person that is not an eligible contract participant unless such transaction is effected on a national securities exchange registered pursuant to subsection (b).''.

(g) ADDITIONS OF SECURITY-BASED SWAPS TO CERTAIN ENFORCEMENT PROVISIONS.—Paragraphs (1) through (3) of section 9(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(b)(1)–(3)) are amended to read as follows:

''(1) any transaction in connection with any security whereby any party to such transaction acquires (A) any put, call, straddle, or other option or privilege of buying the security from or selling the security to another without being bound to do so; (B) any security futures product on the security; or (C) any security-based swap involving the security or the issuer of the security; or

''(2) any transaction in connection with any security with relation to which he has, directly or indirectly, any interest in any (A) such put, call, straddle, option, or privilege; (B) such security futures product; or (C) such security-based swap; or

''(3) any transaction in any security for the account of any person who he has reason to believe has, and who actually has, directly or indirectly, any interest in any (A) such put, call, straddle, option, or privilege; (B) such security futures product with relation to such security; or (C) any security-based swap involving such security or the issuer of such security.''.

(h) RULEMAKING AUTHORITY TO PREVENT FRAUD, MANIPULATION AND DECEPTIVE CONDUCT IN SECURITY-BASED SWAPS.—Section 9 of the Securities Exchange Act of 1934 (15 U.S.C. 78i) is amended by adding at the end the following:

''(i) It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange, to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security-based swap, in connection with which such person engages in any fraudulent, deceptive, or manipulative act or practice, makes any fictitious quotation, or engages in any transaction, practice, or course of business which operates as a fraud or deceit upon any person. The Commission shall, for the purposes of this paragraph, by rules and regulations define, and prescribe means reasonably designed to prevent, such transactions, acts, practices, and courses of business as are fraudulent, deceptive, or manipulative, and such quotations as are fictitious.''.

(i) POSITION LIMITS AND POSITION ACCOUNTABILITY FOR SECURITY-BASED SWAPS.—The Securities Exchange Act of 1934 is amended by inserting after section 10A (15 U.S.C. 78j–1) the following new section:

''SEC. 10B. POSITION LIMITS AND POSITION ACCOUNTABILITY FOR SECURITY-BASED SWAPS AND LARGE TRADER REPORTING.

''(a) POSITION LIMITS.—As a means reasonably designed to prevent fraud and manipulation, the Commission may, by rule or regulation, as necessary or appropriate in the public interest or for the protection of investors, establish limits (including related hedge exemption provisions) on the size of positions in any security-based swap that may be held by any person. In establishing such limits, the Commission may require any person to aggregate positions in—

''(1) any security-based swap and any security or loan or group or index of securities or loans on which such security-based swap is based, which such security-based swap references, or to which such security-based swap is related as described in section 3(a)(68), and any other instrument relating to such security or loan or group or index of securities or loans; or

''(2) any security-based swap and (A) any security or group or index of securities, the price, yield, value, or volatility of which, or of which any interest therein, is the basis for a material term of such security-based swap as described in section 3(a)(76) and (B) any security-based swap and any other instrument relating to the same security or group or index of securities.

''(b) EXEMPTIONS.—The Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any person or

class of persons, any security-based swap or class of security-based swaps, or any transaction or class of transactions from any requirement it may establish under this section with respect to position limits.

''(c) SRO RULES.—

''(1) IN GENERAL.—As a means reasonably designed to prevent fraud or manipulation, the Commission, by rule, regulation, or order, as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, may direct a self-regulatory organization—

''(A) to adopt rules regarding the size of positions in any security-based swap that may be held by—

''(i) any member of such self-regulatory organization; or

''(ii) any person for whom a member of such self-regulatory organization effects transactions in such security-based swap; and

''(B) to adopt rules reasonably designed to ensure compliance with requirements prescribed by the Commission under subsection (c)(1)(A).

''(2) REQUIREMENT TO AGGREGATE POSITIONS.—In establishing such limits, the self-regulatory organization may require such member or person to aggregate positions in—

''(A) any security-based swap and any security or loan or group or index of securities or loans on which such security-based swap is based, which such security-based swap references, or to which such security-based swap is related as described in section 3(a)(68), and any other instrument relating to such security or loan or group or index of securities or loans; or

''(B)(i) any security-based swap; and

''(ii) any security-based swap and any other instrument relating to the same security or group or index of securities.

''(d) LARGE TRADER REPORTING.—The Commission, by rule or regulation, may require any person that effects transactions for such person's own account or the account of others in any securities-based swap or uncleared security-based swap agreement and any security or loan or group or index of securities or loans as set forth in paragraphs (1) and (2) of subsection (a) under this section to report such information as the Commission may prescribe regarding any position or positions in any security-based swap or uncleared security-based swap agreement and any security or loan or group or index of securities or loans and any other instrument relating to such security or loan or group or index of securities or loans as set forth in paragraphs (1) and (2) of subsection (a) under this section.''.

(j) PUBLIC REPORTING AND REPOSITORIES FOR SECURITY-BASED SWAPS.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

''(m) PUBLIC REPORTING OF AGGREGATE SECURITY-BASED SWAP DATA.—

''(1) IN GENERAL.—The Commission, or a person designated by the Commission pursuant to paragraph (2), shall make available to the public, in a manner that does not disclose the business transactions and market positions of any person, aggregate data on security-based swap trading volumes and positions from the sources set forth in paragraph (3).

''(2) DESIGNEE OF THE COMMISSION.—The Commission may designate a clearing agency or a security-based swap repository to carry out the public reporting described in paragraph (1).

''(3) SOURCES OF INFORMATION.—The sources of the information to be publicly reported as described in paragraph (1) are—

''(A) clearing agencies pursuant to section 3A;

''(B) security-based swap repositories pursuant to subsection (n); and

''(C) reports received by the Commission pursuant to section 13A.

''(n) SECURITY-BASED SWAP REPOSITORIES.—

''(1) REGISTRATION REQUIREMENT.—

''(A) IN GENERAL.—It shall be unlawful for a security-based swap repository, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a security-based swap repository.

''(B) INSPECTION AND EXAMINATION.—Registered security-based swap repositories shall be subject to inspection and examination by any representatives of the Commission.

''(2) STANDARD SETTING.—

''(A) DATA IDENTIFICATION.—The Commission shall prescribe standards that specify the data elements for each security-based swap that shall be collected and maintained by each security-based swap repository.

''(B) DATA COLLECTION AND MAINTENANCE.—The Commission shall prescribe data collection and data maintenance standards for security-based swap repositories.

''(C) COMPARABILITY.—The standards prescribed by the Commission under this subsection shall be comparable to the data standards imposed by the Commission on clearing agencies that clear security-based swaps.

''(3) DUTIES.—A security-based swap repository shall—

''(A) accept data prescribed by the Commission for each security-based swap under this paragraph (2);

''(B) maintain such data in such form and manner and for such period as may be required by the Commission;

''(C) provide to the Commission, or its designee, such information as is required by, and in a form and at a frequency to be determined by, the Commission, in order to comply with the public reporting requirements contained in subsection (m); and

''(D) make available, on a confidential basis, all data obtained by the security-based swap repository, including individual counterparty trade and position data, to the Commission, the appropriate Federal banking agencies, the Commodity Futures Trading Commission, the Financial Services Oversight Council, and the Department of Justice or to other persons the Commission deems appropriate, including foreign financial supervisors (including foreign futures authorities), foreign central banks, and foreign ministries.

''(4) RULES.—Not later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules governing persons that are registered under this section, including rules that specify the data elements that shall be collected and maintained.

''(5) EXEMPTIONS.—The Commission may exempt, conditionally or unconditionally, a security-based swap repository from the requirements of this section if the Commission finds that such security-based swap repository is subject to comparable, comprehensive supervision or regulation on a consolidated basis by the Commodity Futures Trading Commission, a Prudential Regulator or the appropriate governmental authorities in the organization's home country or if necessary or appropriate in the public interest and consistent with the purpose of this Act.''.

SEC. 3204. REGISTRATION AND REGULATION OF SWAP DEALERS AND MAJOR SWAP PARTICIPANTS.

The Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.) is amended by inserting after section 15E (15 U.S.C. 78o–7) the following:

''SEC. 15F. REGISTRATION AND REGULATION OF SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS.

''(a) REGISTRATION.—

''(1) It shall be unlawful for any person to act as a security-based swap dealer unless such person is registered as a security-based swap dealer with the Commission.

''(2) It shall be unlawful for any person to act as a major security-based swap participant unless such person is registered as a major security-based swap participant with the Commission.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—A person shall register as a security-based swap dealer or major security-based swap participant by filing a registration application with the Commission.

''(2) CONTENTS.—The application shall be made in such form and manner as prescribed by the Commission, giving any information and facts as the Commission may deem necessary concerning the business in which the applicant is or will be engaged. Such person, when registered as a security-based swap dealer or major security-based swap participant, shall continue to report and furnish to the Commission such information pertaining to such person's business as the Commission may require.

''(3) EXPIRATION.—Each registration shall expire at such time as the Commission may by rule or regulation prescribe.

''(4) RULES.—Except as provided in subsections (c) and (d), the Commission may prescribe rules applicable to security-based swap dealers and major security-based swap participants, including rules that limit the activities of security-based swap dealers and major security-based swap participants. Except as provided in subsection (d)(1)(A), the Commission may provide conditional or unconditional exemptions from some or all of the rules or requirements prescribed under this section for security-based swap dealers and major security-based swap participants.

''(5) TRANSITION.—Rules adopted under this section shall provide for the registration of security-based swap dealers and major security-based swap participants no later than 1 year after the effective date of the Derivative Markets Transparency and Accountability Act of 2009.

''(c) RULES.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules for persons that are registered as security-based swap dealers or major security-based swap participants under this Act.

''(2) EXCEPTION FOR PRUDENTIAL REQUIREMENTS.—The Commission shall not prescribe rules imposing prudential requirements on security-based swap dealers or major security-based swap participants for which there is a Prudential Regulator. This provision shall not be construed as limiting the authority of the Commission to prescribe appropriate business conduct, reporting, and recordkeeping requirements to protect investors.

''(d) CAPITAL AND MARGIN REQUIREMENTS.—

''(1) IN GENERAL.—

''(A) BANK SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS.—Each registered security-based swap dealer and major security-based swap participant for which there is a Prudential Regulator shall meet such minimum capital requirements and minimum initial and variation margin requirements as the Prudential Regulators shall by rule or regulation jointly prescribe that—

''(i) help ensure the safety and soundness of the security-based swap dealer or major security-based swap participant; and

''(ii) are appropriate for the risk associated with the non-cleared swaps held as a swap dealer or major swap participant.

''(B) NON-BANK SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS.—Each registered security-based swap dealer and major security-based swap participant for which there is not a Prudential Regulator shall meet such minimum capital requirements and minimum initial and variation margin requirements as the Commission shall by rule or regulation prescribe that—

''(i) help ensure the safety and soundness of the security-based swap dealer or major security-based swap participant; and

''(ii) are appropriate for the risk associated with the non-cleared swaps held as the swap dealer or major swap participant.

''(2) RULES.—

''(A) BANK SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS.—Not later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Prudential Regulators, in consultation with the Commission, shall jointly adopt rules imposing capital and margin requirements under this subsection for security-based swap dealers and major security-based swap participants, with respect to their activities as a security-based swap dealer or major security-based swap participant for which there is a Prudential Regulator.

''(B) NON-BANK SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS.—Not later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules imposing capital and margin requirements under this subsection for security-based swap dealers and major security-based swap participants for which there is no Prudential Regulator.

''(3) AUTHORITY.—Nothing in this section shall limit the authority of the Commission to set capital requirements for a broker or dealer registered in accordance with section 15 of this Act.

''(e) REPORTING AND RECORDKEEPING.—

''(1) IN GENERAL.—Each registered security-based swap dealer and major security-based swap participant—

''(A) shall make such reports as are prescribed by the Commission by rule or regulation regarding the transactions and positions and financial condition of such person;

''(B) for which—

''(i) there is a Prudential Regulator shall keep books and records of all activities related to its business as a security-based swap dealer or major security-based swap participant in such form and manner and for such period as may be prescribed by the Commission by rule or regulation;

''(ii) there is no Prudential Regulator shall keep books and records in such form and manner and for such period as may be prescribed by the Commission by rule or regulation; and

''(C) shall keep such books and records open to inspection and examination by any representative of the Commission.

''(2) RULES.—Not later than 1 year after the date of enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules governing reporting and recordkeeping for security-based swap dealers and major security-based swap participants.

''(f) DAILY TRADING RECORDS.—

''(1) IN GENERAL.—Each registered security-based swap dealer and major security-based swap participant shall maintain daily trading records of its security-based swaps and all related records (including related transactions) and recorded communications including but not limited to electronic mail, instant messages, and recordings of telephone calls, for such period as may be prescribed by the Commission by rule or regulation.

''(2) INFORMATION REQUIREMENTS.—The daily trading records shall include such information as the Commission shall prescribe by rule or regulation.

''(3) CUSTOMER RECORDS.—Each registered security-based swap dealer or major security-based swap participant shall maintain daily trading records for each customer or counterparty in such manner and form as to be identifiable with each security-based swap transaction.

''(4) AUDIT TRAIL.—Each registered security-based swap dealer or major security-based swap participant shall maintain a complete audit trail for conducting comprehensive and accurate trade reconstructions.

''(5) RULES.—Not later than 1 year after the date of the enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission shall adopt rules governing daily trading records for security-based swap dealers and major security-based swap participants.

''(g) BUSINESS CONDUCT STANDARDS.—

''(1) IN GENERAL.—Each registered security-based swap dealer and major security-based swap participant shall conform with business conduct standards as may be prescribed by the Commission by rule or regulation addressing—

''(A) fraud, manipulation, and other abusive practices involving security-based swaps (including security-based swaps that are offered but not entered into);

''(B) diligent supervision of its business as a security-based swap dealer;

''(C) adherence to all applicable position limits; and

''(D) such other matters as the Commission shall determine to be necessary or appropriate.

''(2) BUSINESS CONDUCT REQUIREMENTS.—Business conduct requirements adopted by the Commission shall—

''(A) establish the standard of care for a security-based swap dealer or major security-based swap participant to verify that any security-based swap counterparty meets the eligibility standards for an eligible contract participant;

''(B) require disclosure by the security-based swap dealer or major security-based swap participant to any counterparty to the security-based swap (other than a security-based swap dealer or major security-based swap participant) of:

''(i) information about the material risks and characteristics of the security-based swap;

''(ii) for cleared security-based swaps, upon the request of the counterparty, the daily mark from the appropriate clearing agency, and for non-cleared security-based swaps, upon request of the counterparty, the daily mark of the security-based swap dealer or major security-based swap participant; and

''(iii) any other material incentives or conflicts of interest that the security-based swap dealer or major security-based swap participant may have in connection with the security-based swap; and

''(C) establish such other standards and requirements as the Commission may determine are necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.

''(3) RULES.—The Commission shall prescribe rules under this subsection governing business conduct standards for security-based swap dealers and major security-based swap participants not later than 1 year after the date of enactment of the Derivative Markets Transparency and Accountability Act of 2009.

''(h) DOCUMENTATION STANDARDS.—

''(1) IN GENERAL.—Each registered security-based swap dealer and major security-based swap participant shall conform with standards, as may be prescribed by the Commission by rule or regulation, addressing timely and accurate confirmation, processing, netting, documentation, and valuation of all security-based swaps.

''(2) RULES.—Not later than 1 year after the date of enactment of the Derivative Markets Transparency and Accountability Act of 2009, the Commission and the appropriate Federal banking agencies, shall adopt rules governing the standards described in paragraph (1) for security-based swap dealers and major security-based swap participants.

''(i) DEALER RESPONSIBILITIES.—Each registered security-based swap dealer and major security-based swap participant at all times shall comply with the following requirements:

''(1) MONITORING OF TRADING.—The security-based swap dealer or major security-based swap participant shall monitor its trading in security-based swaps to prevent violations of applicable position limits.

''(2) DISCLOSURE OF GENERAL INFORMATION.—The security-based swap dealer or major security-based swap participant shall disclose to the Commission or to the Prudential Regulator for such security-based swap dealer or major security-based swap participant, as applicable, information concerning—

''(A) terms and conditions of its security-based swaps;

''(B) security-based swap trading operations, mechanisms, and practices;

''(C) financial integrity protections relating to security-based swaps; and

''(D) other information relevant to its trading in security-based swaps.

''(3) ABILITY TO OBTAIN INFORMATION.—The security-based swap dealer or major swap security-based participant shall—

''(A) establish and enforce internal systems and procedures to obtain any necessary information to perform any of the functions described in this section; and

''(B) provide the information to the Commission or to the Prudential Regulator for such security-based swap dealer or major security-based swap participant, as applicable, upon request.

''(4) CONFLICTS OF INTEREST.—The security-based swap dealer and major security-based swap participant shall implement conflict-of-interest systems and procedures that—

''(A) establish structural and institutional safeguards to assure that the activities of any person within the firm relating to research or analysis of the price or market for any security are separated by appropriate informational partitions within the firm from the review, pressure, or oversight of those whose involvement in trading or clearing activities might potentially bias their judgment or supervision; and

''(B) address such other issues as the Commission determines appropriate.

''(j) STATUTORY DISQUALIFICATION.—Except to the extent otherwise specifically provided by rule, regulation, or order of the Commission, it shall be unlawful for a security-based swap dealer or a major security-based swap participant to permit any person associated with a security-based swap dealer or a major security-based swap participant who is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of such security-based swap dealer or major security-based swap participant, if such security-based swap dealer or

major security-based swap participant knew, or in the exercise of reasonable care should have known, of such statutory disqualification.

''(k) ENFORCEMENT AND ADMINISTRATIVE PROCEEDING AUTHORITY.—

''(1) PRIMARY ENFORCEMENT AUTHORITY.—

''(A) SEC.—Except as provided in subparagraph (B), the Commission shall have exclusive authority to enforce the amendments made by subtitle B of the Derivative Markets Transparency and Accountability Act of 2009 with respect to any person.

''(B) PRUDENTIAL REGULATORS.—The Prudential Regulators shall have exclusive authority to enforce the provisions of section 15F(d) and other prudential requirements of this Act with respect to banks, and branches or agencies of foreign banks that are security-based swap dealers or major security-based swap participants.

''(C) REFERRAL.—

''(i) VIOLATIONS OF NONPRUDENTIAL REQUIREMENTS.—If the Prudential Regulator for a security-based swap dealer or major security-based swap participant has cause to believe that such security-based swap dealer or major security-based swap participant may have engaged in conduct that constitutes a violation of the nonprudential requirements of section 15F or rules adopted by the Commission thereunder, that Prudential Regulator may recommend in writing to the Commission that the Commission initiate an enforcement proceeding as authorized under this Act. The recommendation shall be accompanied by a written explanation of the concerns giving rise to the recommendation.

''(ii) VIOLATIONS OF PRUDENTIAL REQUIREMENTS.—If the Commission has cause to believe that a securities-based swap dealer or major securities-based swap participant that has a Prudential Regulator may have engaged in conduct that constitute a violation of the prudential requirements of section 15F(e) or rules adopted thereunder, the Commission may recommend in writing to the Prudential Regulator that the Prudential Regulator initiate an enforcement proceeding as authorized under this Act. The recommendation shall be accompanied by a written explanation of the concerns giving rise to the recommendation.

''(2) CENSURE, DENIAL, SUSPENSION; NOTICE AND HEARING.—The Commission, by order, shall censure, place limitations on the activities, functions, or operations of, or revoke the registration of any security-based swap dealer or major security-based swap participant that has registered with the Commission pursuant to subsection (b) if it finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, or revocation is in the public interest and that such security-based swap dealer or major security-based swap participant, or any person associated with such security-based swap dealer or major security-based swap participant effecting or involved in effecting transactions in security-based swaps on behalf of such security-based swap dealer or major security-based swap participant, whether prior or subsequent to becoming so associated—

''(A) has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (A), (D), or (E) of paragraph (4) of section 15(b);

''(B) has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within 10 years of the commencement of the proceedings under this subsection;

''(C) is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4);

''(D) is subject to an order or a final order specified in subparagraph (F) or (H), respectively, of such paragraph (4); or

''(E) has been found by a foreign financial regulatory authority to have committed or omitted any act, or violated any foreign statute or regulation, enumerated in subparagraph (G) of such paragraph (4).

''(3) ASSOCIATED PERSONS.—With respect to any person who is associated, who is seeking to become associated, or, at the time of the alleged misconduct, who was associated or was seeking to become associated with a security-based swap dealer or major security-based swap participant for the purpose of effecting or being involved in effecting security-based swaps on behalf of such security-based swap dealer or major security-based swap participant, the Commission, by order, shall censure, place limitations on the activities or functions of such person, or suspend for a period not exceeding 12 months, or bar such person from being associated with a security-based swap dealer or major security-based swap participant, if the Commission finds, on the record after notice and opportunity for a hearing, that such censure, placing of limitations, suspension, or bar is in the public interest and that such person—

''(A) has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (A), (D), or (E) of paragraph (4) of section 15(b);

''(B) has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within 10 years of the commencement of the proceedings under this subsection;

''(C) is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4);

''(D) is subject to an order or a final order specified in subparagraph (F) or (H), respectively, of such paragraph (4); or

''(E) has been found by a foreign financial regulatory authority to have committed or omitted any act, or violated any foreign statute or regulation, enumerated in subparagraph (G) of such paragraph (4).

''(4) UNLAWFUL CONDUCT.—It shall be unlawful—

''(A) for any person as to whom an order under paragraph (3) is in effect, without the consent of the Commission, willfully to become, or to be, associated with a security-based swap dealer or major security-based swap participant in contravention of such order; or

''(B) for any security-based swap dealer or major security-based swap participant to permit such a person, without the consent of the Commission, to become or remain a person associated with the security-based swap dealer or major security-based swap participant in contravention of such order, if such security-based swap dealer or major security-based swap participant knew, or in the exercise of reasonable care should have known, of such order.''.

SEC. 3205. REPORTING AND RECORDKEEPING.

(a) The Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.) is amended by inserting after section 13 the following section:

''SEC. 13A. REPORTING AND RECORDKEEPING FOR CERTAIN SECURITY-BASED SWAPS.

''(a) IN GENERAL.—Any person who enters into a security-based swap and—

''(1) did not clear the security-based swap in accordance with section 3A; and

''(2) did not have data regarding the security-based swap accepted by a security-based swap repository in accordance with rules adopted by the Commission under section 13(n),

shall meet the requirements in subsection (b).

''(b) REPORTS.—Any person described in subsection (a) shall—

''(1) make such reports in such form and manner and for such period as the Commission shall prescribe by rule or regulation regarding the security-based swaps held by the person; and

''(2) keep books and records pertaining to the security-based swaps held by the person in such form and manner and for such period as may be required by the Commission, which books and records shall be open to inspection by any representative of the Commission, an appropriate Federal banking agency, the Commodity Futures Trading Commission, the Financial Services Oversight Council, and the Department of Justice.

''(c) IDENTICAL DATA.—In adopting rules under this section, the Commission shall require persons described in subsection (a) to report the same or more comprehensive data than the Commission requires security-based swap repositories to collect under subsection (n).''.

(b) BENEFICIAL OWNERSHIP REPORTING.—

(1) Section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) is amended by inserting ''or otherwise becomes or is deemed to become a beneficial owner of any of the foregoing upon the purchase or sale of a security-based swap or other derivative instrument that the Commission may define by rule, and'' after ''Alaska Native Claims Settlement Act,''; and

(2) Section 13(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(g)(1)) is amended by inserting ''or otherwise becomes or is deemed to become a beneficial owner of any security of a class described in subsection (d)(1) upon the purchase or sale of a security-based swap or other derivative instrument that the Commission may define by rule'' after ''subsection (d)(1) of this section''.

(c) REPORTS BY INSTITUTIONAL INVESTMENT MANAGERS.—Section 13(f)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(f)(1)) is amended by inserting ''or otherwise becomes or is deemed to become a beneficial owner of any security of a class described in subsection (d)(1) upon the purchase or sale of a security-based swap or other derivative instrument that the Commission may define by rule,'' after ''subsection (d)(1) of this section''.

(d) ADMINISTRATIVE PROCEEDING AUTHORITY.—Section 15(b)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)(4)) is amended—

(1) in subparagraph (C), by adding ''security-based swap dealer, major security-based swap participant,'' after ''government securities dealer,''; and

(2) in subparagraph (F), by adding '', or security-based swap dealer, or a major security-based swap participant'' after ''or dealer''.

(e) DERIVATIVES BENEFICIAL OWNERSHIP.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

''(o) BENEFICIAL OWNERSHIP.—For purposes of this section and section 16, a person shall be deemed to acquire beneficial ownership of an equity security based on the purchase or sale of a security-based swap or other derivative instrument only to the extent that the Commission, by rule, determines after consultation with the Prudential Regulators and the Secretary of the Treasury, that the purchase or sale of the security-based swap or other derivative instrument, or class of security-based swaps or other derivative instruments, provides incidents of ownership comparable to direct ownership of the equity security, and that it is necessary to achieve the purposes of this section that the purchase or sale of the security-based swaps or instrument, or class of security-based swap or instruments, be deemed the acquisition of beneficial ownership of the equity security.''.

SEC. 3206. STATE GAMING AND BUCKET SHOP LAWS.

Section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(a)) is amended to read as follows:

''(a) Except as provided in subsection (f), the rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity; but no person permitted to maintain a suit for damages under the provisions of this title shall recover, through satisfaction of judgment in one or more actions, a total amount in excess of his actual damages on account of the act complained of. Except as otherwise specifically provided in this title, nothing in this title shall affect the jurisdiction of the securities commission (or any agency or officer performing like functions) of any State over any security or any person insofar as it does not conflict with the provisions of this title or the rules and regulations thereunder. No State law which prohibits or regulates the making or promoting of wagering or gaming contracts, or the operation of 'bucket shops' or other similar or related activities, shall invalidate (1) any put, call, straddle, option, privilege, or other security subject to this title (except any security that has a pari-mutuel payout or otherwise is determined by the Commission, acting by rule, regulation, or order, to be appropriately subject to such laws), or apply to any activity which is incidental or related to the offer, purchase, sale, exercise, settlement, or closeout of any such security, (2) any security-based swap between eligible contract participants, or (3) any security-based swap effected on a national securities exchange registered pursuant to section 6(b). No provision of State law regarding the offer, sale, or distribution of securities shall apply to any transaction in a security-based swap or a security futures product, except that this sentence shall not be construed as limiting any State antifraud law of general applicability. A security-based swap may not be regulated as an insurance contract under State law.''.

SEC. 3207. AMENDMENTS TO THE SECURITIES ACT OF 1933; TREATMENT OF SECURITY-BASED SWAPS.

(a) DEFINITIONS.—Section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)) is amended—

(1) in paragraph (1), by inserting ''security-based swap,'' after ''security future,'';

(2) in paragraph (3) by adding at the end the following: ''Any offer or sale of a security-based swap by or on behalf of the issuer of the securities upon which such security-based swap is based or is referenced, an affiliate of the issuer, or an underwriter, shall constitute a contract for sale of, sale of, offer for sale, or offer to sell such securities.''; and

(3) by adding at the end the following:

''(17) The terms 'swap' and 'security-based swap' have the same meanings as provided in sections 1a(35) of the Commodity Exchange Act (7 U.S.C. 1a(35)) and section 3(a)(68) of the Securities Exchange Act of 1934.

''(18) The terms 'purchase' or 'sale' of a security-based swap shall be deemed to mean the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.''.

(b) EXEMPTION FROM REGISTRATION.—Section 3(a) of the Securities Act of 1933 is amended by adding at the end the following:

''(15) Any security-based swap, as defined in section 2(a)(17) that is not otherwise a security as defined in section 2(a)(1) and that satisfies such conditions as established by rule or regulation by the Commission consistent with the provisions of the Derivative Markets Transparency and Accountability Act of 2009. The Commission shall promulgate rules implementing this exemption.''.

(c) REGISTRATION OF SECURITY-BASED SWAPS.—Section 5 of the Securities Act of 1933 (15 U.S.C. 77e) is amended by adding at the end the following:

''(d) Notwithstanding the provisions of section 3 or section 4, unless a registration statement meeting the requirements of subsection (a) of section 10 is in effect as to a security-based swap, it shall be unlawful for any person, directly or indirectly, to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell, offer to buy or purchase or sell a security-based swap to any person who is not an eligible contract participant as defined in section 1a(12) of the Commodity Exchange Act (7 U.S.C. 1a(12)).''.

SEC. 3208. OTHER AUTHORITY.

Unless otherwise provided by its terms, this subtitle does not divest any appropriate Federal banking agency, the Commission, the Commodity Futures Trading Commission, or other Federal or State agency, of any authority derived from any other applicable law.

SEC. 3209. JURISDICTION.

(a) Section 36 of the Securities Exchange Act of 1934 (15 U.S.C. 78mm) is amended by adding at the end the following new subsection:

''(c) DERIVATIVES.—The Commission shall not grant exemptions from the security-based swap provisions of the Derivative Markets Transparency and Accountability Act of 2009, except as expressly authorized under the provisions of that Act.''.

(b) Section 30 of the Securities Exchange Act of 1934 is amended by adding at the end the following:

''(c) No provision of this Act that was added by the Derivative Markets Transparency and Accountability Act of 2009 or any rule or regulation thereunder shall apply to any person insofar as such person transacts a business in security-based swaps without the jurisdiction of the United States unless he transacts such business in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate to prevent the evasion of any provision of this Act that was added by the Derivative Markets Transparency and Accountability Act of 2009. This subsection shall not be construed to limit the jurisdiction of the Commission under any provision of this Act as in effect prior to enactment of the Derivative Markets Transparency and Accountability Act of 2009.''.

SEC. 3210. EFFECTIVE DATE.

(a) Unless otherwise provided, the provisions of this subtitle shall become effective the later of 270 days after the date of the enactment of this subtitle or, to the extent a provision of this subtitle requires rulemaking, no less than 60 days after publication of a final rule or regulation implementing such provision of this subtitle.

(b) Subsection (a) shall not preclude the Securities Exchange Commission from any rulemaking required to implement the provisions of this subtitle.

Subtitle C—Improved Financial and Commodity Markets Oversight and Accountability

SEC. 3301. ELEVATION OF CERTAIN INSPECTORS GENERAL TO APPOINTMENT PURSUANT TO SECTION 3 OF THE INSPECTOR GENERAL ACT OF 1978.

(a) INCLUSION IN CERTAIN DEFINITIONS.—Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code;'' and inserting ''the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; the Chairman of the Board of Governors of the Federal Reserve System; the Chairman of the Commodity Futures Trading Commission; the Chairman of the National Credit Union Administration; the Director of the Pension Benefit Guaranty Corporation; the Chairman of the Securities and Exchange Commission; or the Director of the Consumer Financial Protection Agency;''; and

(2) in paragraph (2), by striking ''or the Commissions established under section 15301 of title 40, United States Code,'' and inserting ''the Commissions established under section 15301 of title 40, United States Code, the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission, or the Director of the Consumer Financial Protection Agency,''.

(b) EXCLUSION FROM DEFINITION OF DESIGNATED FEDERAL ENTITY.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking ''the Board of Governors of the Federal Reserve System,'';

(2) by striking ''the Commodity Futures Trading Commission,'';

(3) by striking ''the National Credit Union Administration,''; and

(4) by striking ''the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission,''.

SEC. 3302. CONTINUATION OF PROVISIONS RELATING TO PERSONNEL.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8L the following:

''SEC. 8M. SPECIAL PROVISIONS CONCERNING CERTAIN ESTABLISHMENTS.

''(a) DEFINITION.—For purposes of this section, the term 'covered establishment' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, and the Securities and Exchange Commission.

''(b) PROVISIONS RELATING TO ALL COVERED ESTABLISHMENTS.—

''(1) PROVISIONS RELATING TO INSPECTORS GENERAL.—In the case of the Inspector General of a covered establishment, subsections (b) and (c) of section 4 of the Inspector General Reform Act of 2008 (Public Law 110–409) shall apply in the same manner as if such covered establishment were a designated Federal entity under section 8G. An Inspector General who is subject to the preceding sentence shall not be subject to section 3(e).

''(2) PROVISIONS RELATING TO OTHER PERSONNEL.—Notwithstanding paragraphs (7) and (8) of section 6(a), the Inspector General of a covered establishment may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General of such establishment and to obtain the temporary or intermittent services of experts or consultants or an organization of experts or consultants, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within such establishment.

''(c) PROVISION RELATING TO THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—The provisions of subsection (a) of section 8D (other than the provisions of subparagraphs (A), (B), (C), and (E) of paragraph (1) of such subsection (a)) shall apply to the Inspector General of the Board of Governors of the Federal Reserve System and the Chairman of the Board of Governors of the

Federal Reserve System in the same manner as such provisions apply to the Inspector General of the Department of the Treasury and the Secretary of the Treasury, respectively.''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 8G(g) of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

SEC. 3303. CORRECTIVE RESPONSES BY HEADS OF CERTAIN ESTABLISHMENTS TO DEFICIENCIES IDENTIFIED BY INSPECTORS GENERAL.

The Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Commodity Futures Trading Commission, the Chairman of the National Credit Union Administration, the Director of the Pension Benefit Guaranty Corporation, and the Chairman of the Securities and Exchange Commission shall each—

(1) take action to address deficiencies identified by a report or investigation of the Inspector General of the establishment concerned; or

(2) certify to both Houses of Congress that no action is necessary or appropriate in connection with a deficiency described in paragraph (1).

SEC. 3304. EFFECTIVE DATE; TRANSITION RULE.

(a) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall take effect 30 days after the date of the enactment of this subtitle.

(b) TRANSITION RULE.—An individual serving as Inspector General of the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission on the effective date of this subtitle pursuant to an appointment made under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)—

(1) may continue so serving until the President makes an appointment under section 3(a) of such Act with respect to the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission, as the case may be, consistent with the amendments made by section 301; and

(2) shall, while serving under paragraph (1), remain subject to the provisions of section 8G of such Act which, immediately before the effective date of this subtitle, applied with respect to the Inspector General of the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission, as the case may be, and suffer no reduction in pay.

Page 694, beginning on line 19, strike ''a designated Federal entity'' and insert ''an establishment''.

In the table of contents, strike the items relating to title III, subtitles A, B, and C of title III, and sections 3001 through 3304 and insert the following:

TITLE III—DERIVATIVE MARKETS TRANSPARENCY AND ACCOUNTABILITY ACT

Sec. 3001. Short title.
Sec. 3002. Review of regulatory authority.
Sec. 3003. International harmonization.
Sec. 3004. Prohibition against government assistance.
Sec. 3005. Studies.
Sec. 3006. Recommendations for changes to insolvency laws.
Sec. 3007. Abusive swaps.
Sec. 3008. Authority to prohibit participation in swap activities.
Sec. 3009. Memorandum.

Subtitle A—Regulation of Swap Markets

Sec. 3101. Definitions.
Sec. 3102. Jurisdiction.
Sec. 3103. Clearing and execution transparency.
Sec. 3104. Public reporting of aggregate swap data.
Sec. 3105. Swap repositories.
Sec. 3106. Reporting and recordkeeping.
Sec. 3107. Registration and regulation of swap dealers and major swap participants.
Sec. 3108. Conflicts of interest.
Sec. 3109. Swap execution facilities.
Sec. 3110. Derivatives transaction execution facilities and exempt boards of trade.
Sec. 3111. Designated contract markets.
Sec. 3112. Margin.
Sec. 3113. Position limits.
Sec. 3114. Enhanced authority over registered entities.
Sec. 3115. Foreign boards of trade.
Sec. 3116. Legal certainty for swaps.
Sec. 3117. FDICIA amendments.
Sec. 3118. Enforcement authority.
Sec. 3119. Enforcement.
Sec. 3120. Retail commodity transactions.
Sec. 3121. Large swap trader reporting.
Sec. 3122. Segregation of assets held as collateral in swap transactions.
Sec. 3123. Other authority.
Sec. 3124. Antitrust.
Sec. 3125. Review of prior actions.
Sec. 3126. Expedited process.
Sec. 3127. Effective date.

Subtitle B—Regulation of Security-Based Swap Markets

Sec. 3201. Definitions under the Securities Exchange Act of 1934.
Sec. 3202. Repeal of prohibition on regulation of security-based swaps.
Sec. 3203. Amendments to the Securities Exchange Act of 1934.
Sec. 3204. Registration and regulation of swap dealers and major swap participants.
Sec. 3205. Reporting and recordkeeping.
Sec. 3206. State gaming and bucket shop laws.
Sec. 3207. Amendments to the Securities Act of 1933; treatment of security-based swaps.
Sec. 3208. Other authority.
Sec. 3209. Jurisdiction.
Sec. 3210. Effective date.

Subtitle C—Improved Financial and Commodity Markets Oversight and Accountability

Sec. 3301. Elevation of certain Inspectors General to appointment pursuant to section 3 of the Inspector General Act of 1978.
Sec. 3302. Continuation of provisions relating to personnel.
Sec. 3303. Corrective responses by heads of certain establishments to deficiencies identified by Inspectors General.
Sec. 3304. Effective date; transition rule.

At the end of title III, insert the following new section:

SEC. _____. AUTHORITY OF THE COMMODITY FUTURES TRADING COMMISSION TO DEFINE "COMMERCIAL RISK", "OPERATING RISK", AND "BALANCE SHEET RISK".

(a) IN GENERAL.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a), as amended by the preceding provisions of this Act, is amended by adding at the end the following:

''(51) COMMERCIAL RISK; OPERATING RISK; BALANCE SHEET RISK.—The terms 'commercial risk', 'operating risk', and 'balance sheet risk' shall have such meanings as the Commission may prescribe.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in subtitle A.

At the end of title III, insert the following new section:

SEC. _____. CONFLICTS OF INTEREST IN CLEARING ORGANIZATIONS.

(a) COMMODITY EXCHANGE ACT.—

(1) DEFINITION OF RESTRICTED OWNER.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) (as amended by the preceding provisions of this Act) is further amended by adding at the end the following:

''(51) RESTRICTED OWNER.—The term 'restricted owner' means any swap dealer, security-based swap dealer, major swap participant, or major security-based swap participant, that is an identified financial holding company as defined in Section 1000(b)(5) of the Financial Stability Improvement Act of 2009, or a person associated with a swap dealer or a major swap participant that is an identified financial holding company, or a person associated with a security-based swap dealer or major security-based swap participant that is an identified financial holding company.''.

(2) CONFLICTS OF INTEREST.—

(A) Subparagraph (P) of section 5b(c)(2) of the Commodity Exchange Act (as added by the preceding provisions of this Act) is amended by adding at the end of such subparagraph the following: ''The rules of the derivatives clearing organization that clears swaps shall provide that a restricted owner shall not be permitted directly or indirectly to acquire beneficial ownership of interests in the organization or in persons with a controlling interest in the organization, to the extent that such an acquisition would result in restricted owners being entitled to vote, cause the voting of, or cause the withholding of votes of, more than 20 percent of the votes entitled to be cast on any matter by the holders of the ownership interests. The rules of the derivatives clearing organization shall provide that a majority of the directors of the organization shall not be associated with a restricted owner. This subparagraph shall not be construed to require divestiture of any interest of a restricted owner in an established and operational derivatives clearing organization acquired prior to January 1, 2010, provided that acquisitions by such restricted owner after such date shall be subject to this subparagraph. The Commission may determine whether any acquisition by a restricted owner during any interim period prior to the date of the enactment of this Act has been made for the purpose of avoiding the effect of this subparagraph.''.

(B) Section 4s(g)(1) of the Commodity Exchange Act (as added by the preceding provisions of this Act) is amended—

(i) by striking ''and'' at the end of subparagraph (C); and

(ii) by redesignating subparagraph (D) as subparagraph (E) and insert after subparagraph (C) the following:

''(D) the prevention of self-dealing, by limiting the extent to which such a swap dealer or major swap participant may conduct business with a derivatives clearing organization, a board of trade, or an alternative swap execution facility that clears or trades swaps and in which such a swap dealer or major swap participant has a material debt or equity investment; and''.

(C) Paragraph (12) of section 5h(d) of the Commodity Exchange Act (as added by the preceding provisions of this Act) is amended by adding at the end the following new subparagraph:

''(C) The rules of the swap execution facility shall provide that a restricted owner shall not be permitted directly or indirectly to acquire beneficial ownership of interests in the facility or in persons with a controlling interest in the facility, to the extent

that such an acquisition would result in restricted owners being entitled to vote, cause the voting of, or cause the withholding of votes of, more than 20 percent of the votes entitled to be cast on any matter by the holders of the ownership interests. This subparagraph shall not be construed to require divestiture of any interest of a restricted owner in an established and operational swap execution facility acquired prior to January 1, 2010, provided that acquisitions by such restricted owner after such date shall be subject to this subparagraph. The Commission may determine whether any acquisition by a restricted owner during any interim period prior to the date of the enactment of this Act has been made for the purpose of avoiding the effect of this subparagraph.

''(D) The rules of the swap execution facility shall provide that a majority of the directors of the facility shall not be associated with a restricted owner.''.

(D) Section 5(d) of the Commodity Exchange Act (as amended by the preceding provisions of this Act) is further amended by striking paragraph (15) and inserting the following:

''(15) CONFLICTS OF INTEREST.—

''(A) The board of trade shall establish and enforce rules to minimize conflicts of interest in the decisionmaking process of the contract market, and establish a process for resolving any such conflicts of interest.

''(B) The rules of a board of trade that trades swaps shall provide that a restricted owner shall not be permitted directly or indirectly to acquire beneficial ownership of interests in the board of trade or in persons with a controlling interest in the board of trade, to the extent that such an acquisition would result in restricted owners being entitled to vote, cause the voting of, or cause the withholding of votes of, more than 20 percent of the votes entitled to be cast on any matter by the holders of the ownership interests. This paragraph shall not be construed to require divestiture of any interest of a restricted owner in an established and operational board of trade acquired prior to January 1, 2010, provided that acquisitions by such restricted owner after such date shall be subject to this paragraph. The Commission may determine whether any acquisition by a restricted owner during any interim period prior to the date of the enactment of this Act has been made for the purpose of avoiding the effect of this paragraph.

''(C) The rules of a board of trade that trades swaps shall provide that a majority of the directors of the board of trade shall not be associated with a restricted owner.''.

(b) SECURITIES EXCHANGE ACT OF 1934.—

(1) DEFINITION OF RESTRICTED OWNER.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) (as amended by the preceding provisions of this Act) is further amended by adding at the end the following:

''(78) RESTRICTED OWNER.—The term 'restricted owner' has the same meaning as in section 1a(51) of the Commodity Exchange Act.''.

(2) CONFLICTS OF INTEREST.—

(A) Paragraph (10) of section 3C(d) of the Securities Exchange Act of 1934 (as added by the preceding provisions of this Act) is amended by adding after subparagraph (B) the following:

''The rules of the swap execution facility shall provide that a restricted owner shall not be permitted directly or indirectly to acquire beneficial ownership of interests in the facility or in persons with a controlling interest in the facility, to the extent that such an acquisition would result in restricted owners being entitled to vote, cause the voting of, or cause the withholding of votes of, more than 20 percent of the votes entitled to be cast on any matter by the holders of the ownership interests. The rules of the swap execution facility shall provide that a majority of the directors of the facility shall not be associated with a restricted owner. This paragraph shall not be construed to require divestiture of any interest of a restricted owner in an established and operational swap execution facility acquired prior to January 1, 2010, provided that acquisitions by such restricted owner after such date shall be subject to this paragraph. The Commission may determine whether any acquisition by a restricted owner during any interim period prior to the date of the enactment of this Act has been made for the purpose of avoiding the effect of this paragraph.''.

(B) Section 15F(g)(1) of the Securities Exchange Act of 1934 (as added by the preceding provisions of this Act) is amended—

(i) in subparagraph (C), strike ''and''; and

(ii) insert after subparagraph (C) the following (and redesignate the succeeding subparagraph accordingly):

''(D) the prevention of self-dealing by limiting the extent to which a security-based swap dealer or major security-based swap participant may conduct business with a clearing agency, an exchange, or an alternative swap execution facility that clears or trades security-based swaps and in which such a dealer or participant has a material debt or equity investment; and''.

(C) Section 6(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(b)) is amended by adding at the end the following new paragraphs:

''(10) The rules of the exchange minimize conflicts of interest in its decision-making process and establish a process for resolving such conflicts of interest.

''(11) The rules of an exchange that trades security-based swaps provide that a majority of the directors of the exchange shall not be associated with a restricted owner.

''(12) The rules of an exchange that trades security-based swaps provide that a restricted owner shall not be permitted directly or indirectly to acquire beneficial ownership of interests in the exchange or in persons with a controlling interest in the exchange, to the extent that such an acquisition would result in restricted owners being entitled to vote, cause the voting of, or cause the withholding of votes of, more than 20 percent of the votes entitled to be cast on any matter by the holders of the ownership interests. This paragraph shall not be construed to require divestiture of any interest of a restricted owner in an established and operational exchange acquired prior to January 1, 2010, provided that acquisitions by such restricted owner after such date shall be subject to this paragraph. The Commission may determine whether any acquisition by a restricted owner during any interim period prior to the date of the enactment of this Act has been made for the purpose of avoiding the effect of this paragraph.''.

(D) Section 17A(b)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(b)) is amended by adding at the end the following new subparagraphs:

''(J) The rules of a clearing agency that clears security-based swaps shall provide that a restricted owner shall not be permitted directly or indirectly to acquire beneficial ownership of interests in the agency or in persons with a controlling interest in the agency, to the extent that such an acquisition would result in restricted owners being entitled to vote, cause the voting of, or cause the withholding of votes of, more than 20 percent of the votes entitled to be cast on any matter by the holders of the ownership interests. This subparagraph shall not be construed to require divestiture of any interest of a restricted owner in an established and operational clearing agency acquired prior to January 1, 2010, provided that acquisitions by such restricted owner after such date shall be subject to this subparagraph. The Commission may determine whether any acquisition by a restricted owner during any interim period prior to the date of the enactment of this Act has been made for the purpose of avoiding the effect of this subparagraph.

''(K) The rules of the clearing agency shall provide that a majority of the directors of the agency shall not be associated with a restricted owner.''.

At the end of title III, insert the following new section:

SEC. _____. DEFINITIONS OF MAJOR SWAP PARTICIPANT AND MAJOR SECURITY-BASED SWAP PARTICIPANT.

(a) MAJOR SWAP PARTICIPANT.—Section 1a(39) of the Commodity Exchange Act (7 U.S.C. 1a), as added by the preceding provisions of this Act, is amended to read as follows:

''(39) MAJOR SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'major swap participant' means any person who is not a swap dealer, and—

''(i) maintains a substantial net position in outstanding swaps, excluding positions held primarily for hedging, reducing or otherwise mitigating its commercial risk; or

''(ii) whose outstanding swaps create substantial net counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets.

''(B) DEFINITION OF SUBSTANTIAL NET POSITION.—The Commission shall define by rule or regulation the term 'substantial net position' at a threshold that the Commission determines prudent for the effective monitoring, management, and oversight of entities which are systemically important or can significantly impact the financial system. In setting the definitions, the Commission shall consider the person's relative position in uncleared as opposed to cleared swaps.

''(C) A person may be designated a major swap participant for 1 or more individual types of swaps without being classified as a major swap participant for all classes of swaps.''.

(b) MAJOR SECURITY-BASED SWAP PARTICIPANT.—Section 3(a)(67) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), as added by the preceding provisions of this Act, is amended to read as follows:

''(67) MAJOR SECURITY-BASED SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'major security-based swap participant' means any person who is not a security-based swap dealer, and—

''(i) maintains a substantial net position in outstanding security-based swaps, excluding positions held primarily for hedging, reducing or otherwise mitigating its commercial risk; or

''(ii) whose outstanding security-based swaps create substantial net counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets.

''(B) DEFINITION OF SUBSTANTIAL NET POSITION.—The Commission shall define by rule or regulation the term 'substantial net position' at a threshold that the Commission determines prudent for the effective monitoring, management, and oversight of entities which are systemically important or can significantly impact the financial system. In setting the definitions, the Commission shall consider the person's relative position in uncleared as opposed to cleared security-based swaps.

''(C) A person may be designated a major security-based swap participant for 1 or more individual types of security-based swaps without being classified as a major security-

based swap participant for all classes of security-based swaps.''.

(c) EFFECTIVE DATES.—

(1) MAJOR SWAP PARTICIPANT.—The amendment made by subsection (a)(1) shall take effect as if included in subtitle A.

(2) MAJOR SECURITY-BASED SWAP PARTICIPANT.—The amendment made by subsection (a)(2) shall take effect as if included in subtitle B.

Page 465, after line 2, insert the following new subtitle:

Subtitle L—Making Home Affordable Program

SEC. 9911. PUBLIC AVAILABILITY OF INFORMATION.

(a) REVISIONS TO PROGRAM GUIDELINES.—The Secretary of the Treasury (in this section referred to as the ''Secretary'') shall revise the guidelines for the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary of the Treasury, authorized under the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), to provide that the data being collected by the Secretary from each mortgage servicer and lender participating in the Program is made public in accordance with subsection (b).

(b) PUBLIC AVAILABILITY.—Data shall be made available according to the following guidelines:

(1) Not more than 14 days after each monthly deadline for submission of data by mortgage servicers and lenders participating in the Program, reports shall be made publicly available by means of a World Wide Web site of the Secretary, and by submitting a report to the Congress, that shall includes the following information:

(A) The number of requests for mortgage modifications under the Program that the servicer or lender has received.

(B) The number of requests for mortgage modifications under the Program that the servicer or lender has processed.

(C) The number of requests for mortgage modifications under the Program that the servicer or lender has approved.

(D) The number of requests for mortgage modifications under the Program that the servicer or lender has denied.

(2) Not more than 60 days after each monthly deadline for submission of data by mortgage servicers and lenders participating in the Program, the Secretary shall make data tables available to the public at the individual record level. The Secretary shall issue regulations prescribing—

(A) the procedures for disclosing such data to the public; and

(B) such deletions as the Secretary may determine to be appropriate to protect any privacy interest of any mortgage modification applicant, including the deletion or alteration of the applicant's name and identification number.

Page 21, line 23, insert ''and shall not be excluded from any of the Council's proceedings, meetings, discussions and deliberations'' after ''advisory capacity'':

Page 22, beginning on line 19, strike ''orderliness''.

Page 92, line 16, insert the following: ''The aforementioned amounts shall be indexed to inflation.''

Page 58, line 4, insert after the period the following new sentence: ''The Board shall define by rule or regulation the term 'significantly undercapitalized' at a threshold the Board determines to be prudent for the effective monitoring, management and oversight of the financial system.''.

Page 20, line 1, insert after ''possible'' the following: '', but no later than two (2) years,''.

Page 1185, beginning on line 10, strike ''have engaged in information sharing or''.

At the end of the bill, insert the following new section:

SEC. ___. SENSE OF CONGRESS REGARDING SIMPLIFIED MORTGAGE CONTRACT SUMMARIES.

It is the sense of Congress that mortgage lenders should provide loan applicants with a simplified summary of their loan contracts, including an easy-to-read list of the basic loan terms, payment information, the existence of prepayment penalties or balloon payments, and escrow information.

Add at the end the following new title (and update the table of contents accordingly):

TITLE VIII—NONADMITTED AND REINSURANCE REFORM ACT

SECTION 10001. SHORT TITLE.

This title may be cited as the ''Nonadmitted and Reinsurance Reform Act of 2009''.

SEC. 10002. EFFECTIVE DATE.

Except as otherwise specifically provided in this title, this title shall take effect upon the expiration of the 12-month period beginning on the date of the enactment of this Act.

Subtitle A—Nonadmitted Insurance

SEC. 10101. REPORTING, PAYMENT, AND ALLOCATION OF PREMIUM TAXES.

(a) HOME STATE'S EXCLUSIVE AUTHORITY.—No State other than the home State of an insured may require any premium tax payment for nonadmitted insurance.

(b) ALLOCATION OF NONADMITTED PREMIUM TAXES.—

(1) IN GENERAL.—The States may enter into a compact or otherwise establish procedures to allocate among the States the premium taxes paid to an insured's home State described in subsection (a).

(2) EFFECTIVE DATE.—Except as expressly otherwise provided in such compact or other procedures, any such compact or other procedures—

(A) if adopted on or before the expiration of the 330-day period that begins on the date of the enactment of this Act, shall apply to any premium taxes that, on or after such date of enactment, are required to be paid to any State that is subject to such compact or procedures; and

(B) if adopted after the expiration of such 330-day period, shall apply to any premium taxes that, on or after January 1 of the first calendar year that begins after the expiration of such 330-day period, are required to be paid to any State that is subject to such compact or procedures.

(3) REPORT.—Upon the expiration of the 330-day period referred to in paragraph (2), the NAIC may submit a report to the Committee on Financial Services and Committee on the Judiciary of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate identifying and describing any compact or other procedures for allocation among the States of premium taxes that have been adopted during such period by any States.

(4) NATIONWIDE SYSTEM.—The Congress intends that each State adopt nationwide uniform requirements, forms, and procedures, such as an interstate compact, that provides for the reporting, payment, collection, and allocation of premium taxes for nonadmitted insurance consistent with this section.

(c) ALLOCATION BASED ON TAX ALLOCATION REPORT.—To facilitate the payment of premium taxes among the States, an insured's home State may require surplus lines brokers and insureds who have independently procured insurance to annually file tax allocation reports with the insured's home State detailing the portion of the nonadmitted insurance policy premium or premiums attributable to properties, risks or exposures located in each State. The filing of a nonadmitted insurance tax allocation report and the payment of tax may be made by a person authorized by the insured to act as its agent.

SEC. 10102. REGULATION OF NONADMITTED INSURANCE BY INSURED'S HOME STATE.

(a) HOME STATE AUTHORITY.—Except as otherwise provided in this section, the placement of nonadmitted insurance shall be subject to the statutory and regulatory requirements solely of the insured's home State.

(b) BROKER LICENSING.—No State other than an insured's home State may require a surplus lines broker to be licensed in order to sell, solicit, or negotiate nonadmitted insurance with respect to such insured.

(c) ENFORCEMENT PROVISION.—With respect to section 10101 and subsections (a) and (b) of this section, any law, regulation, provision, or action of any State that applies or purports to apply to nonadmitted insurance sold to, solicited by, or negotiated with an insured whose home State is another State shall be preempted with respect to such application.

(d) WORKERS' COMPENSATION EXCEPTION.—This section may not be construed to preempt any State law, rule, or regulation that restricts the placement of workers' compensation insurance or excess insurance for self-funded workers' compensation plans with a nonadmitted insurer.

SEC. 10103. PARTICIPATION IN NATIONAL PRODUCER DATABASE.

After the expiration of the 2-year period beginning on the date of the enactment of this Act, a State may not collect any fees relating to licensing of an individual or entity as a surplus lines broker in the State unless the State has in effect at such time laws or regulations that provide for participation by the State in the national insurance producer database of the NAIC, or any other equivalent uniform national database, for the licensure of surplus lines brokers and the renewal of such licenses.

SEC. 10104. UNIFORM STANDARDS FOR SURPLUS LINES ELIGIBILITY.

A State may not—

(1) impose eligibility requirements on, or otherwise establish eligibility criteria for, nonadmitted insurers domiciled in a United States jurisdiction, except in conformance with such requirements and criteria in sections 5A(2) and 5C(2)(a) of the Non-Admitted Insurance Model Act, unless the State has adopted nationwide uniform requirements, forms, and procedures developed in accordance with section 10101(b) of this title that include alternative nationwide uniform eligibility requirements; and

(2) prohibit a surplus lines broker from placing nonadmitted insurance with, or procuring nonadmitted insurance from, a nonadmitted insurer domiciled outside the United States that is listed on the Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the NAIC.

SEC. 10105. STREAMLINED APPLICATION FOR COMMERCIAL PURCHASERS.

A surplus lines broker seeking to procure or place nonadmitted insurance in a State for an exempt commercial purchaser shall not be required to satisfy any State requirement to make a due diligence search to determine whether the full amount or type of insurance sought by such exempt commercial purchaser can be obtained from admitted insurers if—

(1) the broker procuring or placing the surplus lines insurance has disclosed to the exempt commercial purchaser that such insurance may or may not be available from the admitted market that may provide greater protection with more regulatory oversight; and

(2) the exempt commercial purchaser has subsequently requested in writing the broker

to procure or place such insurance from a nonadmitted insurer.

SEC. 10106. GAO STUDY OF NONADMITTED INSURANCE MARKET.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the nonadmitted insurance market to determine the effect of the enactment of this subtitle on the size and market share of the nonadmitted insurance market for providing coverage typically provided by the admitted insurance market.

(b) CONTENTS.—The study shall determine and analyze—

(1) the change in the size and market share of the nonadmitted insurance market and in the number of insurance companies and insurance holding companies providing such business in the 18-month period that begins upon the effective date of this Act;

(2) the extent to which insurance coverage typically provided by the admitted insurance market has shifted to the nonadmitted insurance market;

(3) the consequences of any change in the size and market share of the nonadmitted insurance market, including differences in the price and availability of coverage available in both the admitted and nonadmitted insurance markets;

(4) the extent to which insurance companies and insurance holding companies that provide both admitted and nonadmitted insurance have experienced shifts in the volume of business between admitted and nonadmitted insurance; and

(5) the extent to which there has been a change in the number of individuals who have nonadmitted insurance policies, the type of coverage provided under such policies, and whether such coverage is available in the admitted insurance market.

(c) CONSULTATION WITH NAIC.—In conducting the study under this section, the Comptroller General shall consult with the NAIC.

(d) REPORT.—The Comptroller General shall complete the study under this section and 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 regarding the findings of the study not later than 30 months after the effective date of this Act.

SEC. 10107. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) ADMITTED INSURER.—The term ''admitted insurer'' means, with respect to a State, an insurer licensed to engage in the business of insurance in such State.

(2) AFFILIATE.—The term ''affiliate'' means, with respect to an insured, any entity that controls, is controlled by, or is under common control with the insured.

(3) AFFILIATED GROUP.—The term ''affiliated group'' means any group of entities that are all affiliated.

(4) CONTROL.—An entity has ''control'' over another entity if—

(A) the entity directly or indirectly or acting through one or more other persons owns, controls or has the power to vote 25 percent or more of any class of voting securities of the other entity; or

(B) the entity controls in any manner the election of a majority of the directors or trustees of the other entity.

(5) EXEMPT COMMERCIAL PURCHASER.—The term ''exempt commercial purchaser'' means any person purchasing commercial insurance that, at the time of placement, meets the following requirements:

(A) The person employs or retains a qualified risk manager to negotiate insurance coverage.

(B) The person has paid aggregate nationwide commercial property and casualty insurance premiums in excess of $100,000 in the immediately preceding 12 months.

(C)(i) The person meets at least one of the following criteria:

(I) The person possesses a net worth in excess of $20,000,000, as such amount is adjusted pursuant to clause (ii).

(II) The person generates annual revenues in excess of $50,000,000, as such amount is adjusted pursuant to clause (ii).

(III) The person employs more than 500 full time or full time equivalent employees per individual insured or is a member of an affiliated group employing more than 1,000 employees in the aggregate.

(IV) The person is a not-for-profit organization or public entity generating annual budgeted expenditures of at least $30,000,000, as such amount is adjusted pursuant to clause (ii).

(V) The person is a municipality with a population in excess of 50,000 persons.

(ii) Effective on the fifth January 1 occurring after the date of the enactment of this Act and each fifth January 1 occurring thereafter, the amounts in subclauses (I), (II), and (IV) of clause (i) shall be adjusted to reflect the percentage change for such five-year period in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(6) HOME STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''home State'' means, with respect to an insured—

(i) the State in which an insured maintains its principal place of business or, in the case of an individual, the individual's principal residence; or

(ii) if 100 percent of the insured risk is located out of the State referred to in subparagraph (A), the State to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

(B) AFFILIATED GROUPS.—If more than one insured from an affiliated group are named insureds on a single nonadmitted insurance contract, the term ''home State'' means the home State, as determined pursuant to subparagraph (A), of the member of the affiliated group that has the largest percentage of premium attributed to it under such insurance contract.

(7) INDEPENDENTLY PROCURED INSURANCE.—The term ''independently procured insurance'' means insurance procured directly by an insured from a nonadmitted insurer.

(8) NAIC.—The term ''NAIC'' means the National Association of Insurance Commissioners or any successor entity.

(9) NONADMITTED INSURANCE.—The term ''nonadmitted insurance'' means any property and casualty insurance permitted to be placed directly or through a surplus lines broker with a nonadmitted insurer eligible to accept such insurance.

(10) NON-ADMITTED INSURANCE MODEL ACT.—The term ''Non-Admitted Insurance Model Act'' means the provisions of the Non-Admitted Insurance Model Act, as adopted by the NAIC on August 3, 1994, and amended on September 30, 1996, December 6, 1997, October 2, 1999, and June 8, 2002.

(11) NONADMITTED INSURER.—The term ''nonadmitted insurer'' means, with respect to a State, an insurer not licensed to engage in the business of insurance in such State.

(12) QUALIFIED RISK MANAGER.—The term ''qualified risk manager'' means, with respect to a policyholder of commercial insurance, a person who meets all of the following requirements:

(A) The person is an employee of, or third party consultant retained by, the commercial policyholder.

(B) The person provides skilled services in loss prevention, loss reduction, or risk and insurance coverage analysis, and purchase of insurance.

(C) The person—

(i)(I) has a bachelor's degree or higher from an accredited college or university in risk management, business administration, finance, economics, or any other field determined by a State insurance commissioner or other State regulatory official or entity to demonstrate minimum competence in risk management; and

(II)(aa) has three years of experience in risk financing, claims administration, loss prevention, risk and insurance analysis, or purchasing commercial lines of insurance; or

(bb) has one of the following designations:

(AA) a designation as a Chartered Property and Casualty Underwriter (in this subparagraph referred to as ''CPCU'') issued by the American Institute for CPCU/Insurance Institute of America;

(BB) a designation as an Associate in Risk Management (ARM) issued by the American Institute for CPCU/Insurance Institute of America;

(CC) a designation as Certified Risk Manager (CRM) issued by the National Alliance for Insurance Education & Research;

(DD) a designation as a RIMS Fellow (RF) issued by the Global Risk Management Institute; or

(EE) any other designation, certification, or license determined by a State insurance commissioner or other State insurance regulatory official or entity to demonstrate minimum competency in risk management;

(ii)(I) has at least seven years of experience in risk financing, claims administration, loss prevention, risk and insurance coverage analysis, or purchasing commercial lines of insurance; and

(II) has any one of the designations specified in subitems (AA) through (EE) of clause (i)(II)(bb);

(iii) has at least 10 years of experience in risk financing, claims administration, loss prevention, risk and insurance coverage analysis, or purchasing commercial lines of insurance; or

(iv) has a graduate degree from an accredited college or university in risk management, business administration, finance, economics, or any other field determined by a State insurance commissioner or other State regulatory official or entity to demonstrate minimum competence in risk management.

(13) PREMIUM TAX.—The term ''premium tax'' means, with respect to surplus lines or independently procured insurance coverage, any tax, fee, assessment, or other charge imposed by a government entity directly or indirectly based on any payment made as consideration for an insurance contract for such insurance, including premium deposits, assessments, registration fees, and any other compensation given in consideration for a contract of insurance.

(14) SURPLUS LINES BROKER.—The term ''surplus lines broker'' means an individual, firm, or corporation which is licensed in a State to sell, solicit, or negotiate insurance on properties, risks, or exposures located or to be performed in a State with nonadmitted insurers.

(15) STATE.—The term ''State'' includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa.

Subtitle B—Reinsurance

SEC. 10201. REGULATION OF CREDIT FOR REINSURANCE AND REINSURANCE AGREEMENTS.

(a) CREDIT FOR REINSURANCE.—If the State of domicile of a ceding insurer is an NAIC-accredited State, or has financial solvency requirements substantially similar to the requirements necessary for NAIC accreditation, and recognizes credit for reinsurance

for the insurer's ceded risk, then no other State may deny such credit for reinsurance.

(b) ADDITIONAL PREEMPTION OF EXTRATERRITORIAL APPLICATION OF STATE LAW.—In addition to the application of subsection (a), all laws, regulations, provisions, or other actions of a State that is not the domiciliary State of the ceding insurer, except those with respect to taxes and assessments on insurance companies or insurance income, are preempted to the extent that they—

(1) restrict or eliminate the rights of the ceding insurer or the assuming insurer to resolve disputes pursuant to contractual arbitration to the extent such contractual provision is not inconsistent with the provisions of title 9, United States Code;

(2) require that a certain State's law shall govern the reinsurance contract, disputes arising from the reinsurance contract, or requirements of the reinsurance contract;

(3) attempt to enforce a reinsurance contract on terms different than those set forth in the reinsurance contract, to the extent that the terms are not inconsistent with this subtitle; or

(4) otherwise apply the laws of the State to reinsurance agreements of ceding insurers not domiciled in that State.

SEC. 10202. REGULATION OF REINSURER SOLVENCY.

(a) DOMICILIARY STATE REGULATION.—If the State of domicile of a reinsurer is an NAIC-accredited State or has financial solvency requirements substantially similar to the requirements necessary for NAIC accreditation, such State shall be solely responsible for regulating the financial solvency of the reinsurer.

(b) NONDOMICILIARY STATES.—

(1) LIMITATION ON FINANCIAL INFORMATION REQUIREMENTS.—If the State of domicile of a reinsurer is an NAIC-accredited State or has financial solvency requirements substantially similar to the requirements necessary for NAIC accreditation, no other State may require the reinsurer to provide any additional financial information other than the information the reinsurer is required to file with its domiciliary State.

(2) RECEIPT OF INFORMATION.—No provision of this section shall be construed as preventing or prohibiting a State that is not the State of domicile of a reinsurer from receiving a copy of any financial statement filed with its domiciliary State.

SEC. 10203. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) CEDING INSURER.—The term ''ceding insurer'' means an insurer that purchases reinsurance.

(2) DOMICILIARY STATE.—The terms ''State of domicile'' and ''domiciliary State'' means, with respect to an insurer or reinsurer, the State in which the insurer or reinsurer is incorporated or entered through, and licensed.

(3) REINSURANCE.—The term ''reinsurance'' means the assumption by an insurer of all or part of a risk undertaken originally by another insurer.

(4) REINSURER.—

(A) IN GENERAL.—The term ''reinsurer'' means an insurer to the extent that the insurer—

(i) is principally engaged in the business of reinsurance;

(ii) does not conduct significant amounts of direct insurance as a percentage of its net premiums; and

(iii) is not engaged in an ongoing basis in the business of soliciting direct insurance.

(B) DETERMINATION.—A determination of whether an insurer is a reinsurer shall be made under the laws of the State of domicile in accordance with this paragraph.

(5) STATE.—The term ''State'' includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa.

Subtitle C—Rule of Construction

SEC. 10301. RULE OF CONSTRUCTION.

Nothing in this title or amendments to this title shall be construed to modify, impair, or supersede the application of the antitrust laws. Any implied or actual conflict between this title and any amendments to this title and the antitrust laws shall be resolved in favor of the operation of the antitrust laws.

SEC. 10302. SEVERABILITY.

If any section or subsection of this title, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this title, and the application of the provision to any other person or circumstance, shall not be affected.

Page 176, strike lines 12 through 14 (and redesignate remaining paragraphs accordingly).

Add at the end of the bill the following:

TITLE VII—INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED

SEC. 9001. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED.

(a) REPEAL OF PROHIBITION ON PAYMENT OF INTEREST ON DEMAND DEPOSITS.—

(1) FEDERAL RESERVE ACT.—Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended to read as follows:

''(i) [Repealed]''.

(2) HOME OWNERS' LOAN ACT.—The first sentence of section 5(b)(1)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(b)(1)(B)) is amended by striking ''savings association may not—'' and all that follows through ''(ii) permit any'' and inserting ''savings association may not permit any''.

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

''(g) [Repealed]''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at the end of the 1-year period beginning on the date of the enactment of this Act.

Page 1022, line 20, strike ''Section'' and insert the following:

(a) EXEMPTION.—Section

Page 1024, line 3, strike the period at the end and insert ''; and''.

Page 1024, after line 3, insert the following:

(b) CONSIDERATION OF RISK.—Section 203(c) of the Investment Advisers Act of 1940 (15 U.S.C. 80b—3(c)) is amended by adding at the end the following:

''(3) The Commission shall take into account the relative risk profile of different classes of private funds as it establishes, by rule or regulation, the registration requirements for private funds.''.

Page 1126, line 6, strike ''subsections'' and insert ''subsection''.

Page 1126, strike lines 15 through 25.

Page 402, after line 18, insert the following subparagraph:

(E) ADDITIONAL AUTHORIZED ASSESSMENTS.—The Corporation is authorized to conduct risk-based assessments on financial companies in such amount and manner and subject to terms and conditions that the Corporation determines, with the concurrence of the Secretary of the Treasury and the Federal Reserve Board, are necessary to pay any shortfall in the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008 that would add to the deficit or national debt, as identified by the Director of the Office of Management and Budget, in consultation with the Director of the Congressional Budget Office pursuant to section 134 of such Act (12 U.S.C. §5239).

Page 1041, beginning on line 15, strike paragraph (5) and insert the following:

(5) in subsection (e), by striking paragraph (1) and inserting the following new paragraph (1):

''(1) VOLUNTARY WITHDRAWAL.—A nationally recognized statistical rating organization may, upon such terms and conditions as the Commission may establish as necessary in the public interest or for the protection of investors, withdraw from registration by furnishing a written notice of withdrawal to the Commission, provided that such nationally recognized statistical rating organization certifies that it received less than $250,000,000 during its last full fiscal year in net revenue for providing credit ratings on securities and money market instruments issued in the United States.'';

Page 825, after line 12, insert the following new section:

SEC. 4413. TREATMENT OF REVERSE MORTGAGES.

(a) IN GENERAL.—The Director shall examine the practices of covered persons in connection with any reverse mortgage transaction (as defined in section 103(bb) of the Truth in Lending Act (15 U.S.C. 1602)) and shall prescribe regulations identifying any acts or practices as unlawful, unfair, deceptive, or abusive in connection with a reverse mortgage transaction or the offering of a reverse mortgage.

(b) REGULATIONS.—In prescribing regulations under subsection (a), the Director shall ensure that such regulations shall—

(1) include requirements for—

(A) the purpose of preventing unlawful, unfair, deceptive or abusive acts and practices in connection with a reverse mortgage transaction; and

(B) the purpose of providing timely, appropriate, and effective disclosure to consumers in connection with a reverse mortgage transaction that are consistent with requirements prescribed by the Director in connection with other consumer mortgage products or services under this title;

(2) with respect to the requirements under paragraph (1), be consistent with requirements prescribed by the Director in connection with other consumer mortgage products or services under this title; and

(3) provide for an integrated disclosure standard and model disclosures for reverse mortgage transactions, consistent with section 4302(d), that combines the relevant disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.) and the Real Estate Settlement Procedures Act, with the disclosures required to be provided to consumers for Home Equity Conversion Mortgages under section 255 of the National Housing Act.

(c) CONSULTATION.—In connection with the issuance of any regulations under this section, the Director shall consult with the Federal banking agencies, State bank supervisors, the Federal Trade Commission, and the Department of Housing and Urban Development, as appropriate, to ensure that any proposed regulation—

(1) imposes substantially similar requirements on all covered persons; and

(2) is consistent with prudential, consumer protection, civil rights, market or systemic objectives administered by such agencies or supervisors.

(d) DEADLINE FOR RULEMAKING.—The Director shall commence the rulemaking required under subsection (a) not later than 12 months after the date of the enactment of this Act.

Page 289, line 10, insert ''only'' after ''Fund''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. DENT moved to recommit the bill to the Committee on Financial Services, and in addition to the Committees on Agriculture, Energy and Commerce, the Judiciary, Rules, the Budget, Oversight and Government Reform, and Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SEC. 1. REPEAL OF THE TROUBLED ASSET RELIEF PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, the authorities provided under section 101(a) of the Emergency Economic Stabilization Act of 2008 (excluding section 101(a)(3)) and under section 102 of such Act shall terminate on December 31, 2009.

(b) RETURNED TARP MONEY TO BE USED FOR DEFICIT REDUCTION.—Notwithstanding any other provision of law, all assistance received under title I of the Emergency Economic Stabilization Act of 2008 that is repaid on or after the date of the enactment of this Act, along with any dividends, profits, or other funds paid to the Government based on such assistance on or after December 31, 2009, shall be deposited in the Treasury to reduce the deficit.

(c) LOWERING OF NATIONAL DEBT LIMIT TO CORRESPOND TO TARP REPAYMENTS.—Section 3101 of title 31, United States Code, is amended—

(1) in subsection (b), by inserting after the dollar limitation contained in such subsection the following: '', as such amount is reduced by the amount described under subsection (d)''; and

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

''(d) The amount described under this subsection is the amount that equals the amount of all assistance received under title I of the Emergency Economic Stabilization Act of 2008 that is repaid on or after December 31, 2009, along with any dividends, profits, or other funds paid to the Government based on such assistance on or after December 31, 2009.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the nays had it.

Mr. DENT demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 190 Nays 232

¶154.20 [Roll No. 967]

AYES—190

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

NOES—232

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

NOT VOTING—12

Baldwin	Moran (VA)	Slaughter
Cao	Myrick	Souder
Lofgren, Zoe	Oberstar	Weiner
Mica	Sessions	Young (AK)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. BACHUS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223 Nays 202

¶154.21 [Roll No. 968]

AYES—223

Abercrombie	Clay	Fattah
Ackerman	Cleaver	Filner
Adler (NJ)	Clyburn	Foster
Altmire	Cohen	Frank (MA)
Andrews	Connolly (VA)	Fudge
Arcuri	Conyers	Garamendi
Baca	Cooper	Giffords
Baird	Costa	Gonzalez
Barrow	Costello	Gordon (TN)
Bean	Courtney	Grayson
Becerra	Crowley	Green, Al
Berkley	Cummings	Green, Gene
Berman	Dahlkemper	Grijalva
Bishop (GA)	Davis (AL)	Gutierrez
Bishop (NY)	Davis (CA)	Hall (NY)
Blumenauer	Davis (IL)	Hare
Boccieri	DeFazio	Harman
Boswell	DeGette	Hastings (FL)
Boyd	Delahunt	Heinrich
Brady (PA)	DeLauro	Herseth Sandlin
Braley (IA)	Dicks	Higgins
Brown, Corrine	Dingell	Himes
Butterfield	Doggett	Hinchey
Capps	Donnelly (IN)	Hinojosa
Capuano	Doyle	Hirono
Cardoza	Driehaus	Hodes
Carnahan	Edwards (MD)	Holden
Carney	Ellison	Holt
Carson (IN)	Ellsworth	Honda
Castor (FL)	Engel	Hoyer
Childers	Eshoo	Inslee
Chu	Etheridge	Israel
Clarke	Farr	Jackson (IL)

Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Obey
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Smith (WA)
Snyder
Speier
Spratt
Stark
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—202

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Edwards (TX)
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Ortiz
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
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Stupak
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—9

Baldwin
Lofgren, Zoe
Lynch
Moran (VA)
Oberstar
Rangel
Sessions
Slaughter
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶154.22 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TONKO, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Thursday, December 10, 2009.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. TONKO, announced that the yeas had it.

So the Journal was approved.

¶154.23 CONVENING DAY OF SECOND SESSION OF 111TH CONGRESS

Mr. HOYER, by unanimous consent, submitted the joint resolution (H.J. Res. 62) the second session of the One Hundred Eleventh Congress shall begin at noon on Tuesday, January 5, 2010.

When said joint resolution was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶154.24 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, December 14, 2009, at 12:30 p.m. for morning-hour debate.

¶154.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. BALDWIN, for today;

To Ms. BORDALLO, for December 10 through December 15; and

To Mr. SESSIONS, for today.

And then,

¶154.26 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House, at 5 o'clock and 38 minutes p.m., the House adjourned until 12:30 p.m. on Monday, December 14, 2009.

¶154.27 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2989. Referral to the Committee on Ways and Means extended for a period ending not later than January 19, 2010.

¶154.28 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII the following action was taken by the Speaker:

The Committee on Ways and Means discharged from further consideration. H.R. 2194 referred to the Committee of the Whole House on the state of the Union.

¶154.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COHEN (for himself, Mr. ANDREWS, Mr. PAYNE, Mr. CONYERS, Mr. HOLT, Mr. WATT, Mr. ADLER of New Jersey, Ms. LINDA T. SÁNCHEZ of California, Mr. PALLONE, and Mr. PASCRELL):

H.R. 4283. A bill to prohibit United States attorneys and assistant United States attorneys from acting as or working for corporate monitors for specified periods after their service with the Government terminates; to the Committee on the Judiciary.

By Mr. RANGEL (for himself and Mr. LEVIN):

H.R. 4284. A bill to extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes; to the Committee on Ways and Means.

By Mrs. BONO MACK (for herself, Mr. GRIJALVA, Ms. RICHARDSON, Mr. CALVERT, Mr. BACA, and Mr. ISSA):

H.R. 4285. A bill to authorize the Pechanga Band of Luiseno Mission Indians Water Rights Settlement, and for other purposes; to the Committee on Natural Resources.

By Mr. COHEN (for himself, Mr. DAVIS of Illinois, and Mr. PAYNE):

H.R. 4286. A bill to amend the Elementary and Secondary Education Act of 1965 to allow a local educational agency that receives a subgrant under section 2121 of such Act to use the funds to provide professional development activities that train school personnel about restorative justice and conflict resolution; to the Committee on Education and Labor.

By Mr. COHEN:

H.R. 4287. A bill to establish an Office of Livability in the Office of the Secretary of Transportation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. HERSETH SANDLIN (for herself, Mr. GOODLATTE, Mr. BOYD, Mr. SMITH of Texas, Mr. DEFAZIO, Mr. SENSENBRENNER, and Mr. LUCAS):

H.R. 4288. A bill to prohibit the provision of Federal economic development assistance for any State or locality that uses the power of eminent domain power to obtain property for private commercial development or that fails to pay relocation costs to persons displaced by use of the power of eminent domain for economic development purposes; to the Committee on Agriculture, and in addition to the Committees on Transportation and Infrastructure, Financial Services, Natural Resources, and Education and Labor, for

a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE:

H.R. 4289. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Natural Resources.

By Mr. HARE (for himself, Ms. SCHAKOWSKY, Mr. STUPAK, Mr. COHEN, Ms. KILPATRICK of Michigan, Mr. JACKSON of Illinois, Mr. KILDEE, Ms. SUTTON, Mr. COURTNEY, Ms. EDWARDS of Maryland, Mr. MEEKS of New York, Mr. OBERSTAR, Mr. RUSH, Mr. ANDREWS, Ms. CLARKE, Ms. DELAURO, Ms. FUDGE, Mr. GRAYSON, Mr. GUTIERREZ, Mr. KENNEDY, Ms. WOOLSEY, Mr. WEINER, Mr. SCOTT of Virginia, Ms. SLAUGHTER, Mr. HALL of New York, Mr. GENE GREEN of Texas, Mr. NADLER of New York, Mr. CARSON of Indiana, Ms. JACKSON-LEE of Texas, Mr. MICHAUD, Mr. TONKO, Mr. DOYLE, Ms. BERKLEY, Ms. HIRONO, Ms. SHEA-PORTER, Ms. CHU, Ms. WATSON, Mr. GRIJALVA, Mr. LUJÁN, Ms. TSONGAS, Mr. LOEBSACK, Mr. PRICE of North Carolina, Mr. HASTINGS of Florida, Mr. ROTHMAN of New Jersey, Mr. GARAMENDI, Mr. KAGEN, Mr. SABLAN, Mr. ELLISON, Mr. CLEAVER, Mr. LARSON of Connecticut, and Mr. BRALEY of Iowa):

H.R. 4290. A bill to establish the New Economy Grant Program through the Department of Labor to create public works jobs on State and local lands and community-based public interest projects, to direct aid to State and local governments for the retention and rehiring of certain public employees, and provide direct aid to the Departments of Agriculture and Interior to create public works jobs to address their deferred maintenance items; to the Committee on Education and Labor, and in addition to the Committees on the Judiciary, Science and Technology, Natural Resources, Agriculture, Financial Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself and Mr. BLUMENAUER):

H.R. 4291. A bill making emergency supplemental appropriations for fiscal year 2010 for the National Park Service, National Forest Service, and Federal Highway Administration for public land rehabilitation, road projects, and job creation; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHILDERS:

H.R. 4292. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to the issuers of qualified zone academy bonds and qualified school construction bonds; to the Committee on Ways and Means.

By Mr. ARCURI:

H.R. 4293. A bill to amend the Public Works and Economic Development Act of 1965 to maximize the efficiency in administering governmental functions; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCURI:

H.R. 4294. A bill to amend the Public Works and Economic Development Act of 1965 to eliminate cost-sharing requirements in connection with economic adjustment grants made to assist communities that have suffered economic injury as a result of military base closures and realignments, defense contractor reductions in force, and Department of Energy defense-related funding reductions; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY:

H.R. 4295. A bill to direct the Administrator of the Small Business Administration to establish and carry out a program to provide loans directly to small business concerns, and for other purposes; to the Committee on Small Business.

By Mrs. HALVORSON:

H.R. 4296. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for the installation and maintenance of mechanical insulation property; to the Committee on Ways and Means.

By Mr. HODES:

H.R. 4297. A bill to direct the Administrator of the Federal Emergency Management Agency to review, update, and revise certain regulations relating to assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MCCARTHY of New York (for herself, Mr. TOWNS, Mr. MORAN of Virginia, Ms. JACKSON-LEE of Texas, Mrs. MALONEY, Mr. SERRANO, Mr. MCGOVERN, and Mr. QUIGLEY):

H.R. 4298. A bill to prevent gun trafficking in the United States; to the Committee on the Judiciary.

By Mr. SMITH of Washington (for himself, Mr. GRIJALVA, Ms. WATSON, Mr. CARNAHAN, Ms. CLARKE, Mr. DICKS, Mr. BUCHANAN, and Mr. BRALEY of Iowa):

H.R. 4299. A bill to authorize a capitalization of self-sustainable social services grant program to provide workforce development opportunities and training to people with barriers to employment; to the Committee on Education and Labor.

By Mr. TIERNEY (for himself, Ms. SLAUGHTER, Mr. CAPUANO, Mr. ANDREWS, Mr. ARCURI, Mr. BISHOP of New York, Mr. CARNAHAN, Mr. CLYBURN, Mr. COHEN, Mr. CONYERS, Mr. COSTELLO, Mr. COURTNEY, Mr. CUMMINGS, Mrs. DAHLKEMPER, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DOGGETT, Mr. DOYLE, Ms. EDWARDS of Maryland, Mr. ELLISON, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GARAMENDI, Mr. GRIJALVA, Mr. HARE, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JONES, Ms. KAPTUR, Mr. KENNEDY, Mr. KUCINICH, Mr. LANGEVIN, Mrs. LOWEY, Mr. LYNCH, Mr. MASSA, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. MOLLOHAN, Mr. MURTHA, Mr. NADLER of New York, Mr. OLVER, Mr. PLATTS, Mr. RODRIGUEZ, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. SHEA-PORTER, Mr. STARK, Ms. SUTTON, Mr. THOMPSON of Mississippi, Mr. TONKO, Mr. TOWNS, Ms. TSONGAS, Mr. VISCLOSKY, Ms. WATSON, Mr. WAXMAN, Mr. WELCH, and Ms. WOOLSEY):

H.R. 4300. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit card accounts under open end consumer credit plans, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOYER:

H.J. Res. 62. A joint resolution appointing the day for the convening of the second session of the One Hundred Eleventh Congress; considered and passed.

By Mr. CONYERS (for himself and Mr. KUCINICH):

H. Con. Res. 221. Concurrent resolution requesting that the President issue a proclamation annually calling upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing, and for other purposes; to the Committee on Foreign Affairs.

By Ms. BEAN (for herself, Mr. COOPER, and Mr. MITCHELL):

H. Res. 965. A resolution repealing rule XXVIII of the Rules of the House of Representatives relating to the statutory limit on the public debt; to the Committee on Rules.

By Mr. BURGESS:

H. Res. 966. A resolution calling on the President and the Secretary of Education to fire Kevin Jennings from his post as ''Safe Schools Czar''; to the Committee on Education and Labor.

By Ms. CLARKE (for herself, Mr. GONZALEZ, Mr. GUTIERREZ, Ms. MOORE of Wisconsin, Mrs. MALONEY, Mr. HINOJOSA, Mr. SERRANO, Mr. CLAY, Mr. DAVIS of Illinois, Mr. BISHOP of Georgia, Ms. KILPATRICK of Michigan, Mr. TOWNS, Mr. GRIJALVA, Ms. BORDALLO, Mr. WATT, Mr. MEEK of Florida, and Mr. MEEKS of New York):

H. Res. 967. A resolution recognizing the 15th anniversary of the establishment of the Community Development Financial Institutions Fund and reaffirming the importance of its mission of economic and community development; to the Committee on Financial Services.

By Mr. HASTINGS of Florida:

H. Res. 968. A resolution expressing sympathy for and solidarity with the people of the Russian Federation following the bombing of the Nevsky Express; to the Committee on Foreign Affairs.

¶154.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. FORTENBERRY.
H.R. 391: Mr. HUNTER, Ms. GRANGER, and Mr. HARPER.
H.R. 503: Mr. FRELINGHUYSEN.
H.R. 678: Mr. JACKSON of Illinois.
H.R. 775: Ms. HARMAN and Mr. MARCHANT.
H.R. 816: Ms. SLAUGHTER.
H.R. 1017: Mrs. HALVORSON.
H.R. 1030: Mr. TIBERI.
H.R. 1177: Mr. MEEK of Florida.
H.R. 1205: Mr. YARMUTH and Mr. UPTON.
H.R. 1283: Mr. KILDEE.
H.R. 1305: Mr. MILLER of North Carolina.
H.R. 1402: Mr. DAVIS of Tennessee.
H.R. 1479: Ms. SLAUGHTER and Mr. JOHNSON of Georgia.
H.R. 1523: Ms. SHEA-PORTER.
H.R. 1547: Mr. JOHNSON of Illinois.
H.R. 1549: Mr. JOHNSON of Georgia.
H.R. 1551: Mr. CLAY.
H.R. 1616: Mr. POLIS
H.R. 1646: Mr. ROSS.

H.R. 1751: Mr. GUTIERREZ.
H.R. 1778: Mr. MICHAUD, Mr. GRIJALVA, and Mr. THOMPSON of Pennsylvania.
H.R. 1799: Mr. SOUDER.
H.R. 1879: Mr. LUETKEMEYER.
H.R. 1924: Mr. DICKS and Mr. PETERSON.
H.R. 1964: Ms. CASTOR of Florida.
H.R. 1992: Mr. BISHOP of New York.
H.R. 2000: Mr. DAVIS of Illinois.
H.R. 2006: Mr. FRANK of Massachusetts.
H.R. 2049: Ms. SLAUGHTER.
H.R. 2057: Mr. PETERSON.
H.R. 2112: Mr. COBLE and Ms. TSONGAS.
H.R. 2135: Mr. MCINTYRE.
H.R. 2149: Ms. SLAUGHTER.
H.R. 2372: Mr. INGLIS.
H.R. 2478: Mr. BILBRAY.
H.R. 2578: Mr. KAGEN.
H.R. 2593: Mr. TIAHRT.
H.R. 2624: Mr. SHUSTER and Ms. WOOLSEY.
H.R. 2669: Mr. COURTNEY.
H.R. 2709: Mr. GUTIERREZ and Ms. WATSON.
H.R. 2788: Mr. HUNTER.
H.R. 2882: Mr. HEINRICH.
H.R. 3012: Mr. MARSHALL.
H.R. 3024: Mr. LIPINSKI and Mr. FILNER.
H.R. 3101: Mr. MCGOVERN.
H.R. 3129: Mr. SCHOCK.
H.R. 3227: Mr. FRANK of Massachusetts.
H.R. 3277: Mr. COURTNEY.
H.R. 3286: Mr. NADLER of New York and Mr. KUCINICH.
H.R. 3287: Mr. TIM MURPHY of Pennsylvania.
H.R. 3321: Mr. JACKSON of Illinois and Mr. KLEIN of Florida.
H.R. 3331: Mr. WITTMAN and Mr. FORBES.
H.R. 3393: Mr. DRIEHAUS, Mr. FOSTER, Mr. PAUL, and Mr. PLATTS.
H.R. 3401: Ms. SLAUGHTER.
H.R. 3402: Mr. PAUL.
H.R. 3412: Mr. ISRAEL and Mr. KIRK.
H.R. 3427: Mr. JACKSON of Illinois.
H.R. 3458: Mr. HONDA.
H.R. 3464: Mr. CARSON of Indiana.
H.R. 3510: Mr. CARNEY and Mr. BERMAN.
H.R. 3688: Mrs. DAHLKEMPER.
H.R. 3699: Mr. MORAN of Virginia.
H.R. 3712: Mr. FATTAH, Mr. ALTMIRE, Mr. TIM MURPHY of Pennsylvania, Mr. DENT, and Mr. SOUDER.
H.R. 3715: Mrs. LUMMIS.
H.R. 3790: Mr. CHANDLER, Ms. SUTTON, Mr. MILLER of North Carolina, Ms. HERSETH SANDLIN, and Mr. ISRAEL.
H.R. 3845: Ms. PINGREE of Maine.
H.R. 3916: Mr. GERLACH, Mr. SHUSTER, Mr. MOLLOHAN, and Mrs. CAPITO.
H.R. 3918: Ms. MARKEY of Colorado.
H.R. 3930: Mr. GERLACH and Mr. FORBES.
H.R. 3943: Mr. CONYERS, Ms. NORTON, and Ms. JACKSON-LEE of Texas.
H.R. 4072: Mr. MCINTYRE.
H.R. 4082: Mr. SPACE and Mrs. SCHMIDT.
H.R. 4088: Mr. FILNER and Mr. SAM JOHNSON of Texas.
H.R. 4090: Mr. PETERS.
H.R. 4102: Mr. MCCAUL.
H.R. 4109: Mr. MCGOVERN, Mr. LARSON of Connecticut, and Mr. POMEROY.
H.R. 4112: Mr. SPRATT.
H.R. 4114: Ms. EDWARDS of Maryland.
H.R. 4133: Mr. PERRIELLO.
H.R. 4141: Mr. CARSON of Indiana and Mr. PENCE.
H.R. 4149: Mr. MCMAHON, Mr. TEAGUE, and Mr. LUJÁN.
H.R. 4156: Mr. HALL of New York.
H.R. 4168: Mr. MARKEY of Massachusetts and Mr. THOMPSON of California.
H.R. 4183: Mr. PETERS and Mr. WELCH.
H.R. 4196: Mr. CONYERS and Ms. SUTTON.
H.R. 4199: Mr. BRALEY of Iowa, Mr. HOLDEN, and Mr. BOYD.
H.R. 4214: Mr. BACA, Mr. BERMAN, Mr. BILBRAY, Mr. CALVERT, Mr. CAMPBELL, Mr. CARDOZA, Ms. CHU, Mr. FARR, Mr. GALLEGLY, Mr. ISSA, Mr. LEWIS of California, Mr. DANIEL E. LUNGREN of California, Mr. MCCARTHY of California, Mr. MCCLINTOCK, Mr. MCNERNEY, Mr. GARY G. MILLER of California, Mr. NUNES, Mr. RADANOVICH, Ms. RICHARDSON, Mr. ROHRABACHER, Mr. SCHIFF, Ms. WATSON, and Ms. WOOLSEY.
H.R. 4220: Mr. ROGERS of Kentucky.
H.R. 4227: Mr. REHBERG and Mr. ALEXANDER.
H.R. 4235: Mrs. NAPOLITANO.
H.R. 4247: Mrs. MCCARTHY of New York.
H.R. 4255: Ms. KILROY, Mr. PLATTS, Ms. JENKINS, Mr. TEAGUE, Ms. MARKEY of Colorado, Mr. OLSON, Mr. BRIGHT, Mr. WAMP, and Mr. MICA.
H.R. 4260: Mr. ORTIZ, Mr. ELLISON, and Ms. BORDALLO.
H.R. 4262: Mr. MCCARTHY of California, Mrs. BACHMANN, Mr. GOODLATTE, Mr. ROSKAM, Mr. PENCE, Mr. MACK, Mr. SULLIVAN, Mr. TIBERI, Mr. TIAHRT, Mr. BOOZMAN, Mr. DUNCAN, Mrs. BONO MACK, Mr. ADERHOLT, and Mr. BACHUS.
H.R. 4265: Mr. WELCH, Mr. COHEN, and Mr. COURTNEY.
H.R. 4267: Mrs. BLACKBURN.
H.R. 4268: Mr. CARSON of Indiana, Ms. WOOLSEY, Mr. GRAYSON, Ms. MCCOLLUM, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. FILNER, Mr. MICHAUD, Ms. CORRINE BROWN of Florida, and Mr. YARMUTH.
H. Con. Res. 220: Mr. ALEXANDER, Mr. AUSTRIA, Mr. BOCCIERI, Mr. BOREN, Mr. BOSWELL, Mr. CAO, Mr. CHANDLER, Mr. COFFMAN of Colorado, Mr. CONNOLLY of Virginia, Mr. COOPER, Mr. GRIFFITH, Mrs. HALVORSON, Mr. HARE, Mr. HARPER, Mr. HILL, Ms. KILROY, Mr. KISSELL, Mr. LANCE, Mr. LUETKEMEYER, Mr. MARKEY of Massachusetts, Mr. MASSA, Mr. MELANCON, Mr. MINNICK, Mr. MITCHELL, Mr. OWENS, Mr. PAULSEN, Ms. PINGREE of Maine, Mr. ROONEY, Mr. SNYDER, Mr. SPRATT, Mr. STUPAK, Mr. TAYLOR, Mr. TEAGUE, Ms. TITUS, Mr. YARMUTH, Mr. SABLAN, Mr. BARROW, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. CASSIDY, Mr. DEFAZIO, Mr. DRIEHAUS, Mr. HIMES, Ms. JACKSON-LEE of Texas, Mr. KIND, Ms. SUTTON, Mr. WALDEN, Mr. WU, Mr. YOUNG of Alaska, and Mr. GUTHRIE.
H. Res. 510: Mr. DRIEHAUS.
H. Res. 704: Mr. CARNEY, Mr. HIMES, Mr. GARAMENDI, Ms. JENKINS, Ms. MATSUI, Mrs. CHRISTENSEN, Ms. LORETTA SANCHEZ of California, Ms. BALDWIN, Ms. WOOLSEY, and Mr. LANCE.
H. Res. 776: Mr. MARKEY of Massachusetts, Ms. BEAN, Mr. LUJÁN, Mr. HOLT, Mr. ISRAEL, Mr. POLIS, and Mr. MORAN of Virginia.
H. Res. 898: Mr. VAN HOLLEN and Mr. FRANK of Massachusetts.
H. Res. 904: Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mr. PIERLUISI, and Ms. MARKEY of Colorado.
H. Res. 905: Mr. JOHNSON of Georgia, Mr. BERMAN, Ms. WASSERMAN SCHULTZ, Mr. FOSTER, and Mr. COHEN.
H. Res. 924: Mr. HUNTER and Mr. ROGERS of Kentucky.
H. Res. 932: Ms. KILROY, Ms. RICHARDSON, Mr. FALEOMAVAEGA, Mr. HONDA, and Mr. WU.
H. Res. 945: Mr. CALVERT.
H. Res. 947: Ms. EDWARDS of Maryland.
H. Res. 949: Mr. BACHUS, Mr. POE of Texas, and Mr. SCALISE.
H. Res. 951: Mr. TIAHRT, Mr. BONNER, Mrs. SCHMIDT, Mr. BOOZMAN, Mr. BURTON of Indiana, and Mr. JOHNSON of Illinois.
H. Res. 954: Mr. CALVERT.
H. Res. 957: Mr. HELLER, Mrs. BLACKBURN, Mr. COBLE, Mr. PRICE of Georgia, Mr. ROONEY, Mr. SCALISE, Mrs. BONO MACK, Mr. MACK, Mr. PENCE, Mr. BRADY of Texas, Mr. MANZULLO, Mr. OLSON, Mr. ROSKAM, Mr. HASTINGS of Washington, Mr. NUNES, Mr. CONAWAY, Mr. WILSON of South Carolina, Mr. SHUSTER, Mr. ROHRABACHER, Mr. JORDAN of Ohio, Mr. HENSARLING, Mr. CAMPBELL, Ms. FALLIN, Mr. WAMP, Mr. CASTLE, and Mr. HARPER.
H. Res. 958: Mr. SPRATT.
H. Res. 960: Mr. ROYCE, Mr. MOORE of Kansas, Mr. COSTA, and Ms. WASSERMAN SCHULTZ.

MONDAY, DECEMBER 14, 2009 (155)

¶155.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
December 14, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶155.2 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3288) ''An Act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.''.

¶155.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to the order of the House of January 6, 2009, recognized Members for morning-hour debate.

¶155.4 RECESS—12:37 P.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 37 minutes p.m., until 2 p.m.

¶155.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. RAHALL, called the House to order.

¶155.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. RAHALL, announced he had examined and approved the Journal of the proceedings of Friday, December 11, 2009.

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

¶155.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5026. A letter from the Regulatory Liaison, Department of Agriculture, transmitting the Department's final rule — McGovern Dole International Food for Education and Child Nutrition Program and Food for Progress Program (RIN: 0551-AA78) received November 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5027. A letter from the Managing Associate General Counsel, Government Accountability Office, transmitting a report entitled ''Farm Storage Facility Loan and Sugar Storage Facility Loan Programs''; to the Committee on Agriculture.

5028. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Race to the Top Fund Catalog of Federal Domestic Assistance (CFDA) Number: 84.395A [Docket ID: ED-2009-OESE-006] (RIN: 1810-AB07) received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5029. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Implementation Plans; Tennessee; Clean Air Interstate Rule [EPA-R04-OAR-2009-0765; FRL-8984-6] received November 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5030. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia; Revisions to State Implementation Plan [EPA-R04-OAR-2006-0649-200918; FRL-8984-7] received November 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5031. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Indiana; Chicago and Evansville Nonattainment Areas; Determination of Attainment of the Fine Particle Standards [EPA-R05-OAR-2009-0664; FRL-8985-2] received November 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5032. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Clean Air Interstate Rule [EPA-R04-OAR-2009-0454; FRL-9086-2] received November 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5033. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Submit State Implementation Plans Required for the 1997 Particulate Matter Less Than 2.5 Micrometer (PM2.5) National Ambient Air Quality Standards (NAAQS) [EPA-HQ-OAR-2009-0670; FRL-8985-6] received November 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5034. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2009-0771; FRL-8980-4] received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5035. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland, Ohio and West Virginia; Determinations of Attainment for the 1997 Fine Particulate Matter Standard [EPA-R03-OAR-2009-0199; EPA-R03-OAR-2009-0547; FRL-8982-6], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5036. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Transportation Conformity Regulations [EPA-R03-OAR-2009-0674; FRL-8983-1] received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5037. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of the Clean Air Act, Section 112(1), Authority for Hazardous Air Pollutants: Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: Commonwealth of Massachusetts Department of Environmental Protection [EPA-R01-OAR-2009-0031; A-1-FRL-8974-5] received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5038. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fuel Economy Regulations for Automobiles; Technical Amendments and Corrections [EPA-HQ-OAR-2005-0169; FRL-8982-1] (RIN: 2060-A036) received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5039. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources; Asphalt Processing and Asphalt Roofing Manufacturing [EPA-HQ-OAR-2009-0027 ; FRL-8983-6] (RIN: 2060-A094) received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5040. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants; Area Source Standards for Paints and Allied Products Manufacturing [EPA-HQ-OAR-2008-0053; FRL-8983-5] received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5041. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-60, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5042. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

5043. A letter from the Assistant Secretary, Department of State, transmitting the 2009 annual report on the Benjamin A. Gilman International Scholarship Program, pursuant to Public Law 106-309, section 304; to the Committee on Foreign Affairs.

5044. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Foreign Affairs.

5045. A letter from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting submission of Bonneville Power Administration's (BPA) 2009 Annual Report, pursuant to Public Law 89-448 Public Law 101-576; to the Committee on Oversight and Government Reform.

5046. A letter from the President, African Development Foundation, transmitting a letter fulfilling the annual requirements contained in the Inspector General Act of 1978, as amended, covering the period October 1, 2008 to September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5047. A letter from the Chairman, Broadcasting Broad of Governors, transmitting in accordance with the requirements of the Accountability of Tax Dollars Act of 2002 (Pub. L. 107-289), the Board's FY 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

5048. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Fiscal Year 2009 Performance and Accountability reports for the Department of Housing and Urban Development, the Federal Housing Administration, and the Government National Mortgage Association; to the Committee on Oversight and Government Reform.

5049. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's FY 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

5050. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting a copy of the Commission's Performance and Accountability Report for FY 2009; to the Committee on Oversight and Government Reform.

5051. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's fiscal year 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

5052. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a list of the four audit reports issued during fiscal year 2009 regarding the Agency and the Thrift Savings Plan, pursuant to 5 U.S.C. 8439(b); to the Committee on Oversight and Government Reform.

5053. A letter from the Chairman, Holocaust Memorial Museum, transmitting the Museums's FY 2009 Report on Audit and Investigative Activities, pursuant to the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

5054. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled ''Job Simulations: Trying Out for a Federal Job''; to the Committee on Oversight and Government Reform.

5055. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule — Federal Records Management; Revision [FDMS Docket NARA-08-0004] (RIN: 3095-AB16) received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5056. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

5057. A letter from the General Counsel and Senior Policy Advisor, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5058. A letter from the Director, Office of Personnel Management, transmitting the Office's FY 2009 Agency Financial Report; to the Committee on Oversight and Government Reform.

5059. A letter from the Acting President, Overseas Private Investment Corporation,

transmitting the Corporation's annual Management Report for FY 2009, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

5060. A letter from the Acting Director, Trade and Development Agency, transmitting the Agency's Performance and Accountability Report including audited financial statements for fiscal year 2009; to the Committee on Oversight and Government Reform.

5061. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's Performance and Accountability Report for FY 2009; to the Committee on Oversight and Government Reform.

5062. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System (RIN: 1024-AD73) received November 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5063. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System (RIN: 1024-AD82) received November 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5064. A letter from the Attorney General, Department of Justice, transmitting the Department's decision not to appeal the decision of the district court in the case of the United States v. Lori Drew, No. CR 08-582-GW (C.D. Cal.), WL 2872855, pursuant to 28 U.S.C. 530D; to the Committee on the Judiciary.

5065. A letter from the Attorney General, Department of Justice, transmitting advising of the proceedings in the case of United States v. Robert Solomon, No. 5:09-CR-04024-DEO (N.D. Iowa), pursuant to 28 U.S.C. 530D; to the Committee on the Judiciary.

5066. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2009, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

5067. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10 and DC-10-10F Airplanes, Model DC-10-15 Airplanes, Model DC-10-30 and DC-10-30F (KC-10A and KDC-10) Airplanes, Model DC-10-40 and DC-10-40F Airplanes, Model MD-10-10F and MD-10-30F Airplanes, and Model MD-11 and MD-11F Airplanes [Docket No.: FAA-2009-1071; Directorate Identifier 2009-NM-160-AD; Amendment 39-16100; AD 2008-06-21 R1] (RIN: 2120-AA64) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5068. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, DHC-8-202, DHC-8-301, DHC-8-311, and DHC-8-315 Airplanes [Docket No.: FAA-2009-1072; Directorate Identifier 2009-NM-169-AD; Amendment 39-16099; AD 2008-09-21 R1] (RIN: 2120-AA64) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5069. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation AE 3007A1/1, AE 3007A1/3, AE 3007A1, AE 3007A1E, AE 3007A1P, AE 3007A3, AE 3007C, and AE 3007C1 Turbofan Engines [Docket No.: FAA-2009-0246; Directorate Identifier 2009-NE-04-AD; Amendment 39-16091; AD 2009-24-04] (RIN: 2120-AA64) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5070. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF34-8E Series Turbofan Engines [Docket No.: FAA-2009-0821; Directorate Identifier 2008-NE-20-AD; Amendment 39-16094; AD 2009-24-06] (RIN: 2120-AA64) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5071. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070, 0100, 1000, 2000, 3000, and 4000 Airplanes [Docket No.: FAA-2009-1070; Directorate Identifier 2009-NM-180-AD; Amendment 39-16089; AD 2008-06-20 R1] (RIN: 2120-AA64) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5072. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Model TBM 700 Airplanes [Docket No.: FAA-2009-0557; Directorate Identifier 2009-CE-031-AD; Amendment 39-16086; AD 2009-23-12] (RIN: 2120-AA64) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5073. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category [EPA-HQ-OW-2008-0465; FRL 9086-4] (RIN: 2040-AE91) received November 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5074. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Employee Stock Purchase Plans under Internal Revenue Code Section 423 [TD 9471] (RIN: 1545-BH68) received November 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5075. A letter from the Acting Chair, Social Security Advisory Board, transmitting a report entitled ''The Unsustainable Cost of Health Care''; jointly to the Committees on Education and Labor and Ways and Means.

¶155.8 RECESS—2:04 P.M.

The SPEAKER pro tempore, Mr. RAHALL, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 4 minutes p.m., subject to the call of the Chair.

¶155.9 AFTER RECESS—4:04 P.M.

The SPEAKER pro tempore, Ms. PINGREE of Maine, called the House to order.

¶155.10 ANDEAN TRADE PREFERENCE EXTENSION

Mr. LEVIN moved to suspend the rules and pass the bill (H.R. 4284) to extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes.

The SPEAKER pro tempore, Ms. PINGREE of Maine, recognized Mr. LEVIN and Mr. CAMP, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. PINGREE of Maine, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶155.11 FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT

Mr. LYNCH moved to suspend the rules and pass the bill of the Senate (S. 303) to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999; as amended:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Financial Assistance Management Improvement Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Reauthorization.
Sec. 3. Website relating to Federal grants.
Sec. 4. Report on implementation.
Sec. 5. Strategic plan.
Sec. 6. Data standard requirements.

SEC. 2. REAUTHORIZATION.

Section 11 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) in the section heading, by striking ''**and sunset**''; and

(2) by striking ''and shall cease to be effective 8 years after such date of enactment''.

SEC. 3. WEBSITE RELATING TO FEDERAL GRANTS.

Section 6 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) by redesignating subsections (e) and (f) as subsections (g) and (h), respectively;

(2) by inserting after subsection (d) the following new subsections:

''(e) WEBSITE RELATING TO FEDERAL GRANTS.—

''(1) IN GENERAL.—The Director shall establish and maintain a public website that serves as a central point of information and access for applicants for Federal grants.

''(2) CONTENTS.—To the maximum extent possible, the website established under this subsection shall include, at a minimum, for each Federal grant—

''(A) the grant announcement;

''(B) the statement of eligibility relating to the grant;

''(C) the application requirements for the grant;

''(D) the purposes of the grant;

''(E) the Federal agency funding the grant;

''(F) the deadlines for applying for and awarding of the grant.

''(G) all applications received for the grant, set forth in the single data standard adopted under section 9(b); and

''(H) all reports relating to the use of the grant, set forth in the single data standard adopted under section 9(b).

''(3) USE BY APPLICANTS.—The website established under this subsection shall, to the greatest extent practicable, allow grant applicants to—

''(A) use the website with any computer platform;

''(B) search the website for all Federal grants by type, purpose, funding agency, program source, and other relevant criteria;

''(C) apply for a Federal grant using the website;

''(D) manage, track, and report on the use of Federal grants using the website; and

''(E) provide all required certifications and assurances for a Federal grant using the website.

''(4) USE BY THE PUBLIC.—The website established under this subsection shall, to the greatest extent practicable, allow members of the public to—

''(A) view the items described in paragraph (2);

''(B) navigate easily among and between the items described in paragraph (2) and other supporting materials;

''(C) download grant applications and reports, in the single data standard adopted under section 9, individually or as a single data set; and

''(D) access individual grant applications and reports at web addresses that are distinct, permanent, unique, and searchable.

''(f) PUBLICATION OF INFORMATION.—Nothing in this section shall be construed as requiring the publication of information otherwise exempt under section 552 of title 5, United States Code (popularly referred to as the 'Freedom of Information Act').''; and

(3) in subsection (h), as so redesignated, by striking ''All actions'' and inserting ''Except for actions relating to establishing the website required under subsection (e), all actions''.

SEC. 4. REPORT ON IMPLEMENTATION.

The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by striking section 7 and inserting the following:

''SEC. 7. EVALUATION OF IMPLEMENTATION.

''(a) IN GENERAL.—Not later than 9 months after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009, and every 2 years thereafter until the date that is 15 years after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director shall submit to Congress a report regarding the implementation of this Act.

''(b) CONTENTS.—

''(1) IN GENERAL.—Each report under subsection (a) shall include, for the applicable period—

''(A) a list of all grants for which an applicant may submit an application using the website established under section 6(e);

''(B) a list of all Federal agencies that provide Federal financial assistance to non-Federal entities;

''(C) a list of each Federal agency that has complied, in whole or in part, with the requirements of this Act;

''(D) for each Federal agency listed under subparagraph (C), a description of the extent of the compliance with this Act by the Federal agency;

''(E) a list of all Federal agencies exempted under section 6(d);

''(F) for each Federal agency listed under subparagraph (E)—

''(i) an explanation of why the Federal agency was exempted; and

''(ii) a certification that the basis for the exemption of the Federal agency is still applicable;

''(G) a list of all common application forms that have been developed that allow non-Federal entities to apply, in whole or in part, for multiple Federal financial assistance programs (including Federal financial assistance programs administered by different Federal agencies) through a single common application;

''(H) a list of all common forms and requirements that have been developed that allow non-Federal entities to report, in whole or in part, on the use of funding from multiple Federal financial assistance programs (including Federal financial assistance programs administered by different Federal agencies);

''(I) a description of the efforts made by the Director and Federal agencies to communicate and collaborate with representatives of non-Federal entities during the implementation of the requirements under this Act;

''(J) a description of the efforts made by the Director to work with Federal agencies to meet the goals of this Act, including a description of working groups or other structures used to coordinate Federal efforts to meet the goals of this Act; and

''(K) identification and description of all systems being used to disburse Federal financial assistance to non-Federal entities.

''(2) SUBSEQUENT REPORTS.—The second report submitted under subsection (a), and each subsequent report submitted under subsection (a), shall include—

''(A) a discussion of the progress made by the Federal Government in meeting the goals of this Act, including the amendments made by the Federal Financial Assistance Management Improvement Act of 2009, and in implementing the strategic plan submitted under section 8, including an evaluation of the progress of each Federal agency that has not received an exemption under section 6(d) towards implementing the strategic plan; and

''(B) a compilation of the reports submitted under section 8(c)(3) during the applicable period.

''(c) DEFINITION OF APPLICABLE PERIOD.—In this section, the term 'applicable period' means—

''(1) for the first report submitted under subsection (a), the most recent full fiscal year before the date of the report; and

''(2) for the second report submitted under subsection (a), and each subsequent report submitted under subsection (a), the period beginning on the date on which the most recent report under subsection (a) was submitted and ending on the date of the report.''.

SEC. 5. STRATEGIC PLAN.

(a) IN GENERAL.—The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is further amended—

(1) by redesignating sections 8, 9, 10, and 11 as sections 9, 10, 11, and 12, respectively; and

(2) by inserting after section 7, as amended by this Act, the following new section:

''SEC. 8. STRATEGIC PLAN.

''(a) IN GENERAL.—Not later than 18 months after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director shall submit to Congress a strategic plan that—

''(1) identifies Federal financial assistance programs that are suitable for common applications based on the common or similar purposes of the Federal financial assistance;

''(2) identifies Federal financial assistance programs that are suitable for common reporting forms or requirements based on the common or similar purposes of the Federal financial assistance;

''(3) identifies common aspects of multiple Federal financial assistance programs that are suitable for common application or reporting forms or requirements;

''(4) identifies changes in law, if any, needed to achieve the goals of this Act; and

''(5) provides plans, timelines, and cost estimates for—

''(A) developing an entirely electronic, web-based process for managing Federal financial assistance, including the ability to—

''(i) apply for Federal financial assistance;

''(ii) track the status of applications for and payments of Federal financial assistance;

''(iii) report on the use of Federal financial assistance, including how such use has been in furtherance of the objectives or purposes of the Federal financial assistance; and

''(iv) provide required certifications and assurances;

''(B) ensuring full compliance by Federal agencies with the requirements of this Act, including the amendments made by the Federal Financial Assistance Management Improvement Act of 2009;

''(C) creating common applications for the Federal financial assistance programs identified under paragraph (1), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(D) establishing common financial and performance reporting forms and requirements for the Federal financial assistance programs identified under paragraph (2), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(E) establishing common applications and financial and performance reporting forms and requirements for aspects of the Federal financial assistance programs identified under paragraph (3), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(F) developing mechanisms to ensure compatibility between Federal financial assistance administration systems and State systems to facilitate the importing and exporting of data;

''(G) developing common certifications and assurances, as appropriate, for all Federal financial assistance programs that have common or similar purposes, regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(H) minimizing the number of different systems used to disburse Federal financial assistance; and

''(I) applying the single data standard adopted under section 9 to Federal grants and grant applications.

''(b) CONSULTATION.—In developing and implementing the strategic plan under subsection (a), the Director shall consult with representatives of non-Federal entities and Federal agencies that have not received an exemption under section 6(d).

''(c) FEDERAL AGENCIES.—

''(1) IN GENERAL.—Not later than 6 months after the date on which the Director submits the strategic plan under subsection (a), the head of each Federal agency that has not received an exemption under section 6(d) shall develop a plan that describes how the Federal agency will carry out the responsibilities of the Federal agency under the strategic plan, which shall include—

''(A) clear performance objectives and timelines for action by the Federal agency in furtherance of the strategic plan; and

''(B) the identification of measures to improve communication and collaboration with representatives of non-Federal entities on an on-going basis during the implementation of this Act.

''(2) CONSULTATION.—The head of each Federal agency that has not received an exemption under section 6(d) shall consult with representatives of non-Federal entities during the development and implementation of the plan of the Federal agency developed under paragraph (1).

''(3) REPORTING.—Not later than 2 years after the date on which the head of a Federal agency that has not received an exemption under section 6(d) develops the plan under paragraph (1), and every 2 years thereafter

until the date that is 15 years after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009, the head of the Federal agency shall submit to the Director a report regarding the progress of the Federal agency in achieving the objectives of the plan of the Federal agency developed under paragraph (1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5(d) of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by inserting '', until the date on which the Federal agency submits the first report by the Federal agency required under section 8(c)(3)'' after ''subsection (a)(7)''.

SEC. 6. DATA STANDARD REQUIREMENTS.

(a) DATA STANDARD REQUIREMENTS.—The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is further amended—

(1) by redesignating sections 9, 10, 11, and 12 as sections 10, 11, 12, and 13, respectively; and

(2) by inserting after section 8, as added by this Act, the following new section:

''SEC. 9. DATA STANDARD REQUIREMENTS.

''(a) DATA STANDARD REQUIREMENTS.—

''(1) REQUIREMENT.—The Director of the Office of Management and Budget shall adopt a single data standard for the collection, analysis, and dissemination of business and financial information for use by private sector entities in accordance with subsection (b) for information required to be reported to the Federal Government, and a single data standard for use by agencies within the Federal Government in accordance with subsection (c) for Federal financial information.

''(2) CHARACTERISTICS OF DATA STANDARDS.—The single data standards required by paragraph (1) shall—

''(A) be common across all agencies, to the maximum extent practicable;

''(B) be a widely accepted, non-proprietary, searchable, computer-readable format for business and financial data;

''(C) be consistent with and implement—

''(i) United States generally accepted accounting principles or Federal financial accounting standards (as appropriate);

''(ii) industry best practices; and

''(iii) Federal regulatory requirements;

''(D) improve the transparency, consistency, and usability of business and financial information; and

''(E) be capable of being continually upgraded to be of maximum use as technologies and content evolve over time.

''(b) IMPLEMENTATION OF SINGLE DATA STANDARD FOR PRIVATE SECTOR.—

''(1) OMB GUIDANCE.—Not later than 180 days after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director of the Office of Management and Budget shall issue guidance to agencies on the use and implementation of the single data standard required by subsection (a) for information required to be reported to agencies by the private sector.

''(2) AGENCY REQUIREMENTS.—

''(A) REQUIREMENT.—To the maximum extent practicable and consistent with the guidance provided by the Office of Management and Budget under paragraph (1), the head of each agency shall require the use of the single data standard required by subsection (a) for business and financial information reported to the agency by private sector companies.

''(B) IMPLEMENTATION.—The head of the agency shall begin implementing the requirement of subparagraph (A) within one year after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009.

''(c) IMPLEMENTATION OF SINGLE DATA STANDARD FOR FEDERAL GOVERNMENT.—

''(1) OMB DEVELOPMENT.—Not later than 1 year after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director of the Office of Management and Budget shall develop the single data standard required by subsection (a) for use by agencies within the Federal Government for Federal financial information.

''(2) OMB GUIDANCE.—Not later than 18 months after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director shall issue guidance to agencies on the use and implementation of the single data standard developed under paragraph (1).

''(d) PUBLIC ACCESS TO DATA.—The head of each agency shall ensure that information collected using the single data standards required under this section is accessible to the general public in that format to the extent permitted by law.

''(e) REPORT.—Within one year after the date of the enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director of the Office of Management and Budget shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the status of the implementation of this section.

''(f) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, independent establishment, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

''(A) the Government Accountability Office;

''(B) the Federal Election Commission;

''(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

''(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities.

''(2) EXECUTIVE DEPARTMENT, MILITARY DEPARTMENT, GOVERNMENT CORPORATION, GOVERNMENT CONTROLLED CORPORATION, INDEPENDENT ESTABLISHMENT.—The terms 'Executive department', 'military department', 'Government corporation', 'Government controlled corporation', and 'independent establishment' have the meanings given those terms by chapter 1 of title 5, United States Code.

''(3) INDEPENDENT REGULATORY AGENCY.—The term 'independent regulatory agency' has the meaning given that term by section 3502(5) of title 44, United States Code.''.

(b) REQUIREMENT FOR USE OF SINGLE DATA STANDARD BY FEDERAL AGENCIES.—Section 5 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by adding at the end the following new subsection:

''(e) SINGLE DATA STANDARD REQUIREMENT.—To the maximum extent practicable and consistent with the guidance provided by the Director under section 9, each Federal agency shall require the use of the single data standard adopted under section 9(b) for—

''(1) all applications for Federal financial assistance; and

''(2) all reports on the use of Federal financial assistance that the agency requires non-Federal entities to submit.''.

The SPEAKER pro tempore, Ms. PINGREE of Maine, recognized Mr. LYNCH and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶155.12 NATIONAL RUNAWAY PREVENTION MONTH

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 779); as amended:

Whereas the prevalence of runaway and homelessness among youth is staggering, with studies suggesting that every year, between 1,600,000 and 2,800,000 youth live on the streets of the United States;

Whereas running away from home is widespread, and youth aged 12 to 17 are at a higher risk of homelessness than adults;

Whereas runaway youth most often are youth who have been expelled from their homes by their families; physically, sexually, and emotionally abused at home; discharged by State custodial systems without adequate transition plans; separated from their parents by death and divorce; too poor to secure their own basic needs; and ineligible or unable to access adequate medical or mental health resources;

Whereas effective programs supporting runaway youth and assisting youth and their families in remaining at home succeed because of partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing youth from running away from home and supporting youth in high-risk situations is a family, community, and national priority;

Whereas the future well-being of the Nation is dependent on the opportunities provided for youth and families to acquire the knowledge, skills, and abilities necessary for youth to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth, and provide an array of community-based support to address their critical needs;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youth to their families and link youth to local resources that provide positive alternatives to running away from home; and

Whereas the National Network for Youth and National Runaway Switchboard are cosponsoring National Runaway Prevention Month in November to increase public awareness of the life circumstances of youth in high-risk situations, and the need for safe, healthy, and productive alternatives, resources, and support for youth, families, and communities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of youth runaway prevention; and

(2) urges support for greater public awareness efforts and effective runaway youth prevention programs.

The SPEAKER pro tempore, Ms. PINGREE of Maine, recognized Mr. LYNCH and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. PINGREE of Maine, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. PINGREE of Maine, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶155.13 2009 MAJOR LEAGUE SOCCER CUP

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 942):

Whereas the Real Salt Lake soccer club won the 2009 Major League Soccer Cup, defeating the Los Angeles Galaxy at Qwest Field in Seattle, Washington on November 22, 2009;

Whereas Real Salt Lake played through 2 sudden-death overtimes and a penalty-kick shootout to defeat the Galaxy;

Whereas forward Robbie Findlay scored a goal in the second half to tie the game and force an overtime period;

Whereas defender Robbie Russell scored the decisive fifth goal in the seventh round of the shootout to win the game;

Whereas goalkeeper Nick Rimando blocked 4 shots, including 2 in the shootout, and was named the Most Valuable Player of the game;

Whereas head coach Jason Kreis is the youngest coach to win a Major League Soccer Cup, and coached Real Salt Lake to its second post-season appearance since joining the team in 2007; and

Whereas Real Salt Lake defeated the top 2 seeds in the Eastern Conference, the first-seeded Columbus Crew and the second-seeded Chicago Fire, to reach the championship game: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup; and

(2) congratulates Real Salt Lake for winning the first Major League Soccer Cup in the franchise's history.

The SPEAKER pro tempore, Ms. PINGREE of Maine, recognized Mr. LYNCH and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. PINGREE of Maine, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. PINGREE of Maine, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶155.14 125TH ANNIVERSARY OF THE AMERICAN KENNEL CLUB

Mr. LYNCH moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 160); as amended:

Whereas the American Kennel Club (AKC), headquartered in New York City, with an operations center in Raleigh, North Carolina, was founded in 1884, operates the world's largest registry of purebred dogs and is the Nation's leading not-for-profit organization devoted to the advancement, study, responsible breeding, care, and ownership of dogs;

Whereas the American Kennel Club approves, sanctions, and regulates the events of its 609 member clubs and monitors more than 4000 licensed and sanctioned clubs throughout the United States who hold events under American Kennel Club rules and regulations;

Whereas in 2008, the American Kennel Club sanctioned or regulated 22,630 sporting events that included breed conformation, agility, obedience, earthdog, herding, field trial, retrieving, pointing, tracking, and coonhound events;

Whereas the American Kennel Club honors the canine-human bond, advocates for the purebred dog as a family companion, advances canine health and well-being, works to protect the rights of all dog owners and promotes responsible dog ownership;

Whereas the American Kennel Club promotes responsible dog ownership and breeding practices and supports thousands of volunteers and teachers from affiliated clubs across the country who teach responsible dog ownership and safety around dogs;

Whereas the American Kennel Club founded and supports the AKC Humane Fund, which promotes the joy and value of responsible pet ownership by supporting breed rescue activities, educating adults and children about responsible dog ownership, and assisting human-services organizations that permit domestic abuse victims access to shelters with their pets;

Whereas the American Kennel Club trains and employs kennel inspectors and conducts over 5,200 kennel inspections each year;

Whereas the American Kennel Club promotes responsible dog ownership, care, and handling of dogs to over 21,000 youths ages 9 to 18 years old enrolled in its National Junior Organization;

Whereas the American Kennel Club is the largest purebred dog registry in the world and the only registry that incorporates health screening results into its permanent dog records;

Whereas the American Kennel Club offers the largest and most comprehensive set of DNA programs for the purposes of parentage verification and genetic identity to ensure reliable registration records;

Whereas the American Kennel Club created and supports the Canine Health Foundation (CHF), which funds research projects focusing on the genetics of disease, the canine genome map, and clinical studies, and has donated over $22,000,000 to the CHF since 1995;

Whereas the American Kennel Club created and operates DOGNY: America's Tribute to Search and Rescue Dogs, which supports canine search and rescue organizations across the United States;

Whereas the American Kennel Club annually awards $170,000 in scholarships to veterinary and veterinary technical students;

Whereas the American Kennel Club has reunited more than 340,000 lost pets and their owners through the AKC Companion Animal Recovery (CAR) program;

Whereas the American Kennel Club established the AKC Canine Good Citizen program, which certifies dogs with good manners at home and in the community;

Whereas the American Kennel Club maintains the world's largest dog library and the Museum of the Dog in St. Louis, which houses one of the world's largest collections of dog-related fine art and artifacts, both of which are open to the public; and

Whereas the American Kennel Club celebrates its 125th anniversary this year: Now, therefore, be it

Resolved, That Congress honors the American Kennel Club for its service to dog owners and the United States public.

The SPEAKER pro tempore, Ms. PINGREE of Maine, recognized Mr. LYNCH and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Ms. PINGREE of Maine, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. PINGREE of Maine, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, December 15, 2009.

¶155.15 RECESS—5:19 P.M.

The SPEAKER pro tempore, Ms. PINGREE of Maine, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 19 minutes p.m., until approximately 6:30 p.m.

¶155.16 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mrs. HALVORSON, called the House to order.

¶155.17 H. RES. 779—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 779) recognizing and supporting the goals and ideals of National Runaway Prevention Month; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 341 / Nays 0

¶155.18 [Roll No. 969]

YEAS—341

Ackerman	Bachmann	Berkley
Aderholt	Bachus	Berry
Adler (NJ)	Baird	Biggert
Akin	Baldwin	Bilbray
Altmire	Barrow	Bilirakis
Andrews	Bartlett	Bishop (GA)
Arcuri	Bean	Bishop (NY)
Baca	Becerra	Blackburn

Blumenauer
Boccieri
Boehner
Boozman
Boren
Boswell
Boyd
Brady (PA)
Brady (TX)
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
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Clarke
Cleaver
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Green, Al
Green, Gene
Griffith
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Nadler (NY)
Napolitano
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
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
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Sires
Slaughter
Smith (NE)
Smith (TX)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Westmoreland
Whitfield
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth

NOT VOTING—93

Abercrombie
Alexander
Austria
Barrett (SC)
Barton (TX)
Berman
Bishop (UT)
Blunt
Bonner
Bono Mack
Boucher
Boustany
Braley (IA)
Carney
Childers
Chu
Clay
Clyburn
Coble
Costa
Crowley
Davis (AL)
Davis (IL)
Deal (GA)
DeLauro
Edwards (TX)
Eshoo
Frank (MA)
Gerlach
Gohmert
Goodlatte
Graves
Grayson
Grijalva
Guthrie
Gutierrez
Higgins
Hinchey
Hinojosa
Hodes
Hoekstra
Johnson (IL)
Jordan (OH)
Kirkpatrick (AZ)
Klein (FL)
Langevin
Larson (CT)
Lewis (GA)
Loebsack
Mack
Maffei
Maloney
Marchant
McCarthy (NY)
Meeks (NY)
Mica
Michaud
Miller, George
Moran (KS)
Moran (VA)
Murphy, Patrick
Murtha
Myrick
Neal (MA)
Neugebauer
Pascrell
Paul
Paulsen
Radanovich
Richardson
Rohrabacher
Rush
Sanchez, Loretta
Sestak
Shuler
Simpson
Skelton
Smith (NJ)
Smith (WA)
Souder
Stark
Taylor
Thompson (CA)
Tiberi
Wamp
Wasserman Schultz
Weiner
Welch
Wexler
Wilson (SC)
Wolf
Young (AK)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution recognizing the importance of youth runaway prevention and at-risk youth programs.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶155.19 H. RES. 942—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 942) commending the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 347 / Nays 0

¶155.20 [Roll No. 970]

YEAS—347

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Boehner
Boozman
Boren
Boswell
Boyd
Brady (PA)
Brady (TX)
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
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Clarke
Cleaver
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Green, Al
Green, Gene
Griffith
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Nadler (NY)
Napolitano
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
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)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Sires
Slaughter
Smith (NE)
Smith (TX)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns

Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Westmoreland
Whitfield
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth

NOT VOTING—87

Abercrombie
Alexander
Austria
Barrett (SC)
Barton (TX)
Berman
Bishop (UT)
Blunt
Bonner
Bono Mack
Boucher
Boustany
Braley (IA)
Carney
Childers
Chu
Clay
Clyburn
Coble
Crowley
Davis (AL)
Davis (IL)
Deal (GA)
Edwards (TX)
Eshoo
Frank (MA)
Gerlach
Gohmert
Goodlatte
Graves
Grayson
Grijalva
Guthrie
Gutierrez
Higgins
Hinchey
Hinojosa
Hodes
Hoekstra
Johnson (IL)
Jordan (OH)
Kirkpatrick (AZ)
Klein (FL)
Langevin
Loebsack
Mack
Maffei
Maloney
Marchant
McCarthy (NY)
Meeks (NY)
Mica
Michaud
Moran (KS)
Moran (VA)
Murphy, Patrick
Murtha
Myrick
Neal (MA)
Neugebauer
Pascrell
Paul
Paulsen
Radanovich
Rohrabacher
Rush
Sanchez, Loretta
Sestak
Shuler
Simpson
Skelton
Smith (NJ)
Smith (WA)
Souder
Stark
Taylor
Thompson (CA)
Tiberi
Wamp
Wasserman Schultz
Weiner
Welch
Wexler
Wilson (SC)
Wolf
Young (AK)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶155.21 ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3288. An Act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 4165. An Act to extend through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

H.R. 4217. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 4218. An Act to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, and probation or parole violators.

¶155.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ABERCROMBIE, for today and until 3 p.m. on December 15;

To Mrs. BONO MACK, for today;

To Mr. DAVIS of Illinois, for today;

To Mr. MACK, for today;

To Mr. WOLF, for today; and

To Mr. YOUNG of Florida, for today.

And then,

¶155.23 ADJOURNMENT

On motion of Mr. KING of Iowa, at 11 o'clock and 1 minute p.m., the House adjourned.

¶155.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 1517. A bill to allow certain U.S. customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service; with an amendment (Rept. 111–373 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1084. A bill to require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany; with an amendment (Rept. 111–374). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1147. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service; with an amendment (Rept. 111–375). Referred to the Committee of the Whole House on the state of the Union.

¶155.25 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII the Committee on Oversight and Government Reform discharged from further consideration. H.R. 1517 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

¶155.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MORAN of Virginia (for himself, Mr. INGLIS, and Mr. DELAHUNT):

H.R. 4301. A bill to support the democratic aspirations of the Iranian people by enhancing their ability to access the Internet and communications services; to the Committee on Foreign Affairs.

By Mr. ABERCROMBIE (for himself and Mrs. LOWEY):

H.R. 4302. A bill to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. ELLISON (for himself and Mr. DELAHUNT):

H.R. 4303. A bill to enhance United States sanctions against Iran by targeting Iranian governmental officials, prohibiting Federal procurement contracts with persons that provide censorship or surveillance technology to the Government of Iran, providing humanitarian and people-to-people assistance to the Iranian people, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Oversight and Government Reform, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA:

H.R. 4304. A bill to designate certain Federal lands in San Diego County, California, as wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. MEEK of Florida:

H.R. 4305. A bill to amend the Internal Revenue Code of 1986 to provide the energy tax credit for transformers designed to use soybean-based electrical transformer fluid; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself, Mr. TIBERI, Ms. BERKLEY, Mr. CROWLEY, Mr. DAVIS of Alabama, and Mr. HERGER):

H.R. 4306. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property; to the Committee on Ways and Means.

By Mr. TEAGUE:

H.R. 4307. A bill to name the Department of Veterans Affairs community-based outpatient clinic in Artesia, New Mexico, as the ''Alejandro Renteria Ruiz Department of Veterans Affairs Clinic''; to the Committee on Veterans' Affairs.

By Mr. PRICE of Georgia:

H.J. Res. 63. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of years Representatives and Senators may serve; to the Committee on the Judiciary.

By Mr. KILDEE (for himself, Mr. DAVIS of Alabama, Mr. BACHUS, and Mr. DINGELL):

H. Res. 969. A resolution congratulating Flint native, University of Alabama Sophmore and running back Mark Ingram on winning the 2009 Heisman Trophy and honoring both his athletic and academic achievements; to the Committee on Education and Labor.

¶155.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. GRIFFITH.

H.R. 442: Mr. HEINRICH and Mr. GALLEGLY.

H.R. 537: Mr. HIGGINS.

H.R. 558: Mr. VAN HOLLEN and Mr. GRIFFITH.

H.R. 571: Mr. KLEIN of Florida.

H.R. 600: Mr. JACKSON of Illinois.

H.R. 745: Mr. MCNERNEY.

H.R. 930: Mr. CALVERT.

H.R. 1020: Mr. FATTAH and Ms. TSONGAS.

H.R. 1067: Mr. CUMMINGS and Mr. BUCHANAN.

H.R. 1079: Ms. WOOLSEY, Mr. HOLT, and Mr. CUMMINGS.

H.R. 1177: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1203: Mr. BOUCHER, Mrs. EMERSON, and Mr. WALDEN.

H.R. 1210: Mr. COHEN.

H.R. 1521: Mr. KLINE of Minnesota, Mr. RYAN of Ohio, Mr. CALVERT, Mr. SHULER, and Ms. LORETTA SANCHEZ of California.

H.R. 1721: Ms. SLAUGHTER.

H.R. 1806: Ms. BERKLEY, Mr. FRANK of Massachusetts, and Mr. SHIMKUS.

H.R. 1826: Mr. WATT.

H.R. 1879: Mr. COURTNEY, Mr. MILLER of Florida, and Mr. LAMBORN.

H.R. 1964: Mr. JOHNSON of Georgia.

H.R. 2135: Mr. CHILDERS.

H.R. 2161: Mr. HEINRICH.

H.R. 2324: Mr. SIRES and Ms. SUTTON.

H.R. 2342: Mr. STUPAK.

H.R. 2387: Mr. SCHOCK, Mr. TERRY, Mrs. MYRICK, Mr. BURGESS, Mr. LINDER, Ms. FOXX, Mr. HOEKSTRA, Mr. COBLE, Mr. KINGSTON, and Mr. CARTER.
H.R. 2450: Mr. GRIJALVA and Ms. NORTON.
H.R. 2528: Mr. PLATTS.
H.R. 2546: Mr. RAHALL.
H.R. 2578: Mr. CARSON of Indiana.
H.R. 2866: Mr. HIMES.
H.R. 2906: Mr. PITTS.
H.R. 2923: Mr. CUMMINGS and Mr. BACA.
H.R. 3010: Ms. WOOLSEY and Mr. VAN HOLLEN.
H.R. 3050: Mr. PITTS.
H.R. 3078: Mr. HALL of Texas.
H.R. 3339: Mr. WU.
H.R. 3359: Ms. SPEIER and Mr. FILNER.
H.R. 3380: Mr. BISHOP of Georgia, Ms. CASTOR of Florida, Ms. SUTTON Mr. ROTHMAN of New Jersey, Mr. PAYNE, and Mr. SIMPSON.
H.R. 3421: Mr. KENNEDY, Ms. JACKSON-LEE of Texas, and Mr. BOSWELL.
H.R. 3578: Mr. PETERSON.
H.R. 3592: Mr. BLUMENAUER.
H.R. 3662: Mr. SCHIFF.
H.R. 3691: Mr. CALVERT.
H.R. 3731: Ms. SUTTON and Mr. KLEIN of Florida.
H.R. 3746: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3758: Mr. TIM MURPHY of Pennsylvania and Mr. PAYNE.
H.R. 4034: Mr. PRICE of North Carolina.
H.R. 4140: Mr. KUCINICH, Mr. SABLAN, and Ms. SLAUGHTER.
H.R. 4179: Mr. GRIJALVA.
H.R. 4196: Mr. STARK, Mr. LUJÁN, Ms. CHU, and Ms. MATSUI.
H.R. 4202: Mr. BLUMENAUER and Mr. KUCINICH.
H.R. 4233: Mr. ALEXANDER, Mr. COBLE, Mr. BARTON of Texas, and Mr. REHBERG.
H.R. 4247: Mr. HARE, Mr. COURTNEY, Mr. ELLISON, and Mr. DAVIS of Illinois.
H.R. 4255: Mr. MCCAUL, Mr. GRAVES, Mr. ADLER of New Jersey, Mr. BARTLETT, Mr. MORAN of Kansas, Mr. ROONEY, Mr. BURTON of Indiana, and Mrs. BLACKBURN.
H.R. 4262: Mr. BURTON of Indiana, Mr. JOHNSON of Illinois, Mr. WOLF, and Mr. SCHOCK.
H.R. 4263: Ms. BERKLEY.
H. Con. Res. 22: Mr. SCHOCK, Mr. TERRY, Mr. BARTLETT, Mrs. MYRICK, Mr. GALLEGLY, Mr. BUYER, Mr. KINGSTON, Mr. CARTER, and Mr. PENCE.
H. Con. Res. 157: Mr. TIAHRT.
H. Con. Res. 200: Mrs. MYRICK and Mr. LINDER.
H. Con. Res. 220: Ms. BORDALLO, Mr. BURTON of Indiana, Mr. HEINRICH, Mr. KENNEDY, and Mr. TIERNEY.
H. Res. 252: Ms. LINDA T. SÁNCHEZ of California.
H. Res. 713: Mr. FATTAH, Ms. WASSERMAN SCHULTZ, and Ms. CHU.
H. Res. 748: Mr. GOODLATTE.
H. Res. 857: Mr. HEINRICH.
H. Res. 874: Mr. PITTS.
H. Res. 898: Mr. SOUDER, Mr. SCHOCK, and Mr. ELLISON.
H. Res. 932: Ms. SCHAKOWSKY, Mr. ABERCROMBIE, and Ms. JACKSON-LEE of Texas.
H. Res. 951: Mr. WITTMAN, Mr. HERGER, Mr. DAVIS of Kentucky, Mr. CULBERSON, Mr. MCCARTHY of California, and Mr. FORBES.
H. Res. 958: Mrs. LOWEY, Mr. GORDON of Tennessee, and Mr. PENCE.
H. Res. 959: Mr. SAM JOHNSON of Texas.
H. Res. 966: Mr. KING of Iowa.
H. Res. 967: Mr. AL GREEN of Texas, Mr. ELLISON, and Ms. SCHAKOWSKY.

¶155.28 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 648: Ms. HIRONO.

TUESDAY, DECEMBER 15, 2009 (156)

¶156.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 9 a.m. by the SPEAKER pro tempore, Mr. CUELLAR, who laid before the House the following communication:

WASHINGTON, DC,
December 15, 2009.

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

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶156.2 RECESS—9:19 A.M.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 19 minutes a.m., until 10 a.m.

¶156.3 AFTER RECESS—10 A.M.

The SPEAKER, called the House to order.

¶156.4 APPROVAL OF THE JOURNAL

The SPEAKER, announced she had examined and approved the Journal of the proceedings of Monday, December 14, 2009.

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

¶156.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5076. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Novaluron; Pesticide Tolerances [EPA-HQ-OPP-2008-0769; FRL-8799-6] received December 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5077. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clothianidin; Pesticide Tolerances [EPA-HQ-OPP-2008-0945; FRL-8793-6] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5078. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Whistleblower Protections for Contractor Employees (DFARS Case 2008-D012) (RIN: 0750-AG09) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5079. A letter from the Under Secretary, Department of Defense, transmitting a quarterly report on withdrawals or diversions of equipment from Reserve component units for the period of July 1, 2009 through September 30, 2009, pursuant to Public Law 109-364, section 349; to the Committee on Armed Services.

5080. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Technical Amendment; Federal Emergency Management Agency's Claims Appeals [Docket ID: FEMA-2009-0009] (RIN: 1660-AA64) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5081. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8099] received December 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5082. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility for Failure To Enforce [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8093] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5083. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Amendment of the Debt Guarantee Program To Provide for the Establishment of a Limited Six-Month Emergency Guarantee Facility (RIN: 3064-AD37) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5084. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 2008 Annual Report of the Securities Investor Protection Corporation, pursuant to 15 U.S.C. 78ggg; to the Committee on Financial Services.

5085. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — New Animal Drug Application [Docket No.: FDA-2009-N-0436] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5086. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program: State Flexibility for Medicaid Benefit Packages and Premiums and Cost Sharing [CSM-2232-F3; CMS-2244-F4] (RIN: 0938-AP72 and 0938-AP73) received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5087. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Inclusion of Fugitive Emissions; Interim Final Rule; Stay [EPA-HQ-OAR-2004-0014: FRL-9089-4] (RIN: 2060-AP73) received December 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5088. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determinations of Attainment of the One-Hour and Eight-Hour Ozone Standards for Various Ozone Nonattainment Areas in New Jersey and Upstate New York [EPA-R02-OAR-2009-0638; FRL-9088-8] received December 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5089. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Section 112(1) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants; Plywood and Composite Wood Products [EPA-R04-OAR-2009-0793; FRL-9089-9] received December 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5090. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; North Carolina: Redesignation of Great Smoky Mountains National Park 1997 8-Hour Ozone Nonattainment Area to Attainment [EPA-R04-OAR-2009-0338-200908; FRL-9089-1] received December 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5091. A letter from the Director Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Clean Air Interstate Rule; NOx SIP Call Rule; Amendments to NOx Control Rules [EPA-R03-OAR-2009-0370; FRL-9090-2] received December 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5092. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries [EPA-HQ-OAR-2003-0146; FRL-8972-4] (RIN: 2060-AO55) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5093. A letter from the Director, Regulatory Management Divison, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources [EPA-HQ-OAR-2008-0334; FRL-8972-6] (RIN: 2060-AM19) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5094. A letter from the Director, Regulations Management Branch, Environmental Protection Agency, transmitting the Agency's final rule — Stay of Clean Air Interstate Rule for Minnesota; Stay of Federal Implementation Plan to Reduce Interstate Transport of Fine Particulate Matter and Ozone for Minnesota [EPA-HQ-OAR-2009-0021; FRL-8972-7] (RIN: 2060-AP46) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5095. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act [EPA-HQ-OAR-2009-0171; FRL-9091-8] (RIN: 2060-ZA14) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5096. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Ban on the Sale or Distribution of Pre-Charged Appliances [EPA-HQ-OAR-2007-0163; FRL-9091-9] (RIN: 2060-AN58) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5097. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import, and Export [EPA-HQ-OAR-2008-0496; FRL-9091-7] (RIN: 2060-A076) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5098. A letter from the Acting, Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of the Wassenaar Arrangement's (WA) Task Force on Editorial Issues (TFEI) Revisions [Docket No.: 0908271249-91275-01] (RIN: 0694-AE71) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5099. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Global Terrorism Sanctions Regulations received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5100. A letter from the Director, Office of Administration, Executive Office of the President, transmitting the personnel report for personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development, and the Office of Administration for FY 2009, pursuant to 3 U.S.C. 113; to the Committee on Oversight and Government Reform.

5101. A letter from the Departmental FOIA Officer, Department of the Interior, transmitting the Department's final rule — Amendment to the Freedom of Information Act Regulations (RIN: 1090-AA61) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5102. A letter from the President, Federal Financing Bank, transmitting the Annual Report of the Federal Financing Bank for Fiscal Year 2009, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

5103. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's Performance and Accountability Report for fiscal year 2009, pursuant to Public Law 106-531; to the Committee on Oversight and Government Reform.

5104. A letter from the Treasurer, National Gallery of Art, transmitting an FY 2009 annual report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5105. A letter from the Chairman, National Labor Relations Board, transmitting the Board's semiannual report from the office of the Inspector General for the period April 1, 2009 through September 30, 2009, pursuant to Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

5106. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

5107. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #4, #5, #6, and #7 [Docket No.: 090324366-9371-01] (RIN: 0648-XR27) received December 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5108. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XS79) received December 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5109. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 ft (18.3 m) LOA and Longer Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS72) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5110. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife; Sea Turtle Conservation [Docket No.: 0809121212-91160-02] (RIN: 0648-AX20) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5111. A letter from the Director, Community Relations Service, Department of Justice, transmitting the Department's report on the activities of the Community Relations Service (CRS) for Fiscal Years 2007 and 2008, pursuant to 42 U.S.C. 2000g-3; to the Committee on the Judiciary.

5112. A letter from the Assistant Secretary, Employment & Training Administration, Department of Labor, transmitting the Department's final rule — Temporary Agricultural Employment of H-2A Aliens in the United States (RIN: 1205-AB55) received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5113. A letter from the Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting the Corporation's annual financial audit and management report, in accordance with OMB Circular A-136; to the Committee on Transportation and Infrastructure.

5114. A letter from the Deputy Assistant Secretary For Program Operations, Department of Labor, transmitting the Department's final rule — Investment Advice-Participants and Beneficiaries (RIN: 1210-AB13) received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5115. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — The American Recovery and Reinvestment Act of 2009: Secondary Market First Lien Position 504 Loan Pool Guarantee (RIN: 3245-AF90) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5116. A letter from the Director, Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — VA Acquisition Regulation: Supporting Veteran-Owned and Service-Disabled Veteran-Owned Small Business (RIN: 2900-AM92) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5117. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Community Residential Care Program (RIN: 2900-AM82) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5118. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Amendments to List of CBP Preclearance Offices in Foreign Countries: Addition of Halifax, Canada and Shannon, Ireland [CBP Dec. 09-45] received December 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5119. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Temporary Closing of the Determination Letter Program for Adopters of Pre-Approved Defined Benefit Plans received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶156.6 MESSAGE FROM THE SENATE

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

H.J. Res. 62. A joint resolution appointing the day for the convening of the second session of the One Hundred Eleventh Congress.

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

S. 1755. An Act to direct the Department of Homeland Security to undertake a study on emergency communications.

The message also announced that pursuant to section 276a of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, appoints the following Senator as Vice Chairman of the United States-China Interparliamentary Group conference during the One Hundred Eleventh Congress: the Senator from Missouri [Mr. BOND.]

The message also announced that pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106–398, and upon the recommendation of the Republican Leader, in consultation with the Ranking Members of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair, on behalf of the President pro tempore, reappoints the following individual to the United States-China Economic Security Review Commission: Daniel Blumenthal of Maryland, for a term beginning January 1, 2010, and expiring December 31, 2011.

¶156.7 U.S. CUSTOMS AND BORDER PROTECTION EMPLOYEES

Mr. CUELLAR moved to suspend the rules and pass the bill (H.R. 1517) to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service; as amended.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. CUELLAR and Mr. ROGERS of Alabama, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CUELLAR objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶156.8 FIRST RESPONDER ANTI-TERRORISM TRAINING

Mr. CUELLAR moved to suspend the rules and pass the bill (H.R. 3978) to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. CUELLAR and Mr. ROGERS of Alabama, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CUELLAR objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶156.9 REPORT ON H. RES. 922

Mr. CUELLAR, by direction of the Committee on Homeland Security, reported (Rept. No. 111–377) on the resolution (H. Res. 922) directing the Secretary of Homeland Security to transmit to the House of Representatives all information in the possession of the Department of Homeland Security relating to the Department's planning, information sharing, and coordination with any State or locality receiving detainees held at Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009; referred to the House Calendar and ordered printed.

¶156.10 HONORING 50TH ANNIVERSARY OF KIND OF BLUE

Mr. CONYERS moved to suspend the rules and agree to the following resolution (H. Res. 894):

Whereas, on August 17, 1959, Miles Davis, Jimmy Cobb, Bill Evans, Wynton Kelly, Paul Chambers, John Coltrane, and Julian ''Cannonball'' Adderley collaborated to record the album ''Kind of Blue'';

Whereas ''Kind of Blue'' ranks 12th on the list of the ''500 Greatest Albums of All Time'' published by Rolling Stone magazine;

Whereas ''Kind of Blue'' was recorded in 1959, the year Columbia Records declared ''jazz's greatest year'';

Whereas ''Kind of Blue'' marked the beginning of the mass popularity of jazz in the United States;

Whereas in 2008, the Recording Industry Association of America awarded ''Kind of Blue'' quadruple-platinum status, meaning 4,000,000 copies of the album had been sold;

Whereas in 2002, the Library of Congress added ''Kind of Blue'' to the National Recording Registry;

Whereas ''Kind of Blue'' was recognized as the bestselling record in the history of jazz;

Whereas 50 years after the release of ''Kind of Blue'', MOJO magazine honored the Legacy Edition of the album by giving it the ''Best Catalogue Release of the Year'' award;

Whereas ''Kind of Blue'' both redefined the concept of jazz for musicians and changed the perceptions of jazz held by many fans;

Whereas today, the sole surviving member of the Miles Davis Sextet, Jimmy Cobb, is performing and touring with his So What Band in tribute to the 50th anniversary of ''Kind of Blue''; and

Whereas ''Kind of Blue'' continues to be the standard masterpiece of jazz for American musicians and audiences: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the 50th anniversary of ''Kind of Blue'' and recognizes the unique contribution the album has made to American jazz;

(2) directs the Clerk of the House of Representatives to transmit enrolled copies of this resolution to Columbia Records;

(3) encourages the United States Government to take all appropriate steps to preserve and advance the art form of jazz music;

(4) recommits itself to ensuring that musical artists such as Miles Davis and his Sextet receive fair protection under the copyright laws of the United States for their contributions to culture in the United States; and

(5) reaffirms the status of jazz as a national treasure.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. CONYERS and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CONYERS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶156.11 HUMAN RIGHTS ENFORCEMENT

Mr. CONYERS moved to suspend the rules and pass the bill of the Senate (S. 1472) to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. CONYERS and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CONYERS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶156.12 RECOGNIZING A. PHILIP RANDOLPH

Mr. CONYERS moved to suspend the rules and agree to the following resolution (H. Res. 150):

Whereas A. Philip Randolph was born April 15, 1889;

Whereas A. Philip Randolph was in New York during the height of the Harlem Renaissance and was a student in politics and economics at City College, which served as the intellectual center of the movement;

Whereas A. Philip Randolph was the cofounder of The Messenger in 1917, a widely read and respected magazine known for its radical persuasion;

Whereas A. Philip Randolph was the leader of the successful movement to organize the Pullman Company (one of the most powerful businesses in the Nation) which led to the formation of the Brotherhood of Sleeping Car Porters (BSCP), an organization that advanced the claims of African-Americans to dignity, respect, and a decent livelihood;

Whereas A. Philip Randolph was selected by the porters at the Pullman Company as a representative because he was a good orator and a tireless fighter for the rights of African-Americans and was dedicated to the porters' cause for over a decade;

Whereas A. Philip Randolph was able to gain an international charter from the American Federation of Labor (now AFL–CIO) after Franklin Roosevelt's New Deal legislation forced the Pullman Company to negotiate with the Brotherhood, and was able to successfully negotiate the first-ever contract between a company and a black union, in 1937;

Whereas A. Philip Randolph was one of the central figures speaking out for African-American rights during the 1930s and 1940s and focused on labor and employment issues;

Whereas A. Philip Randolph was a leader in the movement challenging discrimination in defense industry jobs and used the threat of a march on Washington as part of an effort to lobby President Roosevelt to sign an executive order banning discrimination within the Government and the defense industries;

Whereas A. Philip Randolph was, in 1947, a leader in the movement to end segregation in the military and called for African-Americans to refuse to register for the draft until these practices were ended and was successful in this effort, which saw President Truman issue an executive order barring discrimination in the military on July 26, 1948;

Whereas A. Philip Randolph was the leading force behind the March on Washington for Jobs and Freedom and worked with many old friends and foes of his earlier labor struggles to ensure the success of the event, which took place on August 28, 1963, drew a crowd of over 250,000 people, and was the occasion of a meeting with President Kennedy and Dr. Martin Luther King, Jr.; and

Whereas A. Philip Randolph died in 1979 as an elder statesman of the civil rights movement, a much admired figure and role model for the young people of this Nation: Now, therefore, be it:

Resolved, That it is the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. CONYERS and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CONYERS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶156.13 PHONE—STOP ID SPOOFING

Mr. CONYERS moved to suspend the rules and pass the bill (H.R. 1110) to amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. CONYERS and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CONYERS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, December 16, 2009.

The point of no quorum was considered as withdrawn.

¶156.14 RETIREMENT OF LOUIS S. BRANDEIS

Mr. COHEN moved to suspend the rules and agree to the following resolution (H. Res. 905):

Whereas the United States Supreme Court has played a fundamental role in interpreting the Nation's laws;

Whereas Louis D. Brandeis, born in Louisville, Kentucky, on November 13, 1856, led a selfless career as a practicing lawyer helping to create the pro bono tradition in the United States through his devotion to public causes, becoming known as the ''people's lawyer'' for challenging the power of railroad, bank, and insurance company monopolies;

Whereas Justice Brandeis was nominated an Associate Justice of the Supreme Court by appointment of President Woodrow Wilson and confirmed by the United States Senate in 1916 as the first Jewish Justice of the Supreme Court;

Whereas Justice Brandeis vastly contributed to constitutional jurisprudence, particularly in the areas of free speech, right to privacy, labor relations, and women's suffrage;

Whereas through the marshalling of evidence and development of the doctrine of judicial notice, Justice Brandeis concerned himself as a citizen, attorney, and Justice of the Supreme Court with the power and role of education in the Nation's democracy;

Whereas Justice Brandeis supported the University of Louisville and its law school (named the Louis D. Brandeis School of Law in 1997) by contributing funding and his personal papers and ensuring that the law school library received Supreme Court briefs for its archives;

Whereas Justice Brandeis provided the role model for public service which served as the inspiration for the University of Louisville adopting a public service requirement for all students;

Whereas Justice Brandeis resigned from the Supreme Court 70 years ago in 1939; and

Whereas, to this day, schools, universities, the United States Postal Service, and other institutions remember the name of Justice Brandeis and commemorate his service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 70th anniversary of Justice Louis D. Brandeis's retirement from the United States Supreme Court and the significant contribution he made in United States Supreme Court jurisprudence; and

(2) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the University of Louisville Louis D. Brandeis School of Law for appropriate display.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. COHEN and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COHEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, December 16, 2009.

¶156.15 LAW STUDENT CLINIC PARTICIPATION

Mr. COHEN moved to suspend the rules and pass the bill (H.R. 4194) to amend title 18, United States Code, to exempt qualifying law school students participating in legal cinics or externships from the application of the conflict of interest rules under section 205 of such title.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. COHEN and

Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COHEN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. BLUEMAUER, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, December 16, 2009.

The point of no quorum was considered as withdrawn.

¶156.16 H. RES. 894—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 894) honoring the 50th anniversary of the recording of the album ''Kind of Blue'' and reaffirming jazz as a national treasure.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 / Nays 0

¶156.17 [Roll No. 971]

YEAS—409

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
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)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
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
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
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
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)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
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)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—25

Abercrombie
Barrett (SC)
Bishop (UT)
Bonner
Clay
Deal (GA)
Hastings (FL)
Heller
Herger
Hinchey
Hodes
Johnson (IL)
Johnson, Sam
Kilroy
LaTourette
Maffei
Moran (VA)
Murtha
Pascrell
Radanovich
Roskam
Salazar
Sanchez, Loretta
Shuler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶156.18 H.R. 1517—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1517) to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of those present had voted in the affirmative.

Mr. CONNOLLY of Virginia, demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 / Nays 1

¶156.19 [Roll No. 972]

AYES—414

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
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)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel

Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
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
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
Massa
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
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)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—1

Paul

NOT VOTING—19

Abercrombie
Barrett (SC)
Bishop (UT)
Bonner
Clay
Deal (GA)
Heller
Hinchey
Hodes
Johnson (IL)
Johnson, Sam
LaTourette
Murtha
Radanovich
Rangel
Salazar
Sanchez, Loretta
Shuler
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶156.20 H.R. 3978—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3978) to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of those present had voted in the affirmative.

Mr. HARE demanded a recorded vote on the motion to suspend the rules and pass said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 / Nays 1

¶156.21 [Roll No. 973]

AYES—413

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
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)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
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
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
Massa
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, 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)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi

Tierney	Walz	Wexler
Titus	Wamp	Whitfield
Tonko	Wasserman Schultz	Wilson (OH)
Towns	Waters	Wilson (SC)
Tsongas	Watson	Wittman
Turner	Watt	Wolf
Upton	Waxman	Woolsey
Van Hollen	Weiner	Wu
Velázquez	Welch	Yarmuth
Visclosky	Westmoreland	Young (AK)
Walden		

NOES—1

Paul

NOT VOTING—20

Abercrombie	Heller	Radanovich
Barrett (SC)	Hodes	Salazar
Bishop (UT)	Johnson (IL)	Sanchez, Loretta
Bonner	Johnson, Sam	Shuler
Cassidy	LaTourette	Shuster
Clay	Miller (NC)	Young (FL)
Deal (GA)	Murtha	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶156.22 LOCAL COMMUNITY RADIO

Mr. BOUCHER moved to suspend the rules and pass the bill (H.R. 1147) to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. BOUCHER and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BOUCHER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, December 16, 2009.

The point of no quorum was considered as withdrawn.

¶156.23 COMMERCIAL ADVERTISEMENT LOUDNESS MITIGATION

Mr. BOUCHER moved to suspend the rules and pass the bill (H.R. 1084) to require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. BOUCHER and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶156.24 GUIDELINES FOR BREAST CANCER SCREENING

Mrs. CAPPS moved to suspend the rules and agree to the following resolution (H. Res. 971):

Whereas the United States Preventive Services Task Force (USPSTF), an independent panel of experts in primary care prevention and evidence-based medicine, issued guidelines on November 16, 2009, regarding mammography screening for women, including women age 40 to 49;

Whereas these guidelines reflect a change from USPSTF mammography recommendations issued in 2002;

Whereas the new guidelines have caused concern among many health providers and confusion among many women age 40 to 49;

Whereas the Department of Health and Human Services has stated that while the USPSTF has presented some new evidence for consideration, the policies of the Department remain unchanged; and

Whereas the Department of Health and Human Services has stated that there is a great need for more evidence, more research, and more scientific innovation to help women prevent, detect, and fight breast cancer: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the guidelines of the United States Preventive Services Task Force (''USPSTF'') would not prohibit an insurer from providing coverage for mammography services in addition to those recommended by the USPSTF and should not be used by insurers to deny coverage for services that are not recommended on a routine basis; and

(2) the National Cancer Institute should continue to invest and provide leadership regarding research to develop more effective screening tools and strategies for improving detection of breast cancer.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mrs. CAPPS and Mrs. BLACKBURN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. CAPPS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶156.25 DANIEL PEARL FREEDOM OF THE PRESS

Mr. BERMAN moved to suspend the rules and pass the bill (H.R. 3714) to amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries, establish a grant program to promote freedom of the press worldwide, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PERRIELLO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BERMAN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. PERRIELLO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, December 16, 2009.

The point of no quorum was considered as withdrawn.

¶156.26 IRAN REFINED PETROLEUM SANCTIONS

Mr. BERMAN moved to suspend the rules and pass the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran; as amended.

The SPEAKER pro tempore, Mr. PERRIELLO, recognized Mr. BERMAN and Mr. KUCINICH, each for 20 minutes.

By unanimous consent, the time for debate was extended by 20 minutes to be equally divided and controlled by Mr. BERMAN and Mr. KUCINICH.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BERMAN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶156.27 HOUR OF MEETING

On motion of Mr. BERMAN, pursuant to clause 4 of rule XVI, moved that when the House adjourns today, it adjourn to meet at 9 a.m. on Wednesday, December 16, 2009.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that the ayes had it.

So the motion was agreed to.

¶156.28 H. RES. 971—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 971) expressing the sense of the House of Representatives regarding guidelines for breast cancer screening for women ages 40 to 49.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 426 Nays 0

¶156.29 [Roll No. 974]

YEAS—426

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

NOT VOTING—8

Barrett (SC)	Deal (GA)	Radanovich
Bishop (UT)	Murtha	Sanchez, Loretta
Clay	Polis (CO)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶156.30 H.R. 2194—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of those present had voted in the affirmative.

Mr. BERMAN demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 Nays ..... 12 Answered present 4

¶156.31 [Roll No. 975]

AYES—412

Abercrombie	Cardoza	Filner
Ackerman	Carnahan	Fleming
Aderholt	Carney	Forbes
Adler (NJ)	Carson (IN)	Fortenberry
Akin	Carter	Foster
Alexander	Cassidy	Foxx
Altmire	Castle	Frank (MA)
Andrews	Castor (FL)	Franks (AZ)
Arcuri	Chaffetz	Frelinghuysen
Austria	Chandler	Fudge
Baca	Childers	Gallegly
Bachmann	Chu	Garamendi
Bachus	Clarke	Garrett (NJ)
Baird	Cleaver	Gerlach
Barrow	Clyburn	Giffords
Bartlett	Coble	Gingrey (GA)
Barton (TX)	Coffman (CO)	Gohmert
Bean	Cohen	Gonzalez
Becerra	Cole	Goodlatte
Berkley	Conaway	Gordon (TN)
Berman	Connolly (VA)	Granger
Berry	Cooper	Graves
Biggert	Costa	Grayson
Bilbray	Costello	Green, Al
Bilirakis	Courtney	Green, Gene
Bishop (GA)	Crenshaw	Griffith
Bishop (NY)	Crowley	Grijalva
Bishop (UT)	Cuellar	Guthrie
Blackburn	Culberson	Gutierrez
Blunt	Cummings	Hall (NY)
Boccieri	Dahlkemper	Hall (TX)
Boehner	Davis (AL)	Halvorson
Bonner	Davis (CA)	Hare
Bono Mack	Davis (IL)	Harman
Boozman	Davis (KY)	Harper
Boren	Davis (TN)	Hastings (FL)
Boswell	DeFazio	Hastings (WA)
Boucher	DeGette	Heinrich
Boustany	Delahunt	Heller
Boyd	DeLauro	Hensarling
Brady (PA)	Dent	Herger
Brady (TX)	Diaz-Balart, L.	Herseth Sandlin
Braley (IA)	Diaz-Balart, M.	Higgins
Bright	Dicks	Hill
Broun (GA)	Dingell	Himes
Brown (SC)	Doggett	Hinojosa
Brown, Corrine	Donnelly (IN)	Hirono
Brown-Waite, Ginny	Doyle	Hodes
Buchanan	Dreier	Hoekstra
Burgess	Driehaus	Holden
Burton (IN)	Edwards (MD)	Holt
Butterfield	Edwards (TX)	Honda
Buyer	Ehlers	Hoyer
Calvert	Ellison	Hunter
Camp	Ellsworth	Inglis
Campbell	Emerson	Inslee
Cantor	Engel	Israel
Cao	Eshoo	Issa
Capito	Etheridge	Jackson (IL)
Capps	Fallin	Jackson-Lee (TX)
Capuano	Farr	Jenkins
	Fattah	

Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
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)
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.
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
Souder
Space
Speier
Spratt
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
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—12

Baldwin
Blumenauer
Conyers
Duncan
Flake
Hinchey
Kucinich
Lynch
McDermott
Moore (WI)
Paul
Stark

ANSWERED ''PRESENT''—4

Johnson, E. B.
Kilpatrick (MI)
Lee (CA)
Waters

NOT VOTING—6

Barrett (SC)
Clay
Deal (GA)
Murtha
Radanovich
Sanchez, Loretta

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶156.32 H. RES. 150—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 150) expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of those present had voted in the affirmative.

Mrs. HALVORSON demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 395 / Nays 23

¶156.33 [Roll No. 976]

AYES—395

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
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
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
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (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
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (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)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
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
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—23

Aderholt
Akin
Broun (GA)
Burton (IN)
Campbell
Coffman (CO)
Conaway
Fleming
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Hensarling
Jordan (OH)
Kingston
Lamborn
McCarthy (CA)
Miller (FL)
Neugebauer
Poe (TX)
Rooney
Scalise
Shadegg
Westmoreland

NOT VOTING—16

Barrett (SC)
Burgess
Clay
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.

Forbes
Gohmert
King (IA)
Murtha
Pitts
Price (GA)
Radanovich
Sanchez, Loretta
Spratt
Tiahrt

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶156.34 S. 1472—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 1472) to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of those present had voted in the affirmative.

Mr. TONKO demanded a recorded vote on the motion to suspend the rules and pass said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

When there appeared { Yeas ..... 416 / Nays 3

¶156.35 [Roll No. 977]

AYES—416

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
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
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
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 (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)
Markey (MA)
Marshall
Massa
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.
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
Souder
Space
Speier
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—3

Broun (GA)
Paul
Young (AK)

NOT VOTING—15

Abercrombie
Barrett (SC)
Capito
Clay
Davis (CA)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Frank (MA)
King (IA)
Murtha
Radanovich
Sanchez, Loretta
Spratt
Titus

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶156.36 ADVERSE REPORT ON H. RES. 920

Mr. CONYERS, by direction of the Committee on the Judiciary, submitted a privileged adverse report (Rept. No. 111–378) on the resolution (H. Res. 920) directing the Attorney General to transmit to the House of Representatives all information in the Attorney General's possession regarding certain matters pertaining to detainees held at Naval Station, Guantanamo Bay, Cuba who are transferred into the United States; referred to the House Calendar and ordered printed.

¶156.37 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. POLIS, by direction of the Committee on Rules, reported (Rept. No. 111–379) the resolution (H. Res. 973) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶156.38 RECESS—10:35 P.M.

The SPEAKER pro tempore, Mr. MAFFEI, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 35 minutes p.m., subject to the call of the Chair.

¶156.39 AFTER RECESS—11:16 P.M.

The SPEAKER pro tempore, Mr. MAFFEI, called the House to order.

¶156.40 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1755. An Act to direct the Department of Homeland Security to undertake a study on emergency communications; to the Committee on Energy and Commerce.

¶156.41 ENROLLED JOINT RESOLUTION SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 62. A joint resolution appointing the day for the convening of the second session of the One Hundred Eleventh Congress.

¶156.42 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on December 14, 2009, she presented to the President of the United States, for his approval, the following bills:

H.R. 4165. An Act to extend through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

H.R. 4217. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 4218. An Act to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators.

Lorraine C. Miller, Clerk of the House reported that on December 15, 2009, she presented to the President of the United States, for his approval, the following bill:

H.R. 3288. An Act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

¶156.43 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. YOUNG of Florida, for today until 3:30 p.m.

And then,

¶156.44 ADJOURNMENT

On motion of Mr. MURPHY of New York, pursuant to the previous order of the House, at 11 o'clock and 17 minutes p.m., the House adjourned until 9 a.m. on Wednesday, December 16, 2009.

¶156.45 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 3978. A bill to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes (Rept. 111–376). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. House Resolution 922. Resolution directing the Secretary of Homeland Security to transmit to the House of Representatives all information in the possession of the Department of Homeland Security relating to the Department's planning, information sharing, and coordination with any state or locality receiving detainees held at Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009; with amendments (Rept. 111–377). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. House Resolution 920. Resolution directing the Attorney General to transmit to the House of Representatives all information in the Attorney General's possession regarding certain matters pertaining to detainees held at Naval Station, Guantanamo Bay, Cuba who are transferred into the United States, adversely; (Rept. 111–378). Referred to the House Calendar.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 973. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 111–379). Referred to the House Calendar.

¶156.46 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. POSEY (for himself, Mr. HALL of Texas, Mr. PITTS, Mr. BARTLETT, Mr. COLE, Mr. ISSA, Mr. BILBRAY, Mr. GOHMERT, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. AKIN, Mr. GINGREY of Georgia, Mr. MARCHANT, Mr. CONAWAY, Mr. BISHOP of Utah, Ms. FALLIN, Mr. THOMPSON of Pennsylvania, and Mr. LAMBORN):

H.R. 4308. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate certain amounts on their income tax returns, to require spending reductions equal to 10 times the amounts so designated, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRIGHT (for himself and Mr. THOMPSON of Pennsylvania):

H.R. 4309. A bill to amend the Internal Revenue Code of 1986 to establish tax-preferred Small Business Start-up Savings Accounts; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, and Ms. WATSON):

H.R. 4310. A bill to amend the Internal Revenue Code of 1986 to protect children's health by denying any deduction for advertising and marketing directed at children to promote the consumption of food at fast food restaurants or of food of poor nutritional quality; to the Committee on Ways and Means.

By Mrs. HALVORSON:

H.R. 4311. A bill to amend the Internal Revenue Code of 1986 to extend the increase in the expensing deduction for small businesses; to the Committee on Ways and Means.

By Mr. BURGESS (for himself, Mr. BOEHNER, Mr. KLINE of Minnesota, Mr. FRELINGHUYSEN, and Mr. ISSA):

H.R. 4312. A bill to permit the District of Columbia to use Federal funds to provide scholarships for enrollment in participating schools under the DC School Choice Incentive Act of 2003 to students who did not receive such scholarships in the 2009–2010 school year; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska (for himself, Mr. RAHALL, and Mr. HEINRICH):

H.R. 4313. A bill to amend Part B of title XVIII of the Social Security Act to eliminate the sunset for reimbursement for services furnished by certain Indian hospitals and clinics; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 4314. A bill to permit continued financing of Government operation; to the Committee on Ways and Means.

By Mr. BURGESS:

H.R. 4315. A bill to authorize the issuance of United States War Bonds to aid in funding of the operations in Iraq and Afghanistan; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself and Mr. BRADY of Texas):

H.R. 4316. A bill to suspend temporarily the duty on certain footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Mr. STARK, Mr. GRIJALVA, and Mr. QUIGLEY):

H.R. 4317. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H.R. 4318. A bill to authorize the President to reestablish the Civilian Conservation Corps as a means of providing gainful employment to unemployed and underemployed citizens of the United States through the performance of useful public work, and for other purposes; to the Committee on Education and Labor.

By Mr. MORAN of Kansas:

H.R. 4319. A bill to amend title 38, United States Code, to provide for certain improvements in the laws relating to specially adapted housing assistance provided by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MURPHY of New York:

H.R. 4320. A bill to amend title 38, United States Code, to expand the types of approved programs of education for purposes of Post-9/11 Educational Assistance Program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. ORTIZ (for himself, Mr. CONYERS, Mr. SERRANO, Mr. RANGEL, Mr. PASTOR of Arizona, Mr. STARK, Mr. GUTIERREZ, Mr. WAXMAN, Mr. BECERRA, Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Mr. BERMAN, Ms. VELÁZQUEZ, Mrs. CHRISTENSEN, Mr. HINOJOSA, Mr. TOWNS, Mr. REYES, Mr. LEWIS of Georgia, Mr. BACA, Mr. PALLONE, Mr. GONZALEZ, Mr. ANDREWS, Mrs. NAPOLITANO, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. ENGEL, Mr. CUELLAR, Mr. FALEOMAVAEGA, Mr. SALAZAR, Mr. NEAL of Massachusetts, Mr. SIRES, Mr. ABERCROMBIE, Mr. LUJÁN, Ms. NORTON, Mr. PIERLUISI, Mr. MORAN of Virginia, Mr. SABLAN, Mr. NADLER of New York, Mr. OLVER, Ms. WATERS, Ms. CORRINE BROWN of Florida, Mr. FARR, Mr. FILNER, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, Mr. RUSH, Mr. SCOTT of Virginia, Ms. WOOLSEY, Mr. BLUMENAUER, Mr. FATTAH, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mrs. CAPPS, Mr. DAVIS of Illinois, Ms. DEGETTE, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Ms. LEE of California, Mr. MCGOVERN, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. CAPUANO, Mr. CROWLEY, Mr. WEINER, Mr. CLAY, Mr. HONDA, Mr. ISRAEL, Ms. WATSON, Ms. BORDALLO, Mr. MEEK of Florida, Mr. CLEAVER, Mr. AL GREEN of Texas, Ms. MATSUI, Ms. MOORE of Wisconsin,

Mr. CARSON of Indiana, Ms. CLARKE, Ms. EDWARDS of Maryland, Mr. ELLISON, Ms. FUDGE, Ms. HIRONO, Mr. JOHNSON of Georgia, Mr. PERLMUTTER, Ms. RICHARDSON, Mr. WELCH, Ms. CHU, Mr. HEINRICH, Ms. PINGREE of Maine, Mr. POLIS of Colorado, and Mr. QUIGLEY):

H.R. 4321. A bill to provide for comprehensive immigration reform, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Armed Services, Foreign Affairs, Natural Resources, Ways and Means, Education and Labor, Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SARBANES:

H.R. 4322. A bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports; to the Committee on Education and Labor.

By Mr. SOUDER:

H.R. 4323. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for certain costs relating to compliance with financial regulations; to the Committee on Ways and Means.

By Ms. TITUS:

H.R. 4324. A bill to amend the Homeowners Assistance Program of the Department of Defense to give the Secretary of Defense flexibility regarding setting the commencement date for homeowner assistance for members of the Armed Forces permanently reassigned during the mortgage crisis; to the Committee on Armed Services, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TONKO:

H.R. 4325. A bill to establish a grant program to assist schools in establishing a universal free classroom breakfast program; to the Committee on Education and Labor.

By Mr. OBEY:

H.J. Res. 64. A joint resolution making further continuing appropriations for fiscal year 2010, and for other purposes; to the Committee on Appropriations.

By Mr. ORTIZ:

H. Con. Res. 222. Concurrent resolution recognizing the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILDEE (for himself, Mr. DINGELL, Mr. LEVIN, Ms. KILPATRICK of Michigan, Ms. SCHAKOWSKY, Mr. STUPAK, Mr. BACA, Mr. BONNER, Mr. ROGERS of Alabama, Mr. ADERHOLT, Mr. GRIFFITH, Mr. MOORE of Kansas, Mr. RYAN of Ohio, Mr. SHULER, Mr. PETERS, Mr. VISCLOSKY, Mr. CONYERS, Mr. HINCHEY, Mr. UPTON, Mr. CAMP, Mr. MCCOTTER, Mr. SCHAUER, Mr. DAVIS of Alabama, Mr. BACHUS, Mr. HARE, Mr. HOEKSTRA, Mr. ROGERS of Michigan, Mr. EHLERS, Mr. BOREN, and Mr. KIND):

H. Res. 970. A resolution congratulating Flint native, University of Alabama sophomore, and running back Mark Ingram on winning the 2009 Heisman Trophy and honoring both his athletic and academic achievements; to the Committee on Education and Labor.

By Ms. WASSERMAN SCHULTZ (for herself, Mrs. MYRICK, Mr. ADERHOLT, Mr. ALEXANDER, Mr. ARCURI, Mr. BACA, Mrs. BACHMANN, Ms. BERKLEY, Mr. BERRY, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOCCIERI, Ms. BORDALLO, Mr. BOREN, Mr. BOUSTANY, Mr. BOYD, Mr. BRALEY of Iowa, Mr. BRIGHT, Ms. CORRINE BROWN of Florida, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. CALVERT, Mrs. CAPITO, Mrs. CAPPS, Mr. CARDOZA, Mr. CARNEY, Ms. CASTOR of Florida, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CONNOLLY of Virginia, Mr. CROWLEY, Mr. CULBERSON, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAURO, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DINGELL, Mrs. EMERSON, Mr. ENGEL, Mr. FARR, Mr. FOSTER, Ms. FUDGE, Ms. GIFFORDS, Mr. GINGREY of Georgia, Ms. GRANGER, Mr. GRAYSON, Mr. GRIFFITH, Mr. HALL of New York, Mrs. HALVORSON, Mr. HASTINGS of Florida, Mr. HEINRICH, Mr. HELLER, Ms. HERSETH SANDLIN, Mr. HIGGINS, Mr. HODES, Mr. HOLDEN, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KILDEE, Ms. KILROY, Mr. KIND, Mr. KLEIN of Florida, Mr. KRATOVIL, Mr. LANCE, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LUETKEMEYER, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LOBIONDO, Mrs. LOWEY, Mr. LYNCH, Ms. MARKEY of Colorado, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCGOVERN, Mrs. MCMORRIS RODGERS, Mr. MCNERNEY, Mr. MEEK of Florida, Mr. MELANCON, Mr. MOORE of Kansas, Mr. MURPHY of Connecticut, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MURPHY of New York, Mr. OLVER, Mr. PERRIELLO, Mr. PETERS, Mr. POLIS of Colorado, Mr. PUTNAM, Mr. RANGEL, Ms. ROS-LEHTINEN, Mr. SCHAUER, Mrs. SCHMIDT, Mr. SCOTT of Georgia, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SPACE, Mr. STUPAK, Ms. SUTTON, Mr. TANNER, Mr. THOMPSON of Pennsylvania, Ms. TSONGAS, Mr. WALZ, Mr. WEINER, Mr. WEXLER, Mr. WILSON of Ohio, Ms. WOOLSEY, Mr. RODRIGUEZ, Mr. NADLER of New York, Mr. NYE, Mr. DONNELLY of Indiana, Ms. EDWARDS of Maryland, Mrs. DAHLKEMPER, Ms. KOSMAS, Mr. NEAL of Massachusetts, Ms. HARMAN, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. TEAGUE, Mr. MCMAHON, Mr. MAFFEI, Mr. MITCHELL, Mr. KAGEN, Mr. MURTHA, Mr. WU, Mr. DAVIS of Illinois, Mr. BUCHANAN, and Ms. HIRONO):

H. Res. 971. A resolution expressing the sense of the House of Representatives regarding guidelines for breast cancer screening for women ages 40 to 49; to the Committee on Energy and Commerce. considered and agreed to.

By Mr. DAVIS of Alabama (for himself, Mr. BACHUS, Mr. BONNER, Mr. GRIFFITH, Mr. ROGERS of Alabama, Mr. ADERHOLT, and Mr. BRIGHT):

H. Res. 972. A resolution commending University of Alabama Running Back Mark Ingram on winning the 2009 Heisman Trophy; to the Committee on Education and Labor.

By Mr. ALEXANDER:

H. Res. 974. A resolution urging the Administrator of the Environmental Protection Agency to reevaluate the endangerment and cause or contribute findings regarding greenhouse gases signed on December 7, 2009; to the Committee on Energy and Commerce.

By Ms. SCHWARTZ (for herself, Mr. HOLDEN, Mr. BURGESS, Mr. MEEK of Florida, Mr. PASTOR of Arizona, Mr. CLEAVER, Mr. GERLACH, Mr. HASTINGS of Florida, Mr. MOORE of Kansas, Mr. BLUMENAUER, Ms. VELÁZQUEZ, Ms. LEE of California, Ms. KAPTUR, Mr. FATTAH, Mr. SERRANO, Mr. MEEKS of New York, Mr. PLATTS, Mr. ELLISON, Mr. RANGEL, Ms. MATSUI, Ms. CHU, Mrs. DAHLKEMPER, Mr. HONDA, Mr. DAVIS of Illinois, Ms. SUTTON, Ms. CASTOR of Florida, Ms. WATSON, Mr. INSLEE, Mr. MCGOVERN, Ms. CLARKE, Mr. CARDOZA, Mr. HINCHEY, and Ms. WOOLSEY):

H. Res. 975. A resolution recognizing the potential for a national fresh food financing initiative to provide an effective and economically sustainable solution to the problem of limited access to healthy foods in underserved urban, suburban, and rural low-income communities, while also improving health and stimulating local economic development; to the Committee on Agriculture.

¶156.47 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Ms. EDWARDS of Maryland, Mr. DOYLE, and Mr. DEFAZIO.
H.R. 219: Mr. BOOZMAN.
H.R. 240: Mr. BISHOP of Utah.
H.R. 305: Ms. PINGREE of Maine.
H.R. 391: Mrs. BONO MACK and Mr. COFFMAN of Colorado.
H.R. 422: Mr. LUETKEMEYER.
H.R. 463: Mr. HEINRICH.
H.R. 503: Mr. HIMES.
H.R. 571: Mr. MORAN of Virginia.
H.R. 690: Mr. UPTON.
H.R. 725: Mr. HEINRICH.
H.R. 745: Mr. ELLISON.
H.R. 847: Ms. MCCOLLUM and Mr. BRALEY of Iowa.
H.R. 1020: Mr. FILNER.
H.R. 1021: Ms. SUTTON.
H.R. 1064: Mr. HEINRICH.
H.R. 1067: Mr. BISHOP of Georgia.
H.R. 1103: Mr. GINGREY of Georgia.
H.R. 1177: Mr. CUELLAR, Mrs. DAHLKEMPER, and Mr. CROWLEY.
H.R. 1326: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. SHERMAN.
H.R. 1378: Mr. HILL.
H.R. 1547: Mr. ROSKAM.
H.R. 1646: Mr. MARKEY of Massachusetts.
H.R. 1677: Ms. ROYBAL-ALLARD.
H.R. 1688: Mr. ABERCROMBIE.
H.R. 1708: Mr. GORDON of Tennessee.
H.R. 1721: Mr. HARE.
H.R. 1806: Mr. BUCHANAN.
H.R. 1826: Mr. MINNICK.
H.R. 1831: Mr. MOLLOHAN and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1974: Mr. GOODLATTE, Mr. PETERS, and Mr. MAFFEI.
H.R. 1977: Mr. HINCHEY.
H.R. 1987: Mr. HOLT.
H.R. 1990: Mr. BERRY and Mr. ELLSWORTH.
H.R. 2000: Mr. PENCE.
H.R. 2024: Mr. ARCURI.
H.R. 2054: Mr. JACKSON of Illinois.
H.R. 2067: Mr. RANGEL and Mr. CROWLEY.
H.R. 2103: Mr. MASSA and Mr. CRENSHAW.
H.R. 2119: Mr. MANZULLO.
H.R. 2408: Mr. DINGELL.
H.R. 2458: Mr. MANZULLO.
H.R. 2478: Ms. SLAUGHTER and Mr. INGLIS.
H.R. 2480: Mr. SCHIFF and Ms. TITUS.
H.R. 2485: Mr. FRANK of Massachusetts.
H.R. 2556: Mr. BURGESS.
H.R. 2628: Mr. WILSON of Ohio.
H.R. 2698: Mr. WEINER and Mr. BERMAN.
H.R. 2699: Mr. WEINER and Mr. BERMAN.

H.R. 2700: Ms. SLAUGHTER.
H.R. 2730: Ms. BALDWIN, Mr. GRIFFITH, and Ms. WOOLSEY.
H.R. 2733: Mr. RAHALL, Mrs. BLACKBURN, Mr. CHILDERS, Mr. AUSTRIA, and Mr. MARCHANT.
H.R. 2752: Mr. MANZULLO.
H.R. 2799: Mr. JACKSON of Illinois.
H.R. 2866: Mr. YARMUTH.
H.R. 3116: Mr. LIPINSKI.
H.R. 3129: Mr. PENCE.
H.R. 3217: Mr. INGLIS.
H.R. 3286: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3308: Mr. KLEIN of Florida.
H.R. 3315: Mr. CLEAVER.
H.R. 3339: Mr. MINNICK and Mr. SALAZAR.
H.R. 3421: Mr. MASSA.
H.R. 3524: Mr. SKELTON and Mr. KAGEN.
H.R. 3592: Mr. MINNICK.
H.R. 3608: Mr. DOGGETT.
H.R. 3646: Ms. ZOE LOFGREN of California.
H.R. 3652: Mr. COBLE.
H.R. 3701: Ms. BERKLEY.
H.R. 3706: Ms. GRANGER.
H.R. 3720: Mr. KAGEN.
H.R. 3734: Ms. SHEA-PORTER.
H.R. 3775: Mr. SOUDER.
H.R. 3790: Mr. OBERSTAR and Mr. DAVIS of Kentucky.
H.R. 3943: Mr. PASTOR of Arizona, Mr. CHILDERS, Mr. ORTIZ, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, Mr. BARTLETT, Ms. GINNY BROWN-WAITE of Florida, and Mrs. NAPOLITANO.
H.R. 4014: Mr. FARR.
H.R. 4054: Mr. COSTELLO, Mr. ELLSWORTH, Ms. HARMAN, and Mr. JONES.
H.R. 4060: Mr. MINNICK.
H.R. 4075: Mr. POSEY.
H.R. 4085: Mr. BLUMENAUER, Mr. BRADY of Texas, Mr. HEINRICH, and Mr. ISRAEL.
H.R. 4091: Mr. WAMP.
H.R. 4109: Mr. PAYNE.
H.R. 4110: Mr. SCHOCK.
H.R. 4127: Mr. SCHOCK.
H.R. 4138: Mr. FORBES.
H.R. 4140: Mr. CARSON of Indiana.
H.R. 4147: Ms. BERKLEY.
H.R. 4149: Mr. HEINRICH and Mr. KAGEN.
H.R. 4156: Mr. KAGEN.
H.R. 4160: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4167: Mr. DOYLE.
H.R. 4196: Ms. ESHOO, Ms. LINDA T. SÁNCHEZ of California, and Mr. COSTELLO.
H.R. 4197: Mr. MORAN of Virginia, Mr. PLATTS, Mrs. NAPOLITANO, and Ms. RICHARDSON.
H.R. 4199: Mr. ROGERS of Alabama and Mrs. EMERSON.
H.R. 4210: Mr. PLATTS.
H.R. 4220: Mr. LUETKEMEYER.
H.R. 4233: Mr. HERGER.
H.R. 4247: Mrs. MALONEY.
H.R. 4255: Mrs. KIRKPATRICK of Arizona, Mr. HEINRICH, Mr. WITTMAN, Mr. MURPHY of New York, Mr. PETERS, Mr. DONNELLY of Indiana, Mr. MCNERNEY, Mr. PERRIELLO, Mr. LUETKEMEYER, Mr. ELLSWORTH, Mr. FLEMING, Mr. CARNAHAN, Ms. SHEA-PORTER, Mr. PETERSON, Mr. ALTMIRE, Ms. GIFFORDS, Mr. GUTHRIE, Mr. QUIGLEY, Mr. POLIS of Colorado, Mrs. MYRICK, Mrs. HALVORSON, Mr. DRIEHAUS, and Mr. NYE.
H.R. 4260: Mrs. CAPPS.
H.R. 4262: Mr. WITTMAN, Mr. BARRETT of South Carolina, and Mrs. BIGGERT.
H.R. 4263: Mr. HEINRICH, Mr. BACA, Ms. DELAURO, Mr. BOUCHER, Mr. LEWIS of Georgia, Mr. WEINER, Mr. HARE, and Mr. HINCHEY.
H.R. 4268: Ms. SUTTON.
H.R. 4270: Mr. SOUDER and Mr. LOBIONDO.
H.R. 4298: Mr. FILNER and Mr. WEINER.
H.R. 4307: Mr. THOMPSON of California.
H.J. Res. 11: Mr. PITTS.
H.J. Res. 57: Mr. GOODLATTE.
H.J. Res. 61: Mr. PASTOR of Arizona.
H. Con. Res. 137: Ms. SLAUGHTER.
H. Con. Res. 216: Ms. SCHAKOWSKY, Ms. EDWARDS of Maryland, and Mr GARAMENDI.
H. Con. Res. 220: Mr. JOHNSON of Georgia, Mr. MCGOVERN, Mr. SMITH of Washington, and Mr. WALZ.
H. Con. Res. 221: Mr. MOORE of Kansas.
H. Res. 601: Mr. ISRAEL.
H. Res. 699: Mr. LUCAS.
H. Res. 732: Ms. BERKLEY, Mr. CARNAHAN, Mr. FLAKE, Mr. MEEKS of New York, Mr. MILLER of North Carolina, Mr. SHERMAN, and Mr. PAYNE.
H. Res. 764: Mr. PENCE.
H. Res. 812: Mr. TIAHRT.
H. Res. 840: Mr. PENCE.
H. Res. 859: Mr. ELLISON and Mr. MCGOVERN.
H. Res. 862: Mr. HOLT, Mrs. HALVORSON, and Mr. LIPINSKI.
H. Res. 905: Ms. ZOE LOFGREN of California, and Mr. WATT.
H. Res. 936: Mr. COURTNEY and Mrs. MCMORRIS RODGERS.
H. Res. 943: Mr. LAMBORN.
H. Res. 944: Mrs. MILLER of Michigan and Mrs. DAHLKEMPER.
H. Res. 947: Mr. FARR, Mr. RANGEL, Mr. STARK, Mr. PAYNE, and Mr. CARNAHAN.
H. Res. 951: Mr. NUNES and Mr. MCINTYRE.
H. Res. 966: Mr. SESSIONS, Mr. LATTA, and Mr. CARTER.

¶156.48 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTION

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 648: Mr. DOGGETT.

WEDNESDAY, DECEMBER 16, 2009 (157)

¶157.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. BALDWIN, who laid before the House the following communication:

WASHINGTON, DC,
December 16, 2009.

I hereby appoint the Honorable TAMMY BALDWIN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶157.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. BALDWIN, announced she had examined and approved the Journal of the proceedings of Tuesday, December 15, 2009.

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

¶157.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5120. A letter from the Deputy Secretary, Department of Defense, transmitting authorization of 12 officers to wear the authorized insignia of the grade of major general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

5121. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Amendments to Rules For Nationally Recognized Statistical Rating Organizations [Release No. 34-61050; File No. S7-04-09] (RIN: 3235-AK14) received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5122. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's ''Major'' final rule — Loan Guarantees for Projects That Employ Innovative Technologies (RIN: 1901-AB27) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5123. A letter from the Secretary, Department of Health and Human Services, transmitting the annual financial report to Congress required by the Medical Device User Fee and Modernization Act of 2002 (MDUFMA), covering FY 2008; to the Committee on Energy and Commerce.

5124. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Wassenaar Arrangement 2008 Plenary Agreements Implementation: Categories 1, 2, 3, 4, 5 Parts I and II, 6, 7, 8, and 9 of the Commerce Control List, Definitions, Reports [Docket No.: 0908041218-91220-01] (RIN: 0694 AE58) received December 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5125. A letter from the Secretary, Department of Veterans Affairs, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

5126. A letter from the Secretary, Department of Education, transmitting the fifty-ninth Semiannual Report to Congress on Audit Follow-Up, covering the period April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

5127. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period April 1, 2009 through September 30, 2009, pursuant to Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

5128. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2009 to September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5129. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2009 through September 30, 2009; to the Committee on Oversight and Government Reform.

5130. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5131. A letter from the Secretary, Department of Labor, transmitting the Board's semiannual report from the office of the Inspector General for the period April 1, 2009 through September 30, 2009, pursuant to Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

5132. A letter from the Acting Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's Fiscal Year 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

5133. A letter from the Chairman, Federal Communications Commission, transmitting Commission's Fiscal Year 2009 Agency Financial Report; to the Committee on Oversight and Government Reform.

5134. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-37; Introduction [Docket: FAR 2009-0001, Sequence 8] received October 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5135. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-035; Registry of Disaster Response Contractors [FAC 2005-37; FAR Case 2008-035; Item I; Docket 2009-0033, Sequence 1] (RIN: 9000-AL30) received October 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5136. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2007-008, Limiting Length of Noncompetitive Contracts in ''Unusual and Compelling Urgency'' Circumstances [FAC 2005-37; FAR Case 2007-008; Item II; Docket 2007-0001, Sequence 14] (RIN: 9000-AK90) received October 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5137. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-026, GAO Access to Contractor Employees [FAC 2005-37; FAR Case 2008-026; Item III; Docket 2009-0013, Sequence 1] (RIN: 9000-AL25) received October 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5138. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-034, Use of Commercial Services Item Authority [FAC 2005-37; FAR Case 2008-034; Item IV; Docket 2009-0035, Sequence 1] (RIN: 9000-AL44) received October 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5139. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-0031, Limitations on Pass-Through Charges [FAC 2005-37; FAR Case 2008-031; Item V; Docket 2009-0034, Sequence 1] (RIN: 9000-AL27) received October 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5140. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-008, Award Fee Language Revision [FAC 2005-37; FAR Case 2008-008; Item VI; Docket 2009-0036, Sequence 1](RIN: 9000-AL42) received October 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5141. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2009-003, National Response Framework [FAC 2005-37; FAR Case 2009-003; Item VII; Docket 2009-0037; Sequence 1] (RIN: 9000-AL37) received October 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5142. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-37; Item VIII; Docket 2009-0009; Sequence 5] received October 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5143. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-37; Small Entity Compliance Guide [Docket: FAR 2009-0002, Sequence 8] received October 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5144. A letter from the Acting Deputy Director, International Broadcasting Bureau, transmitting Federal Information Security Management Act (FISMA) Report; to the Committee on Oversight and Government Reform.

5145. A letter from the Director, Office of Government Ethics, transmitting the Office's Performance Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

5146. A letter from the General Counsel, Pension Benefit Guaranty Corporation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5147. A letter from the Chairman, Postal Service, transmitting the Semiannual Report of the Inspector General on the Audit, Investigative, and Security Activities of the Postal Service (SAR) for the period of April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5148. A letter from the Chairman, Railroad Retirement Board, transmitting the Board's Office of Inspector General Semiannual Report for the period April 1, 2009 through September 30, 2009, pursuant to Public Law 95-452, section 5; to the Committee on Oversight and Government Reform.

5149. A letter from the Board Memebers, Railroad Retirement Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2009, including the Office of Inspector General's Auditor's Report; to the Committee on Oversight and Government Reform.

5150. A letter from the Chief Human Capital Officer, Small Business Adminsitration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5151. A letter from the Secretary, Department of the Interior, transmitting notification that the Department intends to accept a donation of two contiguous tracts of land totaling 79.97 acres within Lassen Volcanic National Park, pursuant to 16 U.S.C. 1135(a); to the Committee on Natural Resources.

5152. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Halibut in the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XS89) received December 1, 2009; to the Committee on Natural Resources.

5153. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 15B; Reef Fish Fishery of the Gulf of Mexico [Docket No.: 080226312-91249-03] (RIN: 0648-AW12) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5154. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No.: 0809121213-9221-02] (RIN: 0648-AY30) received December 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5155. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Modification to the Gulf of Maine/Georges Bank Herring Midwater Trawl Gear Letter of Authorization [Docket No.: 0907281181-91369-02] (RIN: 0648-AX93) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5156. A letter from the Acting Assistant Administrator For Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska, Groundfish Observer Program; Correction [Docket No.: 090601946-91010-01] (RIN: 0648-AX94) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5157. A letter from the Program Analyst, Department of Tranportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318-111, -112, A319, A320, and A321 Series Airplanes [Docket No.: FAA-2008-1215; Directorate Identifier 2008-NM-072-AD; Amendment 39-16077; AD 2009-23-05] (RIN: 2120-AA64) November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5158. A letter from the Program Analyst, Department of Transporation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No.: FAA-2007-28281; Directorate Identifier 2006-NM-238-AD; Amendment 39-16076; AD 2009-23-04] (RIN: 2120-AA64) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5159. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), CL-600-2B16 (CL-601-3A) Airplanes [Docket No.: FAA-2009-0689; Directorate Identifier 2009-NM-092-AD; Amendment 39-16081; AD 2009-23-09] (RIN: 2120-AA64) November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5160. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2009-0310; Directorate Identifier 2009-NM-012-AD; Amendment 39-16073; AD 2009-23-02] (RIN: 2120-AA64) November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5161. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate previously held by Raytheon Aircraft Company) Models 1900, 1900C, and 1900D Airplanes [Docket No.: FAA-2009-0165; Directorate Identifier 2008-CE-055-AD; Amendment 39-16075; AD 2009-23-03] (RIN: 2120-AA64) November 24, 2009, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5162. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model PIAGGIO P-180 Airplanes [Docket No.: FAA-2009-0699; Directorate Identifier 2009-CE-042-AD; Amendment 39-16047; AD 2009-21-08] (RIN: 2120-AA64) November 24, 200 9, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5163. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 340A (SAAB/SF340A) SAAB 340B Airplanes [Docket No.: FAA-2009-0134; Directorate Identifier 2008-NM-162-AD; Amendment 39-16079; AD 2009-23-07] (RIN: 2120-AA64) N ovember 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5164. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Model TBM 700 Airplanes [Docket No.: FAA-2009-0557; Directorate Identifier 2009-CE-031-AD; Amendment 39-16086; AD 2009-23-12] (RIN: 2120-AA64) November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5165. A letter from the Assistant Secretary, Employment and Training Administration, Department of Labor, transmitting the Department's final rule — ETA Explains Changes made to TAA Program By Globalization Adjustment Assistance Act received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5166. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2010 Limitations Adjusted As Provided in Section 415(d), etc. [Notice 2009-94] received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5167. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Agreements for Payment of Tax Liabilities in Installments [TD 9473] (RIN: 1545-AU97) received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5168. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Publication of the Tier 2 Tax Rates received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5169. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Notice Requirements for Certain Pension Plan Amendments Significantly Reducing the Rate of Future Benefit Accrual [TD 9472] (RIN: 1545-BG48), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5170. A letter from the Chairman, Commmission on Civil Rights, transmitting a report entitled ''Civil Rights and the Mortgage Crisis''; jointly to the Committees on the Judiciary and Financial Services.

5171. A letter from the Inspector General, Department of Health and Human Services, transmitting a report entitled ''Review of Medicare Contractor Information Security Program Evaluations for Fiscal Year 2006''; jointly to the Committees on Ways and Means and Energy and Commerce.

¶157.4 PROVIDING FOR CONSIDERATION OF H.R. 3326, H.J. RES. 64, H.R. 4314, AND H.R. 2847

Ms. PINGREE of Maine, by direction of the Committee on Rules, reported (Rept. No. 111–380) the resolution (H. Res. 976) providing for consideration of the amendment of the Senate to the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; for consideration of the joint resolution (H.J. Res. 64) making further continuing appropriations for fiscal year 2010, and for other purposes; for consideration of the bill (H.R. 4314) to permit continued financing of Government operations; for consideration of the amendment of the Senate to the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶157.5 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Ms. PINGREE of Maine, by direction of the Committee on Rules, called up the following resolution (H. Res. 973):

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of December 16, 2009.

When said resolution was considered.

After debate,

Ms. PINGREE of Maine, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶157.6 ADJOURNMENT OF THE TWO HOUSES

Ms. PINGREE of Maine, submitted the following privileged concurrent resolution (H. Con. Res. 223):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Wednesday, December 16, 2009, through Saturday, January 2, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and that when the Senate adjourns on any day from Friday, December 18, 2009, through Saturday, January 2, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

SEC. 2. When the House adjourns on any legislative day of the second session of the One Hundred Eleventh Congress from Tuesday, January 5, 2010, through Saturday, January 9, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned until noon on Tuesday, January 12, 2010, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day of the second session of the One Hundred Eleventh Congress from Tuesday, January 5, 2010, through Saturday, January 9, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 19, 2010, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 3. 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 question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 / Nays 195

¶157.7 [Roll No. 978]

YEAS—222

Abercrombie	Clarke	Farr
Ackerman	Cleaver	Fattah
Andrews	Clyburn	Foster
Baca	Cohen	Frank (MA)
Baird	Connolly (VA)	Fudge
Baldwin	Conyers	Garamendi
Barrow	Cooper	Gohmert
Bean	Costa	Gonzalez
Becerra	Costello	Gordon (TN)
Berkley	Courtney	Grayson
Berman	Crowley	Green, Al
Berry	Cuellar	Green, Gene
Bishop (GA)	Cummings	Griffith
Blumenauer	Davis (AL)	Grijalva
Boren	Davis (CA)	Gutierrez
Boswell	Davis (IL)	Halvorson
Boucher	Davis (TN)	Hare
Boyd	DeFazio	Harman
Brady (PA)	DeGette	Hastings (FL)
Braley (IA)	Delahunt	Heinrich
Bright	DeLauro	Herseth Sandlin
Brown, Corrine	Dicks	Higgins
Butterfield	Dingell	Hill
Capps	Doggett	Hinchey
Capuano	Doyle	Hinojosa
Carnahan	Edwards (MD)	Hirono
Carson (IN)	Edwards (TX)	Hodes
Castor (FL)	Ehlers	Holden
Chaffetz	Ellison	Holt
Chandler	Eshoo	Honda
Chu	Etheridge	Hoyer

Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kind
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
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

NAYS—195

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

NOT VOTING—17

Barrett (SC)
Cardoza
Clay
Engel
Filner
Hall (NY)
Johnson, E. B.
Kaptur
Markey (MA)
Moran (VA)
Murtha
Paul
Radanovich
Simpson
Speier
Wexler
Young (AK)

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by uanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶157.8 H. RES. 973—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 973) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 226 / Nays 192

¶157.9 [Roll No. 979]

YEAS—226

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
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)
Kagen
Kanjorski
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
Massa
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)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
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—192

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
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
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
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
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton

Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Barrett (SC)
Cardoza
Clay
Filner
Hall (NY)
Johnson, E. B.
Kaptur
Moran (VA)
Murtha
Paul
Radanovich
Sessions
Simpson
Speier
Thompson (CA)
Wexler

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Ms. FOXX demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 218 Nays 202

¶157.10 [Roll No. 980]

AYES—218

Abercrombie
Ackerman
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
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)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
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

NOES—202

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
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)
Kosmas
Kratovil
Kucinich
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
McMahon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Quigley
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
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barrett (SC)
Cardoza
Clay
Filner
Hall (NY)
Johnson, E. B.
Moore (KS)
Moran (VA)
Murtha
Paul
Radanovich
Simpson
Speier
Wexler

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶157.11 H. CON. RES. 160—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 160) honoring the American Kennel Club on its 125th anniversary; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 Nays 0

¶157.12 [Roll No. 981]

YEAS—419

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
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
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
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, 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.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
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)
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
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Barrett (SC)
Cardoza
Clay
Filner
Hall (NY)
Johnson, E. B.
Lynch
McMahon
Moran (VA)
Murtha
Paul
Radanovich
Simpson
Slaughter
Speier

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A concurrent resolution recognizing the contributions of the American Kennel Club.''.

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶157.13 PROVIDING FOR CONSIDERATION OF H.R. 3326, H.J RES. 64, H.R. 4314 AND H.R. 2847

Ms. PINGREE of Maine, by direction of the Committee on Rules, called up the following resolution (H. Res. 976):

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, 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 Committee on Appropriations or his designee that the House concur in the Senate amendment with the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. 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 Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 64) making further continuing appropriations for fiscal year 2010, and for other purposes. All points of order against consideration of the joint resolution are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 3. Upon the adoption of this resolution it shall be in order to consider in the House tie bill (H.R. 4314) to permit continued financing of Government operations. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 4. Upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, 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 Committee on Appropriations or his designee that the House concur in the Senate amendment with the amendment printed in part B of the report of the Committee on Rules. 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 Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 5. In the engrossment of the House amendment to the Senate amendment to H.R. 2847, the Clerk shall—

(a) add the text of H.R. 2920, as passed by the House, as new matter at the end of the text proposed to be inserted by the House amendment;

(b) assign appropriate designations to provisions within the engrossment of the text proposed to be inserted by the House; and

(c) conform provisions for short titles within the engrossment of the text proposed to be inserted by the House.

SEC. 6. It shall be in order at any time during the remainder of the first session of the One Hundred Eleventh Congress for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the selection of any matter for consideration pursuant to this section.

SEC. 7. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived for the remainder of the first session of the One Hundred Eleventh Congress.

SEC. 8. The chair of the Committee on Appropriations may insert in the CONGRESSIONAL RECORD at any time during the remainder of the first session of the One Hundred Eleventh Congress such material as he may deem explanatory of the Senate amendments and the motions specified in the first and fourth sections of this resolution.

SEC. 9. On any legislative day of the second session of the One Hundred Eleventh Congress before January 12, 2010, the Speaker at any time may dispense with organizational or legislative business.

SEC. 10. On any legislative day of the second session of the One Hundred Eleventh Congress before January 12, 2010, the Chair at any time may declare the House adjourned or declare the House adjourned pursuant to an applicable concurrent resolution of adjournment.

SEC. 11. (a) On any legislative day of the first session of the One Hundred Eleventh Congress, the Speaker may at any time declare the House adjourned.

(b) When the House adjourns on a motion pursuant to this subsection or a declaration pursuant to subsection (a) on the legislative day of:

(1) Wednesday, December 16, 2009, it shall stand adjourned until 6 p.m. on Saturday, December 19, 2009.

(2) Saturday, December 19, 2009, it shall stand adjourned until noon on Wednesday, December 23, 2009.

(3) Wednesday, December 23, 2009, it shall stand adjourned until 10 a.m. on Saturday, December 26, 2009.

(4) Saturday, December 26, 2009, it shall stand adjourned until noon on Wednesday, December 30, 2009.

(5) Wednesday, December 30, 2009, it shall stand adjourned until 10 a.m. on Saturday, January 2, 2010.

(c) If, during any adjournment addressed by subsection (b), the House has received: (1) confirmation that the President has approved H.R. 3326; (2) a message from the Senate transmitting its passage without amendment of H.R. 4314; and (3) a message from the Senate transmitting its concurrence in an applicable concurrent resolution of adjournment, the House shall stand adjourned pursuant to such concurrent resolution of adjournment.

(d) The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by this section as though under clause 8(a) of rule I.

Pending consideration of said resolution

¶157.14 POINT OF ORDER

Mr. FLAKE made a point of order against consideration of said resolution, and said:

''Madam Speaker, I raise a point of order against H. Res. 976 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the legislation, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(1).''.

The SPEAKER pro tempore, Ms. BALDWIN, responded to the point of order, and said:

''The gentleman from Arizona [Mr. FLAKE] makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

''In accordance with section 426(b)(2) of the Act, the gentleman from Arizona has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

''Pursuant to section 426(b)(3) of the Act, after debate, the Chair will put the question of consideration, to wit: 'Will the House now consider the resolution?'.''.

Mr. FLAKE was further recognized and said:

''Madam Speaker, approximately 68 years ago, in January of 1941, Sam Rayburn was elected Speaker of the House of Representatives. Just prior to his swearing in, he rose on the House floor and said the following:

'You have elevated me to a position, I must confess, that has been one of the ambitions of my lifetime. The House of Representatives has been my life and my love for this more than a quarter of a century. I love its traditions; I love its precedents; I love its dignity; I glory in the power of the House of Representatives. It is my highest hope and my unswerving aim to preserve, protect, and defend the rights, prerogatives, and the power of the House of Representatives.'.

''What a beautiful statement. You can't help but hear and feel the words of love that Speaker Rayburn felt for this House. As Speaker, he considered himself a custodian of its traditions, its precedents and, as he put it, its dignity.

''You might ask why I tell this story, why I raise this point. It is because we are about to consider a bill that endorses and condones a practice that has placed a dark and ominous cloud over this institution. This practice, for lack of a better term, can be called circular fund-raising. It involves the awarding of earmarks, which are essentially no-bid contracts, in close proximity to the receipt of campaign contributions from the earmark recipients.

''This legislation contains more than 500 earmarks where a private, for-profit company is the intended recipient. Let me repeat that. This legislation we are about to consider contains more than 500 earmarks, or no-bid contracts, directed to private companies. In many cases, the Members of the Congress securing these no-bid contracts have either received, or will soon receive after this legislation is enacted into law, large campaign contributions from the executives of these companies and/or the lobbyists that represent them.

''By now my colleagues are well aware of the PMA scandal which was largely centered on the practice of circular fund-raising. Since news broke in February 2008 of the FBI's raid of the PMA offices, press reports and editorials from coast to coast have raised questions about the action of that firm and the integrity of this body, sowing public distrust and tarnishing the dignity of the House. Just listen to what is being said off the Hill and beyond the beltway.

''ABC's news site, The Blotter, noted that PMA's ''operations—millions out to lawmakers, hundreds of millions back in earmarks for clients—have made it, for many observers, the poster child for tacit 'pay-to-play' politics in Washington.

''An editorial in The New York Times entitled, 'Political Animal 101' referred to 'the relationship between campaign donors and the customized appropriations they are fed by grateful lawmakers' as 'the ultimate in symbiotic survival' and 'cynical influence trading.'

''An article in The Kansas City Star noted that 'the earmark game gets a bit less baffling' when taxpayers consider 'the campaign donors that grease political palms.'

''The Columbus Dispatch summed it up when they noted, 'Congress has an abysmal public approval rating of 26 percent as of early November, and the smell of quid pro quo certainly doesn't help.'

''The embarrassing coverage isn't just limited to domestic press. The Irish Times noted that 'U.S. Congressmen tread a fine line between legitimate political fund-raising and influence-peddling, between friendship with lobbyists and outright corruption.'. They go on, 'Now a leaked confidential report, prepared by the committee (on Ethics) in July and detailed in yesterday's Washington Post, has provided a rare glimpse into the cesspool of Capitol Hill politics.'

''Madam Speaker, I have here that article referred to from The Washington Post dated October 30 of this year. It notes that seven Members who sit on the Appropriations Committee, the Subcommittee on Defense, are 'under scrutiny by ethics investigators.'. The article notes that 'Together, the seven legislators have personally steered more than $200 million in earmarks to clients of the PMA Group in the past 2 years, and received more than $6.2 million in campaign contributions from PMA and its clients in the past decade.'

''According to The Wall Street Journal, Members who sit on the Defense Subcommittee have this year alone 'received a total of $141,000 in campaign contributions from companies that received earmarks from the lawmakers.

''So here we are today, Madam Speaker, with a backdrop of investigations into the practice of circular fund-raising by the Justice Department and our own Ethics Committee, yet we are poised to pass a Defense appropriations bill that contains more than 500 no-bid contracts for private companies.

''In mid-January of 2010, we will see a quarterly report from the Office of Congressional Ethics that will shed light into their investigations. Thereafter, it is likely that our own Ethics Committee will have to provide additional notice of their actions related to the PMA scandal.

''If the future is anything like the past, additional scandals will spring from the earmarks that we approve today. We are surely, as the poet said, 'traipsing down a flower-strewn path unpricked by thorns of reason.'

''I should note that circular fund-raising is not a partisan issue; both parties engage in it. The cloud that hangs over this body rains on Republicans and Democrats alike. But it is fair to ask, what about the dignity of this body? Are we appropriately concerned that the words 'pay-to-play,' 'quid pro quo,' 'swamp' and 'cesspool' are increasingly routine in articles describing the appropriations process? Should we have no standard higher than whether the abuse of the process rises to the level of an indictable offense?

''One thing is clear: The practice of circular fund-raising will someday end. The question is, who will end it? Will it take us, in our own initiative, to clean our own House, or will we wait for the Justice Department to launch more investigations and take further action?

''My own hope is that those who find themselves in leadership positions today will summon the dormant custodial spirit of those who have protected and defended this wonderful institution long before we arrived in this Chamber. We owe it to them to correct the process that led to this flawed piece of legislation before us.''.

Ms. PINGREE of Maine, was recognized to speak to the point of order and said:

''Madam Speaker, as my colleagues know, we have been here before. This is the same point of order that has been raised against almost every appropriations measure during this Congress, and each time it is used to discuss something other than its intended purpose.

''I would want to respond to my good colleague from Arizona that I, too, share concerns about the earmarking process, and I encourage him to become a cosponsor on the fair elections bill. As we have in Maine, public financing takes away much of the scrutiny around the link between campaign contributions and earmarks.

''But once again, this particular debate is about delaying consideration of this bill and ultimately stopping it altogether. I hope my colleagues will again vote 'yes' so we can consider this important legislation on its merits and not stop it on a procedural motion.

''This rule provides for enactment of legislation to fund our Nation's defense. The brave men and women who serve in the military, particularly those who are currently at war in Iraq and Afghanistan, deserve a swift enactment of this legislation.

''This legislation that we will take up later today will also divert TARP money to programs that create and save jobs across the country. We do this by investing $75 billion of TARP money into highways, transit, school renovation, hiring teachers, police, firefighters, supporting our small businesses, funding job training, and affordable housing. And for those hardest hit by the recession, this bill also provides emergency relief by extending programs like unemployment benefits, COBRA, FMAP, our health care funding for the State, and the child care tax credit.

''Those who oppose this measure can vote against it on final passage. We must consider this rule, and we must pass this critical legislation today.

''I have the right to close, but in the end I will urge my colleagues to vote 'yes' and consider the rule.''.

Mr. FLAKE was further recognized and said:

''I am accused of using a procedural measure to bring up earmarks again. Let me tell you why I'm doing that. I'm doing that because this year, for the first time in the history of this institution, every appropriations bill that came to the floor—including this one, including the Defense appropriations bill—came under a structured or closed rule with only certain amendments being offered. That's the first time in the history of this institution where every appropriations bill has come to the floor in that manner.

''And so individuals like myself and others were only allowed to offer the amendments that the other side wanted us to offer, the ones that they said we could offer rather than the ones that we ourselves would choose. I was fortunate in that I got 10 of the 550-some amendments I offered on this bill. I offered that many because that's how many no-bid contracts for private companies are contained in the bill, and I thought that they deserved some scrutiny.

''I wish that the Appropriations Committee was vetting these earmarks; given this, it's clear that they're not. This is one of hundreds of articles out there. There is a cloud hanging over this institution because of prior Defense bills, and this is going to end up the same way. We are guaranteeing that there will be scandal that springs from earmarks approved in this bill because they haven't been appropriately vetted, and they haven't been because we weren't allowed an open rule for people to bring to the floor amendments that they wanted to offer.

''I mentioned that I was fortunate in that I got 10 of them. Some of my colleagues offered multiple amendments on multiple appropriations bills throughout the year and weren't given the opportunity to offer any of them, not one. Here are Members across the country wanting to represent their constituents, and through the entire appropriations process, 12 bills this year, weren't given the opportunity to offer one amendment because we have the equivalent of martial law on appropriations bills.

''And why? Because we were told we had to get it done so we wouldn't do any omnibus bills at the end of the year. Well, here we are, we just approved a massive omnibus bill last week, and we're here today because the Defense bill was held just so that we could tag on additional items that people who wouldn't want to vote for them anyway would have to because it's a Defense bill. That's just no way to conduct business. This institution deserves better than this. It deserves better than to have a bill that has more than 500 no-bid contracts for private companies of which articles have been written and will be written, making a cloud hang over this body.

''As I mentioned, this isn't a partisan issue. This isn't where one party is in the right and one party is in the wrong. We are both doing this, and we shouldn't. And it will come back to haunt us as surely as other practices have in the past.''.

Ms. PINGREE of Maine, was further recognized and said:

''Madam Speaker, again I want to urge my colleagues to vote 'yes' on this motion to consider so that we can debate and pass this and the other important items covered by this rule.''.

After debate,

The question being put, viva voce,

Will the House now consider the resolution?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

So the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider the resolution was, by unanimous consent, laid on the table.

Accordingly,

When said resolution was considered.

After debate,

Ms. PINGREE of Maine, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 235 / Nays 193

¶157.15 [Roll No. 982]

YEAS—235

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
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
Herseth Sandlin
Higgins
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)
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
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
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
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
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
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
McMahon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
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)
Souder
Space
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Cardoza
Larson (CT)
Murphy, Patrick
Radanovich
Speier
Westmoreland

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Ms. FOXX demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 Nays 201

¶157.16 [Roll No. 983]

AYES—228

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
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)
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
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)
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Yarmuth

NOES—201

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Kucinich
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
McMahon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
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)
Souder
Space
Stark
Stearns
Tanner
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—5

Cardoza
Larson (CT)
Radanovich
Speier
Sullivan

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶157.17 H. RES. 905—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 905) recognizing the 70th anniversary of the retirement of Justice Louis D. Brandeis from the United States Supreme Court.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 Nays 1

¶157.18 [Roll No. 984]

YEAS—423

Abercrombie
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
Blunt
Boccieri
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)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa

Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
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)
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
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
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
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—1

Young (AK)

NOT VOTING—10

Boehner
Cardoza
Conyers
Kirk
Larson (CT)
McMahon
Pastor (AZ)
Radanovich
Rohrabacher
Speier

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶157.19 AMENDMENT OF THE SENATE TO H.R. 3326

Mr. MURTHA, pursuant to House Resolution 976, the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $41,267,448,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,440,472,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $12,883,790,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $26,378,761,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,286,656,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,905,166,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $611,500,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,584,712,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,535,088,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,923,599,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $30,667,886,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $14,657,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $34,773,497,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,435,923,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $33,739,447,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $28,205,050,000: Provided, That not more than $50,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading, not less than $29,732,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $6,667,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,582,624,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,272,501,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $219,425,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,085,700,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $5,989,034,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,857,011,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $13,932,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $430,864,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $285,869,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $494,276,000, to remain available until transferred: Provided, That the Secretary of the Air

Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $11,100,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $307,700,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $109,869,000, to remain available until September 30, 2011.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $424,093,000, to remain available until September 30, 2012: Provided, That of the amounts provided under this heading, not less than $15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $100,000,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,244,252,000, to remain available for obligation until September 30, 2012.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,257,053,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,310,007,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,049,995,000, to remain available for obligation until September 30, 2012.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of eight vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $9,395,444,000, to remain available for obligation until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $18,079,312,000, to remain available for obligation until September 30, 2012.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,446,419,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $814,015,000, to remain available for obligation until September 30, 2012.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament

thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $739,269,000;

Carrier Replacement Program (AP), $484,432,000;

NSSN, $1,964,317,000;

NSSN (AP), $1,959,725,000;

CVN Refueling, $1,563,602,000;

CVN Refuelings (AP), $211,820,000;

DDG–1000 Program, $1,393,797,000;

DDG–51 Destroyer, $3,650,000,000;

DDG–51 Destroyer (AP), $328,996,000;

Littoral Combat Ship, $1,080,000,000;

LPD–17, $872,392,000;

LPD–17 (AP), $184,555,000;

LHA–R (AP), $170,000,000;

Intratheater Connector, $177,956,000;

LCAC Service Life Extension Program, $63,857,000;

Prior year shipbuilding costs, $144,950,000;

Service Craft, $3,694,000; and

For outfitting, post delivery, conversions, and first destination transportation, $391,238,000.

In all: $15,384,600,000, to remain available for obligation until September 30, 2014: Provided, That additional obligations may be incurred after September 30, 2014, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of seven vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,499,413,000, to remain available for obligation until September 30, 2012.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,550,080,000, to remain available for obligation until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $13,148,720,000, to remain available for obligation until September 30, 2012.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $6,070,344,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $815,246,000, to remain available for obligation until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of two vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,283,800,000, to remain available for obligation until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,017,697,000, to remain available for obligation until September 30, 2012.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $1,500,000,000, to remain available for obligation until September 30, 2012: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $149,746,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,653,126,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $19,148,509,000, to remain available for obligation until September 30, 2011: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $28,049,015,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,408,968,000, to remain available for obligation until September 30, 2011, of which $2,500,000 shall be available only for the Missile Defense Agency to construct a replacement Patriot launcher pad for the Japanese Ministry of Defense.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint

operational testing and evaluation; and administrative expenses in connection therewith, $190,770,000, to remain available for obligation until September 30, 2011.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,455,004,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,242,758,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $28,311,113,000; of which $26,990,219,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available until September 30, 2011, and of which up to $15,093,539,000 may be available for contracts entered into under the TRICARE program; of which $322,142,000, to remain available for obligation until September 30, 2012, shall be for procurement; and of which $998,752,000, to remain available for obligation until September 30, 2011, shall be for research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,539,869,000, of which $1,125,911,000 shall be for operation and maintenance, of which no less than $84,839,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $34,905,000 for activities on military installations and $49,934,000, to remain available until September 30, 2011, to assist State and local governments; $12,689,000 shall be for procurement, to remain available until September 30, 2012, of which no less than $12,689,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $401,269,000, to remain available until September 30, 2011, shall be for research, development, test and evaluation, of which $398,669,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,103,086,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $288,100,000, of which $287,100,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2012, shall be for procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $290,900,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $750,812,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2010: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section: Provided further, That no obligation of funds may be made pursuant to section 1206 of Public Law 109–163 (or any successor provision) unless the Secretary of Defense has notified the congressional defense committees prior to any such obligation.

SEC. 8006. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2010: Provided, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8007. The Secretaries of the Air Force and the Army are authorized, using funds available under the headings ''Operation and Maintenance, Air Force'' and ''Operation and Maintenance, Army'', to complete facility conversions

and phased repair projects which may include upgrades and additions to Alaskan range infrastructure and training areas, and improved access to these ranges.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2010, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2011.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this section applies only to active components of the Army.

SEC. 8015. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8016. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8017. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United

States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8018. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8019. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8020. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8021. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8024. (a) Of the funds made available in this Act, not less than $25,756,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $22,433,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $2,426,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $897,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2010 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2010, not more than 5,600 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,100 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2011 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $120,200,000.

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8027. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2010. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, and Minnesota relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, and Minnesota.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2011 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2011: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2011.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

(RESCISSIONS)

SEC. 8040. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Research, Development, Test and Evaluation, Air Force, 2009/2010'', $110,230,000;

''Research, Development, Test and Evaluation, Defense-Wide, 2009/2010'', $199,750,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2009/2011'', $41,087,000;

''Other Procurement, Army, 2009/2011'', $138,239,000;

''Aircraft Procurement, Air Force, 2009/2011'', $628,900,000;

''Missile Procurement, Air Force, 2009/2011'', $147,595,000;

''Other Procurement, Air Force, 2009/2011'', $5,000,000;

''Procurement, Defense-Wide, 2009/2011'', $5,200,000; and

''Procurement, Defense-Wide, 2008/2010'', $2,000,000.

SEC. 8041. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8042. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8043. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8044. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense

requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following—

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8050. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8052. (a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 61, 71, 371, 571, 871, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term ''World War II'' has the meaning given that term in section 101(8) of title 38, United States Code.

SEC. 8053. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8054. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8056. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government: Provided, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F–22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

SEC. 8057. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8058. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8059. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8060. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be

obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8061. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8062. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8063. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8064. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8065. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8066. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8067. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8068. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $106,754,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8070. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2010.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8071. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $202,434,000 shall be for the Israeli Cooperative Programs: Provided, That of this amount, $80,092,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, $50,036,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $72,306,000 shall be for the Arrow Missile Defense Program, of which $25,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $144,950,000 shall be available until September 30, 2010, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading ''Shipbuilding and Conversion, Navy, 2004/2010'':

New SSN, $26,906,000; and

LPD–17 Amphibious Transport Dock Program, $16,844,000.

Under the heading ''Shipbuilding and Conversion, Navy, 2005/2010'':

New SSN, $18,702,000; and

LPD–17 Amphibious Transport Dock Program, $16,498,000.

Under the heading ''Shipbuilding and Conversion, Navy, 2008/2012'':

LPD–17 Amphibious Transport Dock Program, $66,000,000.

SEC. 8073. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8074. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8075. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for Fiscal Year 2010.

SEC. 8076. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8077. In addition to funds made available elsewhere in this Act, $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as the provision of funds for information technology and textbook purchases, professional development for educators, and student transition support) to public schools in states that are considered overseas assignments with unusually high concentrations of special needs military dependents enrolled: Provided, That up to 2 percent of the total appropriated funds under this section shall be available for the administration and execution of the programs and/or events that promote the purpose of this appropriation: Provided further, That up to 5 percent of the total appropriated funds under this

section shall be available to public schools that have entered into a military partnership: Provided further, That $1,000,000 shall be available for a nonprofit trust fund to assist in the public-private funding of public school repair and maintenance projects: Provided further, That $500,000 shall be available to fund an ongoing special education support program in public schools with unusually high concentrations of active duty military dependents enrolled: Provided further, That to the extent a Federal agency provides this assistance by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose.

SEC. 8078. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $50,500,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make grants in the amounts specified as follows: $20,000,000 to the Edward M. Kennedy Institute for the Senate; $5,500,000 to the U.S.S. Missouri Memorial Association; and $25,000,000 to the National World War II Museum.

SEC. 8079. The budget of the President for fiscal year 2011 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8080. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8081. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8082. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8083. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8084. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8085. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

SEC. 8086. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8087. Of the funds provided in this Act, $10,000,000 shall be available for the operations and development of training and technology for the Joint Interagency Training and Education Center and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agencies, and State and local first responder personnel at the Joint Interagency Training and Education Center.

SEC. 8088. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8089. Up to $16,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8090. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2011.

SEC. 8091. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions, the total amount appropriated in title II of this Act is hereby reduced by $194,000,000, the total amount appropriated in title III of this Act is hereby reduced by $322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by $336,000,000, and the total amount appropriated in title V of this Act is hereby reduced by $9,000,000: Provided, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8092. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8093. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8094. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books.

(1) For procurement programs requesting more than $20,000,000 in any fiscal year, the P–1, Procurement Program; P–5, Cost Analysis; P–5a, Procurement History and Planning; P–21, Production Schedule; and P–40 Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than $10,000,000 in any fiscal year, the R–1, RDT&E Program; R–2, RDT&E Budget Item Justification; R–3, RDT&E Project Cost Analysis; and R–4, RDT&E Program Schedule Profile.

SEC. 8095. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 8096. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2010: Provided, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until

the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8097. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8098. For the purposes of this Act, the term ''congressional intelligence committees'' means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8099. The Department of Defense shall continue to report incremental contingency operations costs for Operation Iraqi Freedom and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

SEC. 8100. The amounts appropriated in title II of this Act are hereby reduced by $500,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows:

From ''Operation and Maintenance, Air Force'', $500,000,000.

SEC. 8101. During the current fiscal year, not to exceed $10,000,000 from each of the appropriations made in title III of this Act for ''Operation and Maintenance, Army'', ''Operation and Maintenance, Navy'', and ''Operation and Maintenance, Air Force'' may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

SEC. 8102. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $24,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: Provided, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: Provided further, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8103. Funds appropriated by this Act for operation and maintenance shall be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8104. (a) REPORT ON GROUND-BASED INTERCEPTOR MISSILES.—Not later than 60 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the utilization of funds to maintain the production line of Ground-Based Interceptor (GBI) missiles. The report shall include a plan for the utilization of funds for Ground-Based Interceptor missiles made available by this Act for the Midcourse Defense Segment, including—

(1) the number of Ground-based Interceptor missiles proposed to be produced during fiscal year 2010; and

(2) any plans for maintaining production of such missiles and the subsystems and components of such missiles.

(b) REPORT ON GROUND-BASED MIDCOURSE DEFENSE SYSTEM.—Not later than 120 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the acquisition strategy for the Ground-Based Midcourse Defense (GMD) system during fiscal years 2011 through 2016. The report shall include a description of the plans of the Missile Defense Agency for each of the following:

(1) To maintain the capability for production of Ground-Based Interceptor missiles.

(2) To address modernization and obsolescence of the Ground-Based Midcourse Defense system.

(3) To conduct a robust test program for the Ground-Based Midcourse Defense system.

SEC. 8105. (a) HIGH PRIORITY NATIONAL GUARD COUNTERDRUG PROGRAMS.—Of the amount appropriated or otherwise made available by title VI under the heading ''DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE'', up to $30,000,000 shall be available for the purpose of High Priority National Guard Counterdrug Programs.

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the purpose specified in that subsection is in addition to any other amounts made available by this Act for that purpose.

APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES

SEC. 8106. (a) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(b) DISCLAIMER.—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

SEC. 8107. (a) REPORT ON USE OF LIVE PRIMATES IN TRAINING RELATING TO CHEMICAL AND BIOLOGICAL AGENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a detailed description of the requirements for the use by the Department of Defense of live primates at the United States Army Medical Research Institute of Chemical Defense, and elsewhere, to demonstrate the effects of chemical or biological agents or chemical (such as physostigmine) or biological agent simulants in training programs.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) The number of live primates used in the training described in subsection (a).

(2) The average lifespan of primates from the point of introduction into such training programs.

(3) An explanation why the use of primates in such training is more advantageous and realistic than the use of human simulators or other alternatives.

(4) An estimate of the cost of converting from the use of primates to human simulators in such training.

SEC. 8108. (a) FINDINGS.—The Senate makes the following findings:

(1) Real time intelligence, surveillance, and reconnaissance (ISR) is critical to our warfighters in fighting the ongoing wars in Iraq and Afghanistan.

(2) Secretary of Defense Gates and the military leadership of the United States have highlighted the importance of collecting and disseminating critical intelligence and battlefield information to our troops on the ground in Iraq and Afghanistan.

(3) The Chief of Staff of the Air Force, General Norton Schwartz, has stated that the Air Force is ''all-in'' for the joint fight.

(4) One of the most effective and heavily tasked intelligence, surveillance, and reconnaissance assets operating today is the Air Force's E–8C Joint Surveillance Target Attack Radar System, also known as Joint STARS.

(5) Commanders in the field rely on Joint STARS to give them a long range view of the battlefield and detect moving targets in all weather conditions as well as tactical support to Brigade Combat Teams, Joint Tactical Air Controllers and Special Operations Forces convoy overwatch.

(6) Joint STARS is a joint platform, flown by a mix of active duty Air Force and Air National Guard personnel and operated by a joint Army, Air Force, and Marine crew, supporting missions for all the Armed Forces.

(7) With a limited number of airframes, Joint STARS has flown over 55,000 combat hours and 900 sorties over Iraq and Afghanistan and directly contributed to the discovery of hundreds of Improvised Explosive Devices.

(8) The current engines greatly limit the performance of Joint STARS aircraft and are the highest cause of maintenance problems and mission aborts.

(9) There is no other current or programmed aircraft or weapon system that can provide the detailed, broad-area ground moving target indicator (GMTI) and airborne battle management support for the warfighter that Joint STARS provides.

(10) With the significant operational savings that new engines will bring to the Joint STARS, re-engining Joint STARS will pay for itself by 2017 due to reduced operations, sustainment, and fuel costs.

(11) In December 2002, a JSTARS re-engining study determined that re-engining provided significant benefits and cost savings. However, delays in executing the re-engining program continue to result in increased costs for the re-engining effort.

(12) The budget request for the Department of Defense for fiscal year 2010 included $205,000,000 in Aircraft Procurement, Air Force, and $16,000,000 in Research, Development, Test, and Evaluation, Air Force for Joint STARS re-engining.

(13) On September 22, 2009, the Department of Defense re-affirmed their support for the President's Budget request for Joint STARS re-engining.

(14) On September 30, 2009, the Undersecretary of Defense (Acquisition, Technology, and Logistics) signed an Acquisition Decision Memorandum directing that the Air Force proceed

with the Joint STARS re-engining effort, to include expenditure of procurement and research, development, test, and evaluation funds.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) Funds for re-engining of the E–8C Joint Surveillance Target Attack Radar System (Joint STARS) should be appropriated in the correct appropriations accounts and in the amounts required in fiscal year 2010 to execute the Joint STARS Re-Engining System Design and Development Program; and

(2) the Air Force should proceed with currently planned efforts to re-engine Joint STARS aircraft, to include expending both procurement and research, development, test, and evaluation funds.

SEC. 8109. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

SEC. 8110. (a) The Secretary of Defense shall conduct a study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) The report required under subsection (a) shall include—

(1) an assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government; and

(2) recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government.

SEC. 8111. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', $12,000,000 shall be available for the peer-reviewed Gulf War Illness Research Program of the Army run by Congressionally Directed Medical Research Programs.

SEC. 8112. (a) It is the sense of Congress that—

(1) All of the National Nuclear Security Administration sites, including the Nevada Test Site can play an effective and essential role in developing and demonstrating—

(A) innovative and effective methods for treaty verification and the detection of nuclear weapons and other materials; and

(B) related threat reduction technologies; and

(2) the Administrator for Nuclear Security should expand the mission of the Nevada Test Site to carry out the role described in paragraph (1), including by—

(A) fully utilizing the inherent capabilities and uniquely secure location of the Site;

(B) continuing to support the Nation's nuclear weapons program and other national security programs; and

(C) renaming the Site to reflect the expanded mission of the Site.

(b) Not later than one year after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan for improving the infrastructure of the Nevada Test Site of the National Nuclear Security Administration and, if the Administrator deems appropriate, all other sites under the jurisdiction of the National Nuclear Security Administration—

(1) to fulfill the expanded mission of the Site described in subsection (a); and

(2) to make the Site available to support the threat reduction programs of the entire national security community, including threat reduction programs of the National Nuclear Security Administration, the Defense Threat Reduction Agency, the Department of Homeland Security, and other agencies as appropriate.

SEC. 8113. Of the amounts appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' and available for the Office of the Secretary of Defense, up to $250,000 may be available to the Under Secretary of Defense for Policy for the declassification of the nuclear posture review conducted under section 1041 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–262) upon the release of the nuclear posture review to succeed such nuclear posture review.

SEC. 8114. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $15,000,000 may be available for the implementation by the Department of Defense of the responsibilities of the Department under the Military and Overseas Voter Empowerment Act and the amendments made by that Act.

SEC. 8115. None of the funds appropriated or otherwise made available by this Act may be used to dispose of claims filed regarding water contamination at Camp Lejeune, North Carolina, until the Agency for Toxic Substances and Disease Registry (ATSDR) fully completes all current, ongoing epidemiological and water modeling studies pending as of the date of the enactment of this Act.

SEC. 8116. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR EXECUTION OF CONTRACTS UNDER LOGCAP.—No later than 90 days after enactment of this Act none of the funds appropriated or otherwise made available by this Act may be obligated or expended for the execution of a contract under the Logistics Civil Augmentation Program (LOGCAP) unless the Secretary of the Army determines that the contract explicitly requires the contractor—

(1) to inspect and immediately correct deficiencies that present an imminent threat of death or serious bodily injury so as to ensure compliance with generally accepted electrical standards as determined by the Secretary of Defense in work under the contract;

(2) monitor and immediately correct deficiencies in the quality of any potable or non-potable water provided under the contract to ensure that safe and sanitary water is provided; and

(3) establish and enforce strict standards for preventing, and immediately addressing and cooperating with the prosecution of, any instances of sexual assault in all of its operations and the operations of its subcontractors.

(b) WAIVER.—The Secretary of the Army may waive the applicability of the limitation in subsection (a) to any contract if the Secretary certifies in writing to Congress that—

(1) the waiver is necessary for the provision of essential services or critical operating facilities for operational missions; or

(2) the work under such contract does not present an imminent threat of death or serious bodily injury.

SEC. 8117. None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of the Army to transfer by sale, lease, loan, or donation government-owned ammunition production equipment or facilities to a private ammunition manufacturer until 60 days after the Secretary submits a certification to the congressional defense committees that the transfer will not increase the cost of ammunition procurement or negatively impact national security, military readiness, government ammunition production or the United States ammunition production industrial base. The certification shall include the Secretary of the Army's assessment of the following:

(1) A cost-benefit risk analysis for converting government-owned ammunition production equipment or facilities to private ammunition manufacturers, including cost-savings comparisons.

(2) A projection of the impact on the ammunition production industrial base in the United States of converting such equipment or facilities to private ammunition manufacturers.

(3) A projection of the capability to meet current and future ammunition production requirements by both government-owned and private ammunition manufacturers, as well as a combination of the two sources of production assets.

(4) Potential impact on national security and military readiness.

SEC. 8118. (a) None of the funds appropriated or otherwise made available by this Act may be used for any existing or new Federal contract if the contractor or a subcontractor at any tier requires that an employee or independent contractor, as a condition of employment, sign a contract that mandates that the employee or independent contractor performing work under the contract or subcontract resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) The prohibition in subsection (a) does not apply with respect to employment contracts that may not be enforced in a court of the United States.

SEC. 8119. (a) LIMITATION ON EARLY RETIREMENT OF TACTICAL AIRCRAFT.—The Secretary of the Air Force may not retire any tactical aircraft as announced in the Combat Air Forces structuring plan announced on May 18, 2009, until the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report described in this subsection is a report that sets forth the following:

(1) A detailed plan for how the Secretary of the Air Force will fill the force structure and capability gaps resulting from the retirement of tactical aircraft under the structuring plan described in subsection (a).

(2) A description of the follow-on missions for each base affected by the structuring plan.

(3) An explanation of the criteria used for selecting the bases referred to in paragraph (2) and for the selection of tactical aircraft for retirement under the structuring plan.

(4) A plan for the reassignment of the regular and reserve Air Force personnel affected by the retirement of tactical aircraft under the structuring plan.

(5) An estimate of the cost avoidance to be achieved by the retirement of such tactical aircraft, and a description how such funds would be invested under the period covered by the most current future-years defense program.

SEC. 8120. (a) NATURE OF FULL AND OPEN COMPETITION FOR CONGRESSIONALLY DIRECTED SPENDING ITEMS.—Each congressionally directed spending item specified in this Act or the report accompanying this Act that is intended for award to a for-profit entity shall be subject to acquisition regulations for full and open competition on the same basis as each spending item intended for a for-profit entity that is contained in the budget request of the President.

(b) EXCEPTIONS.—Subsection (a) shall not apply to any contract awarded—

(1) by a means that is required by Federal statute, including for a purchase made under a mandated preferential program;

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.); or

(3) in an amount less than the simplified acquisition threshold described in section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)).

(c) CONGRESSIONALLY DIRECTED SPENDING ITEM DEFINED.—In this section, the term ''congressionally directed spending item'' means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark for purposes of rule XXI of the House of Representatives.

SEC. 8121. (a) FUNDING FOR TWO-STAGE GROUND-BASED INTERCEPTOR MISSILE.—Of the amounts appropriated or otherwise made available by this Act for a long-range missile defense system in Europe, or appropriated or otherwise made available for the Department of Defense for a long-range missile defense system in Europe from the Consolidated Security Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110–329) and available for obligation, no less than $50,000,000, and up to $151,000,000 shall be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile.

(b) PROHIBITION ON DIVERSION OF FUNDS.—Funds appropriated or otherwise made available by this Act for the Missile Defense Agency for the purpose of research, development, and testing of the two-stage ground based interceptor missile shall be utilized solely for that purpose, and may not be reprogrammed or otherwise utilized for any other purpose.

(c) REPORT.—Not later than February 1, 2010, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the following:

(1) A comprehensive plan for the continued development and testing of the two-stage ground-based interceptor missile, including a description how the Missile Defense Agency will leverage the development and testing of such missile to modernize the Ground-based Midcourse Defense component of the ballistic missile defense system.

(2) Options for deploying an additional Ground-based Midcourse Defense site in Europe or the United States to provide enhanced defense in response to future long-range missile threats from Iran, and a description of how such a site may be made interoperable with the planned missile defense architecture for Europe and the United States.

SEC. 8122. (a) AMOUNT FOR EVALUATIONS OF CERTAIN LASER SYSTEMS.—Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'' and available for Advanced Weapons Technology (PE# 0603605F), up to $5,000,000 may be available to carry out the evaluations and analyses required by subsection (b).

(b) EVALUATIONS AND ANALYSES OF CERTAIN LASER SYSTEMS.—The Secretary of Defense shall, in a manner consistent with the October 8, 2008, report of the Air Force Scientific Advisory Board entitled ''Airborne Tactical Laser (ATL) Feasibility for Gunship Operations''—

(1) carry out additional enhanced user evaluations of the Advanced Tactical Laser system on a variety of instrumented targets; and

(2) enter into an agreement with a federally funded research and development center under which the center shall—

(A) conduct an analysis of the feasibility of integrating solid state laser systems onto C–130, B–1, and F–35 aircraft platforms to provide close air support; and

(B) estimate the cost per unit of such laser systems and the cost of operating and maintaining each such platform with such laser systems.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $9,597,340,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,175,601,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $670,722,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,445,376,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $293,637,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $37,040,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $31,337,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $19,822,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $824,966,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $9,500,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $51,928,167,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $5,899,597,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $3,775,270,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $9,929,868,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $7,550,900,000, of which:

(1) Not to exceed $12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) Not to exceed $1,600,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, notwithstanding any other provision of law: Provided, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $234,898,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $68,059,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $86,667,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $125,925,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $450,246,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $289,862,000.

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $6,562,769,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: Provided further, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $1,119,319,000, to remain available until September 30, 2012.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $475,954,000, to remain available until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $875,866,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $365,635,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $4,874,176,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $1,342,577,000, to remain available until September 30, 2012.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $50,700,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $681,957,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $260,118,000, to remain available until September 30, 2012.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $868,197,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $736,501,000, to remain available until September 30, 2012.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $36,625,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $256,819,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $3,138,021,000, to remain available until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $480,780,000, to remain available until September 30, 2012.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, $6,656,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $57,962,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $84,180,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $39,286,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $112,196,000, to remain available until September 30, 2011.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $412,215,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,563,675,000, which shall be for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

For an additional amount for ''Drug Interdiction and Counter-Drug Activities'', $353,603,000, to remain available until September 30, 2011.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $2,033,560,000, to remain available until September 30, 2012: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That amounts transferred shall be merged with and available for the same purposes and time period as the appropriations to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $8,876,000.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2010.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2010: Provided further, That the amount in this section is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the ''Afghanistan Security Forces Fund'' provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan: (a) passenger motor vehicles up to a limit of $75,000 per vehicle and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed $1,200,000,000 of the amount appropriated in this title under the heading ''Operation and Maintenance, Army'' may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility: Provided, That not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. Each amount in this title is designated as being for overseas deployments and other activities pursuant to section 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 9008. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9009. (a) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander of the United States Central Command; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 45 days after the end of each fiscal quarter a report on the proposed use of all funds appropriated by this or any prior

Act under each of the headings ''Iraq Security Forces Fund'', ''Afghanistan Security Forces Fund'', and ''Pakistan Counterinsurgency Fund'' on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this section of the costs required to complete each such project.

(b) The report required by this subsection shall include the following:

(1) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in subsection (a) were obligated prior to the submission of the report, including estimates by the commanders referred to in subsection (a) of the costs to complete each project.

(2) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in subsection (a) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in subsection (a) of the costs to complete each project.

(3) An estimated total cost to train and equip the Iraq, Afghanistan, and Pakistan security forces, disaggregated by major program and subelements by force, arrayed by fiscal year.

(c) The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $20,000,000 using funds appropriated by this or any prior Act under the headings ''Iraq Security Forces Fund'', ''Afghanistan Security Forces Fund'', and ''Pakistan Counterinsurgency Fund''.

SEC. 9010. (a) None of the funds appropriated or otherwise made available by this Act or any prior Act may be used to transfer, release, or incarcerate any individual who was detained as of October 1, 2009, at Naval Station, Guantanamo Bay, Cuba, to or within the United States or its territories.

(b) In this section, the term ''United States'' means the several States and the District of Columbia.

SEC. 9011. In addition to amounts made available elsewhere in this title there is hereby appropriated $329,000,000 for the purchase of fuel to the following accounts in the specified amounts:

''Operation and Maintenance, Army'', $83,552,000;

''Operation and Maintenance, Navy'', $33,889,000;

''Operation and Maintenance, Marine Corps'', $1,619,000;

''Operation and Maintenance, Air Force'', $179,191,000;

''Operation and Maintenance, Army Reserve'', $8,567,000;

''Operation and Maintenance, Navy Reserve'', $3,007,000;

''Operation and Maintenance, Marine Corps Reserve'', $39,000; and

''Operation and Maintenance, Army National Guard'', $19,136,000.

SEC. 9012. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 9013. The Secretary of Defense may, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, continue to support requirements for monthly integrated civilian-military training for civilians deploying to Afghanistan at Camp Atterbury, Indiana, including through the allocation of military and civilian personnel, trainers, and other resources for that purpose.

SEC. 9014. (a) HEARINGS ON STRATEGY AND RESOURCES WITH RESPECT TO AFGHANISTAN AND PAKISTAN.—Appropriate committees of Congress shall hold hearings, in open and closed session, relating to the strategy and resources of the United States with respect to Afghanistan and Pakistan promptly after the decision by the President on those matters is announced.

(b) TESTIMONY.—The hearings described in subsection (a) should include testimony from senior civilian and military officials of the United States, including, but not limited to, the following:

(1) The Secretary of Defense.

(2) The Secretary of State

(3) The Chairman of the Joint Chiefs of Staff.

(4) The Commander of the United States Central Command.

(5) The Commander of the United States European Command and Supreme Allied Commander, Europe.

(6) The Commander of United States Forces–Afghanistan.

(7) The United States Ambassador to Afghanistan.

(8) The United States Ambassador to Pakistan.

SEC. 9015. (a) FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.—Of the amounts appropriated or otherwise made available by title IX. $20,000,000 shall be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 125; 10 U.S.C. 10101 note).

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the services described in that subsection is in addition to any other amounts available in this Act for such services.

This Act may be cited as the ''Department of Defense Appropriations Act, 2010''.

When on motion of Mr. MURTHA, it was,

Resolved, That the House agree to the amendment of the Senate with following amendment, printed in Part A of House Report 111-380:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Defense Appropriations Act, 2010''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS

Title I—Military Personnel
Title II—Operation and Maintenance
Title III—Procurement
Title IV—Research, Development, Test and Evaluation
Title V—Revolving and Management Funds
Title VI—Other Department of Defense Programs
Title VII—Related Agencies
Title VIII—General Provisions
Title IX—Overseas Contingency Operations

DIVISION B—OTHER MATTERS

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $41,005,612,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,289,049,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $12,799,990,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $26,174,136,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,304,713,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States

Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,909,301,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $613,500,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,589,412,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,546,905,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,938,229,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $30,934,550,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $14,657,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $34,714,396,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,539,117,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $33,477,116,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $28,115,793,000: *Provided*, That not more than $50,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than $29,732,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $6,667,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,617,496,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,273,701,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $223,175,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,131,200,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $6,189,713,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,882,251,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the

Armed Forces, $13,932,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $423,364,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $285,869,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $494,276,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $11,100,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $292,700,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $109,869,000, to remain available until September 30, 2011.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $424,093,000, to remain available until September 30, 2012: *Provided*, That of the amounts provided under this heading, not less than $15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $100,000,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,093,822,000, to remain available for obligation until September 30, 2012.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,251,053,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,335,807,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,056,115,000, to remain available for obligation until September 30, 2012.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of eight vehicles required for physical

security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $8,582,660,000, to remain available for obligation until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $18,643,221,000, to remain available for obligation until September 30, 2012.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,357,572,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $800,651,000, to remain available for obligation until September 30, 2012.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $739,269,000;

Carrier Replacement Program (AP), $484,432,000;

NSSN, $1,964,317,000;

NSSN (AP), $1,959,725,000;

CVN Refueling, $1,563,602,000;

CVN Refuelings (AP), $211,820,000;

DDG–1000 Program, $1,382,797,000;

DDG–51 Destroyer, $1,912,267,000;

DDG–51 Destroyer (AP), $578,996,000;

Littoral Combat Ship, $1,080,000,000;

LPD–17, $872,392,000;

LPD–17 (AP), $184,555,000;

LHA–R (AP), $170,000,000;

Intratheater Connector, $177,956,000;

LCAC Service Life Extension Program, $63,857,000;

Prior year shipbuilding costs, $144,950,000;

Service Craft, $3,694,000; and

For outfitting, post delivery, conversions, and first destination transportation, $386,903,000.

In all: $13,881,532,000, to remain available for obligation until September 30, 2014: *Provided*, That additional obligations may be incurred after September 30, 2014, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of seven vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,441,234,000, to remain available for obligation until September 30, 2012.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,521,505,000, to remain available for obligation until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $13,295,474,000, to remain available for obligation until September 30, 2012; *Provided*, That none of the funds provided in this Act for modification of C–17 aircraft may be obligated until all C–17 contracts funded with prior year ''Aircraft Procurement, Air Force'' appropriated funds are definitized unless the Secretary of the Air Force certifies in writing to the congressional defense committees that each such obligation is necessary to meet the needs of a warfighting requirement or prevents increased costs to the taxpayer and provides the reasons for failing to definitize the prior year contracts along with the prospective contract definitization schedule.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $5,995,544,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $801,550,000, to remain available for obligation until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of two vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,138,239,000, to remain available for obligation until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,050,537,000, to remain available for obligation until September 30, 2012.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $150,746,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,474,180,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,003,463,000, to remain available for obligation until September 30, 2011: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $28,121,985,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,747,081,000, to remain available for obligation until September 30, 2011, of which $2,500,000 shall be available only for the Missile Defense Agency to construct a replacement Patriot launcher pad for the Japanese Ministry of Defense.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $190,770,000, to remain available for obligation until September 30, 2011.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,455,004,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,672,758,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $29,243,428,000; of which $27,596,689,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available until September 30, 2011, and of which up to $15,093,539,000 may be available for contracts entered into under the TRICARE program; of which $366,692,000, to remain available for obligation until September 30, 2012, shall be for procurement; and of which $1,280,047,000, to remain available for obligation until September 30, 2011, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,560,760,000, of which $1,146,802,000 shall be for operation and maintenance, of which no less than $84,839,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $34,905,000 for activities on military installations and $49,934,000, to remain available until September 30, 2011, to assist State and local governments; $12,689,000 shall be for procurement, to remain available until September 30, 2012, of which no less than $12,689,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $401,269,000, to remain available until September 30, 2011, shall be for research, development, test and evaluation, of which $398,669,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,158,226,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $121,550,000 for Staff and Infrastructure: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That amounts transferred shall be merged with and available for the same purposes and time period as the appropriations

to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $288,100,000, of which $287,100,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2012, shall be for procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $290,900,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $707,912,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2010: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section: *Provided further*, That no obligation of funds may be made pursuant to section 1206 of Public Law 109–163 (or any successor provision) unless the Secretary of Defense has notified the congressional defense committees prior to any such obligation.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled ''Explanation of Project Level Adjustments'' in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2010: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8008. The Secretaries of the Air Force and the Army are authorized, using funds available under the headings ''Operation and Maintenance, Air Force'' and ''Operation and Maintenance, Army'', to complete facility conversions and phased repair projects which may include upgrades and additions to Alaskan range infrastructure and training areas, and improved access to these ranges.

(TRANSFER OF FUNDS)

SEC. 8009. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8010. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8011. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a report within 30 days of enactment of this Act that certifies full funding of

units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are identified in that report for production beyond advance procurement activities in the fiscal year 2010 budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

F–18 aircraft variants.

SEC. 8012. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8013. (a) During fiscal year 2010, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2011.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8014. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8015. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

SEC. 8016. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8017. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8018. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term ''manufactured'' shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the

prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8022. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8023. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds the period permitted by section 322 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

SEC. 8024. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8025. (a) Of the funds made available in this Act, not less than $33,756,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $26,433,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $6,426,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $897,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8026. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2010 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2010, not more than 5,600 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,100 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2011 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $125,200,000.

SEC. 8027. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8028. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8029. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8030. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2010. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8031. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8032. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, and Minnesota relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, and Minnesota.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8033. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8034. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for

sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2011 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8035. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2011: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2011.

SEC. 8036. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8037. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8038. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8039. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8040. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8041. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement regarding this Act.

(RESCISSIONS)

SEC. 8042. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Research, Development, Test and Evaluation, Navy, 2009/2010'', $20,000,000;

''Research, Development, Test and Evaluation, Air Force, 2009/2010'', $98,430,000;

''Research, Development, Test and Evaluation, Defense-Wide, 2009/2010'', $154,457,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2009/2011'', $41,087,000;

''Other Procurement, Army, 2009/2011'', $138,239,000;

''Other Procurement, Navy, 2009/2011'', $84,844,000;

''Aircraft Procurement, Air Force, 2009/2011'', $628,900,000;

''Missile Procurement, Air Force, 2009/2011'', $60,000,000;

''Other Procurement, Air Force, 2009/2011'', $10,900,000;

''Procurement, Defense-Wide, 2009/2011'', $5,200,000; and

''Procurement, Defense-Wide, 2008/2010'', $2,000,000.

SEC. 8043. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8044. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8045. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8046. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8047. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8048. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate,

that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8049. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8050. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8051. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following—

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8052. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8053. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8054. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8055. (a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 61, 71, 371, 571, 871, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term ''World War II'' has the meaning given that term in section 101(8) of title 38, United States Code.

SEC. 8056. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8057. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8058. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8059. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government: *Provided*, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F–22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

SEC. 8060. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8061. (a) None of the funds made available by this Act may be used to support any

training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8062. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8063. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8064. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8065. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8066. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8067. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8068. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8069. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8070. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8071. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $106,754,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8073. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2010.

SEC. 8074. In addition to amounts provided elsewhere in this Act, $3,750,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8075. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $202,434,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $80,092,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, $50,036,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $72,306,000 shall be for the Arrow Missile Defense Program, of which $25,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8076. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $144,950,000 shall be available until September 30, 2010, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the

Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading ''Shipbuilding and Conversion, Navy, 2004/2010'':

New SSN, $26,906,000; and

LPD–17 Amphibious Transport Dock Program, $16,844,000.

Under the heading ''Shipbuilding and Conversion, Navy, 2005/2010'':

New SSN, $18,702,000; and

LPD–17 Amphibious Transport Dock Program, $16,498,000.

Under the heading ''Shipbuilding and Conversion, Navy, 2008/2012'':

LPD–17 Amphibious Transport Dock Program, $66,000,000.

SEC. 8077. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8078. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8079. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for Fiscal Year 2010.

SEC. 8080. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8081. In addition to funds made available elsewhere in this Act, $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as the provision of funds for information technology and textbook purchases, professional development for educators, and student transition support) to public schools in states that are considered overseas assignments with unusually high concentrations of special needs military dependents enrolled: *Provided*, That up to 2 percent of the total appropriated funds under this section shall be available for the administration and execution of the programs and/or events that promote the purpose of this appropriation: *Provided further*, That up to 5 percent of the total appropriated funds under this section shall be available to public schools that have entered into a military partnership: *Provided further*, That $1,000,000 shall be available for a nonprofit trust fund to assist in the public-private funding of public school repair and maintenance projects: *Provided further*, That $500,000 shall be available to fund an ongoing special education support program in public schools with unusually high concentrations of active duty military dependents enrolled: *Provided further*, That to the extent a Federal agency provides this assistance by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose.

SEC. 8082. (a) In addition to the amounts provided elsewhere in this Act, $3,000,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Army National Guard''. Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $3,000,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management cooperation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8083. The budget of the President for fiscal year 2011 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8084. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8085. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $110,640,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $15,000,000 to the United Service Organizations; $22,500,000 to the Red Cross; $6,000,000 to the SOAR Virtual School District; $5,000,000 to The Presidio Heritage Center; $5,000,000 to the Paralympics Military Program; $3,840,000 to the Arrest Deterioration of Ford Island Aviation Control Tower, Pearl Harbor, Hawaii; $1,500,000 to the Go For Broke program; $800,000 to Our Military Kids; $3,000,000 to the New Jersey Technology Center; $1,600,000 to the Women in Military Service for America Memorial; $500,000 to the Marshall Legacy Institute; $1,000,000 to the Vietnam Veterans Memorial Fund for Demining Activities; $18,900,000 to the Edward M. Kennedy Institute for the Senate; $5,000,000 to the U.S.S. Missouri Memorial Association; $20,000,000 to the National World War II Museum; and $1,000,000 for the Riverside General Hospital in Houston, Texas, for the treatment of psychological health issues.

SEC. 8086. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8087. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8088. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8089. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8090. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

SEC. 8091. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8092. Of the funds provided in this Act, $10,000,000 shall be available for the operations and development of training and technology for the Joint Interagency Training and Education Center and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agencies, and State and local first responder personnel at the Joint Interagency Training and Education Center.

SEC. 8093. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8094. Up to $16,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8095. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2011.

SEC. 8096. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8097. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions, the total amount appropriated in title II of this Act is hereby reduced by $194,000,000, the total amount appropriated in title III of this Act is hereby reduced by $322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by $336,000,000, and the total amount appropriated in title V of this Act is hereby reduced by $9,000,000: *Provided*, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8098. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8099. The Secretary of Defense shall create a major force program category for space for the Future Years Defense Program of the Department of Defense. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

SEC. 8100. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books.

(1) For procurement programs requesting more than $20,000,000 in any fiscal year, the P–1, Procurement Program; P–5, Cost Analysis; P–5a, Procurement History and Planning; P–21, Production Schedule; and P–40, Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than $10,000,000 in any fiscal year, the R–1, RDT&E Program; R–2, RDT&E Budget Item Justification; R–3, RDT&E Project Cost Analysis; and R–4, RDT&E Program Schedule Profile.

SEC. 8101. Notwithstanding any other provision of law, none of the funds made available in this Act may be used to pay negotiated indirect cost rates on a contract, grant, or cooperative agreement (or similar arrangement) entered into by the Department of Defense and an entity in excess of 35 percent of the total cost of the contract, grant, or agreement (or similar arrangement): *Provided*, That this limitation shall apply only to contracts, grants, or cooperative agreements entered into after the date of enactment of this Act using funds made available in this Act for basic research.

SEC. 8102. The Secretary of Defense shall maintain on the homepage of the Internet website of the Department of Defense a direct link to the Internet website of the Office of Inspector General of the Department of Defense.

SEC. 8103. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2010: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8104. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8105. For the purposes of this Act, the term ''congressional intelligence committees'' means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8106. The Department of Defense shall continue to report incremental contingency operations costs for Operation Iraqi Freedom and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

SEC. 8107. The amounts appropriated in title II of this Act are hereby reduced by $400,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows:

(1) From ''Operation and Maintenance, Army'', $150,000,000; and

(2) From ''Operation and Maintenance, Air Force'', $250,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8108. (a) CONTINUATION OF STOP-LOSS SPECIAL PAY.—Funds appropriated by this Act, or made available by the transfer of funds in this Act, shall be made available to the Secretaries of the military departments only to provide special pay during fiscal year 2010 to members of the Army, Navy, Air Force, and Marine Corps, including members of their reserve components, who, at any time during fiscal year 2010, serve on active duty while the members' enlistment or period of obligated service is extended, or whose eligibility for retirement is suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a ''stop-loss authority'') authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

(b) SPECIAL PAY AMOUNT.—The amount of the special pay paid under subsection (a) to or on behalf of an eligible member shall be $500 per month for each month or portion of a month during fiscal year 2010 that the member is retained on active duty as a result of application of the stop-loss authority.

(c) TREATMENT OF DECEASED MEMBERS.—If an eligible member described in subsection (a) dies before the payment required by this section is made, the Secretary of the military department concerned shall make the payment in accordance with section 2771 of title 10, United States Code.

(d) CLARIFICATION OF RETROACTIVE STOP-LOSS SPECIAL PAY AUTHORITY.—Section 310 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1870) is amended by adding at the end the following new subsection:

''(i) EFFECT OF SUBSEQUENT REENLISTMENT OF VOLUNTARY EXTENSION OF SERVICE.—Members of the Armed Forces, retired members, and former members otherwise described in subsection (a) are not eligible for a payment under this section if the members—

''(1) voluntarily reenlisted or extended their service after their enlistment or period of obligated service was extended, or after their eligibility for retirement was suspended, pursuant to a stop-loss authority; and

''(2) received a bonus for such reenlistment or extension of service.''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8109. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for

''Operation and Maintenance, Army'', ''Operation and Maintenance, Navy'', and ''Operation and Maintenance, Air Force'' may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8110. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $24,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8111. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8112. (a) HIGH PRIORITY NATIONAL GUARD COUNTERDRUG PROGRAMS.—Of the amount appropriated or otherwise made available by title VI under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'', up to $15,000,000 shall be available for the purpose of High Priority National Guard Counterdrug Programs.

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the purpose specified in that subsection is in addition to any other amounts made available by this Act for that purpose.

APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES

SEC. 8113. (a) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(b) DISCLAIMER.—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

SEC. 8114. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8115. (a) It is the sense of Congress that—

(1) All of the National Nuclear Security Administration sites, including the Nevada Test Site can play an effective and essential role in developing and demonstrating—

(A) innovative and effective methods for treaty verification and the detection of nuclear weapons and other materials; and

(B) related threat reduction technologies; and

(2) the Administrator for Nuclear Security should expand the mission of the Nevada Test Site to carry out the role described in paragraph (1), including by—

(A) fully utilizing the inherent capabilities and uniquely secure location of the Site;

(B) continuing to support the Nation's nuclear weapons program and other national security programs; and

(C) renaming the Site to reflect the expanded mission of the Site.

(b) Not later than one year after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees and the Subcommittees on Energy and Water Development of the Committees on Appropriations a plan for improving the infrastructure of the Nevada Test Site of the National Nuclear Security Administration and, if the Administrator deems appropriate, all other sites under the jurisdiction of the National Nuclear Security Administration—

(1) to fulfill the expanded mission of the Site described in subsection (a); and

(2) to make the Site available to support the threat reduction programs of the entire national security community, including threat reduction programs of the National Nuclear Security Administration, the Defense Threat Reduction Agency, the Department of Homeland Security, and other agencies as appropriate.

SEC. 8116. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000 that is awarded more than 60 days after the effective date of this Act, unless the contractor agrees not to:

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract awarded more than 180 days after the effective date of this Act unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a ''covered subcontractor'' is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

SEC. 8117. (a) PROHIBITION ON CONVERSION OF FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO CONTRACTOR PERFORMANCE.—None of the funds appropriated or otherwise made available by this Act, or that remain available for obligation for the Department of Defense from the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329), the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), and the Supplemental Appropriations Act, 2009 (Public Law 111–32), may be used to begin or announce the competition to award to a contractor or convert to performance by a contractor any functions performed by Federal employees pursuant to a study conducted under Office of Management and Budget (OMB) Circular A–76.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to the award of a function to a contractor or the conversion of a function to performance by a contractor pursuant to a study conducted under Office of Management and Budget (OMB) Circular A–76 once all reporting and certifications required by section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) have been satisfactorily completed.

SEC. 8118. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

(2) During the current fiscal year no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than $3,000,000, within the Intelligence Community without the approval of the Business Transformation Investment Review Board.

(b) The Director of the Business Transformation Office shall provide the congressional intelligence committees a semi-annual report of approvals under paragraph (1) no later than March 30 and September 30 of each year. The report shall include the results of the Business Transformation Investment Review Board's semi-annual activities, and each report shall certify that the following steps have been taken for systems approved under paragraph (1):

(1) Business process reengineering.

(2) An analysis of alternatives and an economic analysis that includes a calculation of the return on investment.

(3) Assurance the system is compatible with the enterprise-wide business architecture.

(4) Performance measures.

(5) An information assurance strategy consistent with the Chief Information Officer of the Intelligence Community.

(c) This section shall not apply to any programmatic or analytic systems or programmatic or analytic system improvements.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8119. In addition to funds made available elsewhere in this Act, there is hereby appropriated $291,715,000, to remain available until transferred: *Provided*, That these funds are appropriated to the ''Tanker Replacement Transfer Fund'' (referred to as ''the Fund'' elsewhere in this section): *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to ''Operation and Maintenance, Air Force'', ''Aircraft Procurement, Air Force'', and ''Research, Development, Test and Evaluation, Air Force'', only for the purposes of proceeding with a tanker acquisition program: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

SEC. 8120. (a) RESETTLEMENT SUPPORT AND OTHER PUBLIC BENEFITS FOR CERTAIN IRAQI REFUGEES.—Section 1244(g) of the Refugee Crisis in Iraq Act of 2007 (subtitle C of title XII of division A of Public Law 110–181; 122 Stat. 398) is amended by striking ''for a period not to exceed eight months'' and inserting ''to the same extent, and for the same periods of time, as such refugees''.

(b) RESETTLEMENT SUPPORT AND OTHER PUBLIC BENEFITS FOR CERTAIN AFGHAN ALLIES.—Section 602(b)(8) of the Afghan Allies Protection Act of 2009 (title VI of division F of Public Law 111–8; 123 Stat. 809) is amended by striking ''for a period not to exceed 8 months'' and inserting ''to the same extent, and for the same periods of time, as such refugees''.

SEC. 8121. (a) Each congressionally directed spending item specified in this Act or the explanatory statement regarding this Act that is also identified in Senate Report 111–74 and intended for award to a for-profit entity shall be subject to acquisition regulations for full and open competition on the same basis as each spending item intended for a for-profit entity that is contained in the budget request of the President.

(b) EXCEPTIONS.—Subsection (a) shall not apply to any contract awarded—

(1) by a means that is required by Federal statute, including for a purchase made under a mandated preferential program;

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.); or

(3) in an amount less than the simplified acquisition threshold described in section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)).

(c) Any congressionally directed spending item specified in this Act or the explanatory statement regarding this Act that is intended for award to a for-profit entity and is not covered by the competition requirement specified in subsection (a), shall be awarded under full and open competition, except that any contract previously awarded under full and open competition that remains in effect during fiscal year 2010 shall be considered to have satisfied the conditions of full and open competition.

(d) In this section, the term ''congressionally directed spending item'' means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark for purposes of rule XXI of the House of Representatives.

SEC. 8122. None of the funds appropriated or otherwise made available by this Act may be used to award to a contractor or convert to performance by a contractor any functions pursuant to a study conducted under Office of Management and Budget (OMB) Circular A–76 or as part of a utility privatization authorized under section 2688 of title 10, United States Code or under any other provision of law, that are performed by Federal employees at the United States Military Academy, West Point, as of the date of enactment of this Act.

SEC. 8123. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 8124. The explanatory statement regarding this Act printed in the House of Representatives section of the Congressional Record on or about December 16, 2010, by the Chairman of the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $9,958,840,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,388,601,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $778,722,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,667,376,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $293,137,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $37,040,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $31,337,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $19,822,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $824,966,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $9,500,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $47,821,154,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $5,475,925,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $3,430,258,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $9,216,319,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $7,490,900,000, of which:

(1) Not to exceed $12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) Not to exceed $1,570,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, notwithstanding any other provision of law: *Provided*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $204,326,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $68,059,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $86,667,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $125,925,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $321,646,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $289,862,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for expenses directly relating to overseas contingency operations by United States military forces, $5,000,000,000, to remain available for obligation until expended: *Provided*, That of the funds made available under this heading, the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, the defense health program appropriation, the Mine Resistant Ambush Protected Vehicle Fund, and working capital funds accounts: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the Secretary shall notify the congressional defense committees 15 days prior to such transfer: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense.

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $6,562,769,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $1,238,219,000, to remain available until September 30, 2012.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $475,954,000, to remain available until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $1,169,466,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $365,635,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $5,800,516,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $853,297,000, to remain available until September 30, 2012.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $50,700,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $675,957,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $241,018,000, to remain available until September 30, 2012.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $893,197,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $736,501,000, to remain available until September 30, 2012.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $36,625,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $256,819,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,583,421,000, to remain available until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $480,780,000, to remain available until September 30, 2012.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $950,000,000, to remain available for obligation until September 30, 2012, of which $575,000,000 shall be available only for the Army National Guard: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, $6,281,000,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations made available in this or any other Act for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That such transferred funds shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $57,962,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $58,660,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $39,286,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $112,196,000, to remain available until September 30, 2011.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $412,215,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,256,675,000, which shall be for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities'', $346,603,000, to remain available until September 30, 2011.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $1,762,010,000, to remain available until September 30, 2012.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $8,876,000.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2010.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office

of Management and Budget, transfer up to $4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2010: *Provided further*, That the amount in this section is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the ''Afghanistan Security Forces Fund'' provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan: (a) passenger motor vehicles up to a limit of $75,000 per vehicle and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed $1,200,000,000 of the amount appropriated in this title under the heading ''Operation and Maintenance, Army'' may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, of the funds provided, $500,000,000 shall not be available until 5 days after the Secretary of Defense has completed a thorough review of the Commander's Emergency Response Program and provided a report on his findings to the congressional defense committees.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. Each amount in this title is designated as being for overseas deployments and other activities pursuant to section 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 9008. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9009. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9010. (a) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander of the United States Central Command; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 45 days after the end of each fiscal quarter a report on the proposed use of all funds appropriated by this or any prior Act under each of the headings ''Iraq Security Forces Fund'', ''Afghanistan Security Forces Fund'', and ''Pakistan Counterinsurgency Fund'' on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this section of the costs required to complete each such project.

(b) The report required by this subsection shall include the following:

(1) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in subsection (a) were obligated prior to the submission of the report, including estimates by the commanders referred to in subsection (a) of the costs to complete each project.

(2) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in subsection (a) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in subsection (a) of the costs to complete each project.

(3) An estimated total cost to train and equip the Iraq, Afghanistan, and Pakistan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $20,000,000 using funds appropriated by this or any prior Act under the headings ''Iraq Security Forces Fund'', ''Afghanistan Security Forces Fund'', and ''Pakistan Counterinsurgency Fund''.

SEC. 9011. (a) None of the funds made available in this or any other Act may be used to release an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

(b) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purpose of detention, except as provided in subsection (c).

(c) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of prosecuting such individual, or detaining such individual during legal proceedings, until 45 days after the plan described in subsection (d) is received.

(d) The President shall submit to Congress, in classified form, a plan regarding the proposed disposition of any individual covered by subsection (c) who is detained as of June 24, 2009. Such plan shall include, at a minimum, each of the following for each such individual:

(1) A determination of the risk that the individual might instigate an act of terrorism within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were so transferred.

(2) A determination of the risk that the individual might advocate, coerce, or incite violent extremism, ideologically motivated criminal activity, or acts of terrorism, among inmate populations at incarceration facilities within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were transferred to such a facility.

(3) The costs associated with transferring the individual in question.

(4) The legal rationale and associated court demands for transfer.

(5) A plan for mitigation of any risks described in paragraphs (1), (2), and (7).

(6) A copy of a notification to the Governor of the State to which the individual will be transferred, to the Mayor of the District of Columbia if the individual will be transferred to the District of Columbia, or to any United States territories with a certification by the Attorney General of the United States in classified form at least 14 days prior to such transfer (together with supporting documentation and justification) that the individual poses little or no security risk to the United States.

(7) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer and the actions taken to mitigate such risk.

(e) None of the funds made available in this or any other Act may be used to transfer or

release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States or to a freely associated State, unless the President submits to the Congress, in classified form, at least 15 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country or the freely associated State to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with the country or the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(f) In this section, the term ''freely associated States'' means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau.

(g) Prior to the termination of detention operations at Naval Station, Guantanamo Bay, Cuba, the President shall submit to the Congress a report in classified form describing the disposition or legal status of each individual detained at the facility as of the date of enactment of this Act.

SEC. 9012. (a) FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.—Of the amounts appropriated or otherwise made available by title IX, up to $20,000,000 may be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 125; 10 U.S.C. 10101 note).

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the services described in that subsection is in addition to any other amounts available in this Act for such services.

This division may be cited as the ''Department of Defense Appropriations Act, 2010''.

DIVISION B—OTHER MATTERS

SEC. 1001. There are hereby appropriated such sums as may be necessary, for an additional amount for ''Food and Nutrition Service—Supplemental Nutrition Assistance Program'' for necessary current year expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.): *Provided*, That such amount shall be used only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That amounts so appropriated are designated as emergency requirements and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 1002. (a) IN GENERAL.—For the costs of State administrative expenses associated with administering the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), there are hereby appropriated $400,000,000, which shall remain available until September 30, 2011.

(b) ALLOCATION OF FUNDS.—Funds described in subsection (a) shall be made available as grants to State agencies as follows—

(1) 75 percent of the amounts available shall be allocated to States based on the share of each State of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture for the most recent 12-month period for which data are available, adjusted by the Secretary (as of the date of enactment) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h));

(2) 25 percent of the amounts available shall be allocated to States based on the increase in the number of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture over the most recent 12-month period for which data are available, adjusted by the Secretary (as of the date of enactment) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)); and

(3) Not later than 60 days after the date of enactment of this Act, the Secretary shall make available to States amounts based on paragraphs (1) and (2) of this subparagraph.

(c) REALLOCATION OF FUNDS.—Funds unobligated at the State level in fiscal year 2010 may be recovered and reallocated to the States in fiscal year 2011.

(d) EMERGENCY DESIGNATION.—Amounts in this section are designated as emergency requirements and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 1003. (a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking ''December 31, 2009'' and inserting ''February 28, 2010''; and

(B) in subsection (e), by striking ''December 31, 2009'' and inserting ''February 28, 2010''.

(2) TERMINATION OF LICENSE.—

(A) TERMINATION.—Section 119 of title 17, United States Code, as amended by paragraph (1), shall cease to be effective on February 28, 2010.

(B) CONFORMING AMENDMENT.—Section 4(a) of the Satellite Home Viewer Act of 1994 (17 U.S.C. 119 note; Public Law 103–369) is repealed.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking ''December 31, 2009'' and inserting ''February 28, 2010''; and

(2) in paragraph (3)(C), by striking ''January 1, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''March 1, 2010''.

(c) EMERGENCY DESIGNATION.—Amounts in this section are designated as emergency requirements and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 1004. (a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 195) is amended by striking ''December 31, 2009'' and inserting ''February 28, 2010''.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking ''December 31, 2009'' and inserting ''February 28, 2010''.

SEC. 1005. Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68) is amended by striking ''by substituting'' and all that follows through the period at the end, and inserting ''by substituting February 28, 2010 for the date specified in each such section.''.

SEC. 1006. (a) There is hereby appropriated $125,000,000, for an additional amount for ''Small Business Administration—Business Loans Program Account'' for fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and for the cost of guaranteed loans under section 502 of such division: *Provided*, That such cost shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 is amended by striking ''the date 12 months after the date of enactment of this Act'' and inserting ''February 28, 2010''.

(c) Amounts in this section are designated as emergency requirements and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 1007. (a) PAYMENT.—The Secretary of the Interior may make a payment to Swain County, North Carolina, in an amount of $12,800,000, in connection with the non-construction of the North Shore Road: *Provided*, That $4,000,000 shall be available for obligation upon enactment of this Act: *Provided further*, That remaining amounts shall not be available for obligation until 120 days following signature of an agreement between the Secretary of the Interior, Swain County, the State of North Carolina, and the Tennessee Valley Authority that supersedes the agreement of July 30, 1943, related to the construction of North Shore Road between the Secretary, the County, the State, and the Authority. For this payment, there is hereby appropriated $6,800,000, to remain available until expended, and an amount of $6,000,000 from unobligated balances available to the Department of the Interior from prior appropriations to the ''Construction'' account for the National Park Service.

(b) RESCISSION.—Of the funds appropriated in the Department of Transportation and Related Agencies Appropriations Act, 2001 (Public Law 106–346), in section 378 for construction of, and improvements to, North Shore Road in Swain County, North Carolina, $6,800,000 is hereby permanently rescinded.

SEC. 1008. (a) For purposes of the continued extension of surface transportation programs and related authority to make expenditures from the Highway Trust Fund and other trust funds under sections 157 through 162 of the Continuing Appropriations Resolution, 2010, the date specified in section 106(3) of such resolution shall be deemed to be February 28, 2010.

(b) Section 158(c) is amended by striking the period at the end and inserting ''except for the rescission made by section 123 of division I of the Omnibus Appropriations Act, 2009. The amount made available for each of the apportioned Federal-aid highway programs under subsection (a) shall be reduced by an amount equaling $33,401,492 multiplied by the amount calculated under subsection (a) and divided by $23,941,505,262''.

SEC. 1009. (a)(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''December 31, 2009'' each place it appears and inserting ''February 28, 2010'';

(B) in the heading for subsection (b)(2), by striking ''DECEMBER 31, 2009'' and inserting ''FEBRUARY 28, 2010''; and

(C) in subsection (b)(3), by striking ''May 31, 2010'' and inserting ''July 31, 2010''.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking ''before January 1, 2010'' and inserting ''on or before February 28, 2010'';

(B) in the heading for paragraph (2), by striking ''JANUARY 1, 2010'' and inserting ''FEBRUARY 28, 2010''; and

(C) in paragraph (3), by striking ''June 30, 2010'' and inserting ''August 31, 2010''.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''January 1, 2010'' each place it appears and inserting ''February 28, 2010''; and

(B) in subsection (c), by striking ''June 1, 2010'' and inserting ''July 31, 2010''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''May 30, 2010'' and inserting ''July 31, 2010''.

(b) Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking ''by reason of'' and all that follows and inserting the following: ''by reason of—

''(A) the amendments made by section 2001(a) of the Assistance for Unemployed Workers and Struggling Families Act;

''(B) the amendments made by sections 2 through 4 of the Worker, Homeownership, and Business Assistance Act of 2009; and

''(C) the amendments made by section 1009 of the Department of Defense Appropriations Act, 2010; and''.

(c) Amounts in this section are designated as emergency requirements and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 1010. (a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking ''December 31, 2009'' and inserting ''February 28, 2010''.

(b) EXTENSION OF MAXIMUM DURATION OF ASSISTANCE.—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking ''9 months'' and inserting ''15 months''.

(c) RULES RELATED TO 2009 EXTENSION.—Subsection (a) of such section is further amended by adding at the end the following:

''(16) RULES RELATED TO 2009 EXTENSION.—

''(A) ELECTION TO PAY PREMIUMS RETROACTIVELY AND MAINTAIN COBRA COVERAGE.—In the case of any premium for a period of coverage during an assistance eligible individual's transition period, such individual shall be treated for purposes of any COBRA continuation provision as having timely paid the amount of such premium if—

''(i) such individual was covered under the COBRA continuation coverage to which such premium relates for the period of coverage immediately preceding such transition period, and

''(ii) such individual pays, not later than 60 days after the date of the enactment of this paragraph (or, if later, 30 days after the date of provision of the notification required under subparagraph (D)(ii)), the amount of such premium, after the application of paragraph (1)(A).

''(B) REFUNDS AND CREDITS FOR RETROACTIVE PREMIUM ASSISTANCE ELIGIBILITY.—In the case of an assistance eligible individual who pays, with respect to any period of COBRA continuation coverage during such individual's transition period, the premium amount for such coverage without regard to paragraph (1)(A), rules similar to the rules of paragraph (12)(E) shall apply.

''(C) TRANSITION PERIOD.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'transition period' means, with respect to any assistance eligible individual, any period of coverage if—

''(I) such period begins before the date of the enactment of this paragraph, and

''(II) paragraph (1)(A) applies to such period by reason of the amendment made by section 1010(b) of the Department of Defense Appropriations Act, 2010.

''(ii) CONSTRUCTION.—Any period during the period described in subclauses (I) and (II) of clause (i) for which the applicable premium has been paid pursuant to subparagraph (A) shall be treated as a period of coverage referred to in such paragraph, irrespective of any failure to timely pay the applicable premium (other than pursuant to subparagraph (A)) for such period.

''(D) NOTIFICATION.—

''(i) IN GENERAL.—In the case of an individual who was an assistance eligible individual at any time on or after October 31, 2009, or experiences a qualifying event (consisting of termination of employment) relating to COBRA continuation coverage on or after such date, the administrator of the group health plan (or other entity) involved shall provide an additional notification with information regarding the amendments made by section 1010 of the Department of Defense Appropriations Act, 2010, within 60 days after the date of the enactment of such Act or, in the case of a qualifying event occurring after such date of enactment, consistent with the timing of notifications under paragraph (7)(A).

''(ii) TO INDIVIDUALS WHO LOST ASSISTANCE.—In the case of an assistance eligible individual described in subparagraph (A)(i) who did not timely pay the premium for any period of coverage during such individual's transition period or paid the premium for such period without regard to paragraph (1)(A), the administrator of the group health plan (or other entity) involved shall provide to such individual, within the first 60 days of such individual's transition period, an additional notification with information regarding the amendments made by section 1010 of the Department of Defense Appropriations Act, 2010, including information on the ability under subparagraph (A) to make retroactive premium payments with respect to the transition period of the individual in order to maintain COBRA continuation coverage.

''(iii) APPLICATION OF RULES.—Rules similar to the rules of paragraph (7) shall apply with respect to notifications under this subparagraph.''.

(d) CLARIFICATION THAT ELIGIBILITY AND NOTICE IS BASED ON TIMING OF QUALIFYING EVENT.—Subsection (a) of such section is amended—

(1) in paragraph (3)(A)—

(A) by striking ''at any time'' and inserting ''such qualified beneficiary is eligible for COBRA continuation coverage related to a qualifying event occurring''; and

(B) by striking '', such qualified beneficiary is eligible for COBRA continuation coverage''; and

(2) in paragraph (7)(A), by striking ''become entitled to elect COBRA continuation coverage'' and inserting ''have a qualifying event relating to COBRA continuation coverage''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 to which they relate.

(f) EMERGENCY DESIGNATIONS.—

(1) IN GENERAL.—Amounts in this section are designated as emergency requirements and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(2) PAYGO.—All applicable provisions in this section are designated as an emergency for purposes of pay-as-you-go principles.

SEC. 1011. (a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraph:

''(10) UPDATE FOR PORTION OF 2010.—

''(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), and (9)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010 for the period beginning on January 1, 2010, and ending on February 28, 2010, the update to the single conversion factor shall be 0 percent for 2010.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2010 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on March 1, 2010, and ending on December 31, 2010, and for 2011 and subsequent years as if subparagraph (A) had never applied.''.

(b) FUNDING FROM MEDICARE IMPROVEMENT FUND.—Section 1898(b)(1) of such Act (42 U.S.C. 1395iii(b)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking ''$22,290,000,000'' and inserting ''$20,740,000,000''; and

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

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

(3) by inserting after subparagraph (A) the following new subparagraph:

''(B) fiscal year 2015, $550,000,000; and''.

SEC. 1012. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not publish updated poverty guidelines for 2010 under section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)) before March 1, 2010, and the poverty guidelines published under such section on January 23, 2009, shall remain in effect until updated poverty guidelines are published.

SEC. 1013. From the ''National Telecommunications and Information Administration—Digital-to-Analog Converter Box Program'' in the Department of Commerce, $128,000,000 is hereby rescinded.

SEC. 1014. The explanatory statement regarding this Act printed in the House of Representatives section of the Congressional Record on or about December 16, 2010, by the Chairman of the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

The SPEAKER pro tempore, Ms. BALDWIN, announced that the House amendment to the amendment of the Senate to H.R. 3326 contains an emergency designation for purposes of pay-as-you-go principles.

Accordingly, the Chair must put the question of consideration under clause 10(c)(3) of rule XXI.

The question being put, viva voce,

Will the House now consider the motion to agree to the amendment of the Senate with an amendment?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

So the House decided to consider the motion.

A motion to reconsider the vote whereby said question of consideration was agreed to was, by unanimous consent, laid on the table.

Accordingly,

When said motion was considered.

After debate,

Pursuant to House Resolution 976, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House now agree to the motion.

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Mr. YOUNG of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 395 Nays 34

¶157.20 [Roll No. 985]

YEAS—395

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

NAYS—34

Baldwin	Grayson	Polis (CO)
Bishop (UT)	Johnson (IL)	Quigley
Campbell	Kagen	Serrano
Chaffetz	Kucinich	Shimkus
Clarke	Lee (CA)	Stark
Costello	Lewis (GA)	Towns
Duncan	Lofgren, Zoe	Velázquez
Ehlers	Lummis	Welch
Ellison	McDermott	Woolsey
Filner	Nadler (NY)	Wu
Flake	Paul	
Gohmert	Payne	

NOT VOTING—5

Eshoo	Radanovich	Speier
Hirono	Souder	

So the motion to agree to the amendment of the Senate with an amendment was agreed to.

A motion to reconsider the vote whereby said amendment of the Senate with an amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶157.21 H.R. 1110—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1110) to amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds of those present had voted in the affirmative.

Mr. Tim MURPHY of Pennsylvania, demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 Nays 1

¶157.22 [Roll No. 986]

AYES—418

Abercrombie	Chaffetz	Gohmert
Ackerman	Chandler	Gonzalez
Aderholt	Childers	Goodlatte
Adler (NJ)	Chu	Gordon (TN)
Akin	Clarke	Granger
Alexander	Clay	Graves
Altmire	Cleaver	Grayson
Andrews	Clyburn	Green, Al
Arcuri	Coble	Green, Gene
Austria	Coffman (CO)	Griffith
Baca	Cohen	Grijalva
Bachmann	Cole	Guthrie
Bachus	Conaway	Gutierrez
Baird	Connolly (VA)	Hall (NY)
Baldwin	Cooper	Hall (TX)
Barrett (SC)	Costa	Halvorson
Barrow	Costello	Hare
Bartlett	Courtney	Harman
Barton (TX)	Crenshaw	Harper
Bean	Crowley	Hastings (FL)
Becerra	Cuellar	Hastings (WA)
Berkley	Culberson	Heinrich
Berman	Cummings	Hensarling
Berry	Dahlkemper	Herger
Biggert	Davis (AL)	Herseth Sandlin
Bilbray	Davis (CA)	Higgins
Bilirakis	Davis (IL)	Hill
Bishop (GA)	Davis (KY)	Hinchey
Bishop (NY)	Davis (TN)	Hinojosa
Bishop (UT)	Deal (GA)	Hodes
Blackburn	DeFazio	Hoekstra
Blumenauer	DeGette	Holden
Blunt	Delahunt	Holt
Boccieri	DeLauro	Hoyer
Boehner	Dent	Hunter
Bono Mack	Diaz-Balart, L.	Inglis
Boozman	Diaz-Balart, M.	Inslee
Boren	Dingell	Israel
Boswell	Doggett	Issa
Boucher	Donnelly (IN)	Jackson (IL)
Boustany	Doyle	Jackson-Lee (TX)
Boyd	Dreier	Jenkins
Brady (PA)	Driehaus	Johnson (GA)
Brady (TX)	Duncan	Johnson (IL)
Braley (IA)	Edwards (MD)	Johnson, E. B.
Bright	Edwards (TX)	Johnson, Sam
Broun (GA)	Ehlers	Jones
Brown (SC)	Ellison	Jordan (OH)
Brown, Corrine	Ellsworth	Kagen
Brown-Waite, Ginny	Emerson	Kanjorski
Buchanan	Engel	Kennedy
Burgess	Eshoo	Kildee
Burton (IN)	Etheridge	Kilpatrick (MI)
Butterfield	Fallin	Kilroy
Buyer	Farr	Kind
Calvert	Fattah	King (IA)
Camp	Filner	King (NY)
Campbell	Flake	Kingston
Cantor	Fleming	Kirk
Cao	Forbes	Kirkpatrick (AZ)
Capito	Fortenberry	Kissell
Capps	Foster	Klein (FL)
Capuano	Foxx	Kline (MN)
Cardoza	Frank (MA)	Kosmas
Carnahan	Franks (AZ)	Kratovil
Carney	Frelinghuysen	Kucinich
Carson (IN)	Fudge	Lamborn
Carter	Gallegly	Lance
Cassidy	Garamendi	Langevin
Castle	Garrett (NJ)	Larsen (WA)
Castor (FL)	Gerlach	Larson (CT)
	Giffords	

Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
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
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
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
Souder
Space
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Woolsey
Wu
Yarmuth
Young (AK)

NOES—1

Paul

NOT VOTING—15

Bonner
Conyers
Dicks
Gingrey (GA)
Heller
Himes
Hirono
Honda
Kaptur
Linder
Pastor (AZ)
Radanovich
Speier
Wolf
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶157.23 FURTHER CONTINUING APPROPRIATIONS FY 2010

Mr. OBEY, pursuant to House Resolution 976, called up for consideration the joint resolution (H.J. Res. 64) making further continuing appropriations for the fiscal year 2010, and for other purposes.

When said joint resolution was considered.

After debate,

Pursuant to House Resolution 976, the previous question was ordered.

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

The question being put, viva voce,

Will the House pass said joint resolution?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

So the joint resolution was passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶157.24 CONTINUED FINANCING OF GOVERNMENT OPERATIONS

Mr. STARK, pursuant to House Resolution 976, called up for consideration the bill (H.R. 4314) to permit continued financing of Government operations.

When said bill was considered.

After debate,

¶157.25 CALL OF THE HOUSE

The SPEAKER pro tempore, Ms. BALDWIN, recognized Mr. NEAL of Massachusetts, to move a call of the House.

On motion of Mr. NEAL of Massachusetts, by unanimous consent, a call of the House was ordered.

The call was taken by electronic device, and the following-named Members responded—

¶157.26 [Roll No. 987]

Abercrombie
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
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
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)
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
Massa
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)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
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
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
Spratt
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)

Thereupon, the SPEAKER pro tempore, Ms. BALDWIN, announced that 415 Members had been recorded, a quorum.

Further proceedings under the call were dispensed with.

Pursuant to House Resolution 976, the previous question was ordered.

After further debate,

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Mr. HELLER demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 218 Nays 214

¶157.27 [Roll No. 988]

AYES—218

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

NOES—214

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
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
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Grayson
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Visclosky
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—3

Radanovich
Speier
Young (FL)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶157.28 H.R. 3714—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3714) to amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries, establish a grant program to promote freedom of the press worldwide, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds of those present had voted in the affirmative.

Ms. DEGETTE demanded a recorded vote on passage of said bill, as amended,, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 403 Nays 12

¶157.29 [Roll No. 989]

AYES—403

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
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
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
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
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
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, 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
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
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Weiner
Welch
Westmoreland
Wexler
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—12

Barton (TX)
Broun (GA)
Brown-Waite, Ginny
Conaway
Duncan
Foxx
Garrett (NJ)
Gohmert
Lummis
Marchant
McClintock
Paul

NOT VOTING—19

Bishop (UT)
Boehner
Buyer
Jordan (OH)
Kilpatrick (MI)
King (IA)
Lowey
Maffei
Murphy (NY)
Murtha
Peterson
Radanovich
Speier
Titus
Wasserman Schultz
Waxman
Whitfield
Wilson (OH)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶157.30 AMENDMENT OF THE SENATE TO H.R. 2847

Mr. OBEY, pursuant to House Resolution 976, the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $455,704,000, to remain available until September 30, 2011, of which $9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That not less than $49,530,000 shall be for Manufacturing and Services; not less than $43,212,000 shall be for Market Access and Compliance; not less than $68,290,000 shall be for the Import Administration; not less than $257,938,000 shall be for the Trade Promotion and United States and Foreign Commercial Service; and not less than $27,295,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210, to maintain strong U.S. remedies laws, correct the problem of overreaching by World Trade Organization Panels and Appellate Body, and prevent the creation of obligation never negotiated or expressly agreed to by the United States: Provided further, That within the amounts appropriated, $1,500,000 shall be used for the projects, and in the amounts, specified in the table entitled ''Congressionally designated projects'' in the report of the Committee on Appropriations of the Senate to accompany this Act.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $100,342,000, to remain available until expended, of which $14,767,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $200,000,000, to remain available until expended: Provided, That of the amounts provided, no more than $4,000,000 may be transferred to ''Economic Development Administration, Salaries and Expenses'' to conduct management oversight and administration of public works grants.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $38,000,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works

Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $31,200,000: Provided, That within the amounts appropriated, $200,000 shall be used for the projects, and in the amounts, specified in the table entitled, ''Congressionally designated projects'' in the report of the Committee on Appropriations of the Senate to accompany this Act.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $100,600,000, to remain available until September 30, 2011.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $259,024,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $7,065,707,000, to remain available until September 30, 2011: Provided, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of census data on race identification that does not include ''some other race'' as a category: Provided further, That from amounts provided herein, funds may be used for additional promotion, outreach, and marketing activities.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $19,999,000, to remain available until September 30, 2011: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants, authorized by section 392 of the Communications Act of 1934, $20,000,000, to remain available until expended as authorized by section 391 of the Act: Provided, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,930,361,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2010, so as to result in a fiscal year 2010 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2010, should the total amount of offsetting fee collections be less than $1,930,361,000, this amount shall be reduced accordingly: Provided further, That of the amount received in excess of $1,930,361,000 in fiscal year 2010, in an amount up to $100,000,000 shall remain until expended: Provided further, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2010 for official reception and representation expenses: Provided further, That of the amounts provided to the USPTO within this account, $25,000,000 shall not become available for obligation until the Director of the USPTO has completed a comprehensive review of the assumptions behind the patent examiner expectancy goals and adopted a revised set of expectancy goals for patent examination: Provided further, That in fiscal year 2010 from the amounts made available for ''Salaries and Expenses'' for the USPTO, the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: Provided further, That sections 801, 802, and 803 of division B, Public Law 108–447 shall remain in effect during fiscal year 2010: Provided further, That the Director may, this year, reduce by regulation fees payable for documents in patent and trademark matters, in connection with the filing of documents filed electronically in a form prescribed by the Director: Provided further, That $2,000,000 shall be transferred to ''Office of Inspector General'' for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $520,300,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the ''Working Capital Fund'': Provided, That not to exceed $5,000 shall be for official reception and representation expenses: Provided further, That within the amounts appropriated, $10,500,000 shall be used for the projects, and in the amounts, specified in the table entitled ''Congressionally designated projects'' in the report of the Committee on Appropriations of the Senate to accompany this Act.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $124,700,000, to remain available until expended. In addition, for necessary expenses of the Technology Innovation Program of the National Institute of Standards and Technology, $69,900,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $163,900,000, to remain available until expended: Provided, That within the amounts appropriated, $47,000,000 shall be used for the projects, and in the amounts, specified in the table entitled ''Congressionally designated projects'' in the report of the Committee on Appropriations of the Senate to accompany this Act: Provided further, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,301,131,000, to remain available until September 30, 2011, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2012: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $3,000,000 shall be derived by transfer from the fund entitled ''Coastal Zone Management'' and in addition $104,600,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': Provided further, That of the $3,304,131,000 provided for in direct obligations under this heading $3,301,131,000 is appropriated from the general fund, $3,000,000 is provided by transfer: Provided further, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $226,809,000: Provided further, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $36,583,000: Provided further, That within the amounts appropriated, $57,725,000 shall be used for the projects, and in the amounts, specified in the table entitled ''Congressionally designated projects'' in the report of the Committee on Appropriations of the Senate to accompany this Act: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family

Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,397,685,000, to remain available until September 30, 2012, except funds provided for construction of facilities which shall remain available until expended: Provided, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar-for-dollar matching basis with funds provided for the same purpose by the Department of Defense: Provided further, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That the Secretary of Commerce is authorized to enter into a lease, at no cost to the United States Government, with the Regents of the University of Alabama for a term of not less than 55 years, with two successive options each of 5 years, for land situated on the campus of University of Alabama in Tuscaloosa to house the Cooperative Institute and Research Center for Southeast Weather and Hydrology: Provided further, That within the amounts appropriated, $19,000,000 shall be used for the projects, and in the amounts, specified in the table entitled ''Congressionally designated projects'' in the report of the Committee on Appropriations of the Senate to accompany this Act.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $80,000,000, to remain available until September 30, 2011: Provided, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and federally recognized tribes of the Columbia River and Pacific Coast for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: Provided further, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the ''Operations, Research, and Facilities'' account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2010, obligations of direct loans may not exceed $16,000,000 for Individual Fishing Quota loans and not to exceed $59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: Provided, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official reception and representation, $61,000,000: Provided, That the Secretary, within 120 days of enactment of this Act, shall provide a report to the Committee on Appropriations of the Senate that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: Provided further, That of the amounts provided to the Secretary within this account, $5,000,000 shall not become available for obligation until the Secretary certifies to the Committee on Appropriations of the Senate that the Bureau of the Census has followed and met all standards and best practices, and all Office of Management and Budget guidelines related to information technology projects and contract management.

HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of the Herbert C. Hoover Building, $22,500,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $27,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce: Provided further, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. The requirements set forth by section 112 of division B of Public Law 110–161 are hereby adopted by reference.

SEC. 106. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 107. With the consent of the President, the Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding fisheries, marine mammals, or sea turtles: Provided, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section.

SEC. 108. Section 101(k) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by striking ''2009'' and inserting ''2011''.

SEC. 109. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 110. The National Marine Fisheries Service is authorized to accept land, buildings, equipment, and other contributions including funding, from public and private sources, which shall be available until expended without further appropriation to conduct work associated with existing authorities.

This title may be cited as the ''Department of Commerce Appropriations Act, 2010''.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $118,488,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: Provided, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: Provided further, That $18,693,000 is for Department Leadership; $8,101,000 is for Intergovernmental Relations/External Affairs; $12,715,000 is for Executive Support/Professional Responsibility; and $78,979,000 is for the Justice Management Division: Provided further, That any

change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: Provided further, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $95,000,000, to remain available until expended, of which $21,132,000 is for the unified financial management system.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nation-wide Integrated Wireless Network supporting Federal law enforcement communications, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, $206,143,000, to remain available until expended: Provided, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $300,685,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examinations Fee'' account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,438,663,000, to remain available until expended: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: Provided further, That not to exceed $5,000,000 shall be considered ''funds appropriated for State and local law enforcement assistance'' pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $84,368,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, of which $2,000,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $12,859,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $875,097,000, of which $2,500,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed $10,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): Provided further, That of the amounts provided under this heading for the election monitoring program $3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $163,170,000, to remain available until expended: Provided, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $102,000,000 in fiscal year 2010), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at $61,170,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,926,003,000: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $25,000,000 shall remain available until expended: Provided further, That of the amount provided under this heading, not less than $36,980,000 shall be used for salaries and expenses for assistant U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) concerning the prosecution of offenses relating to the sexual exploitation of children.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $224,488,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $210,000,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the Fund estimated at $9,488,000.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $2,117,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $168,300,000, to remain available until expended: Provided, That not to exceed $10,000,000 may be made available for construction of buildings for protected witness safesites: Provided further, That not to exceed $3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: Provided further, That not to exceed $11,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $11,479,000: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,125,763,000; of which not to exceed $30,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 shall remain available until expended for information technology systems.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $26,625,000, to remain available until expended; and of which not less than $12,625,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, $87,938,000; of which not to exceed $5,000,000 for information technology systems shall remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further,

That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $515,000,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; $7,668,622,000, of which $101,066,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and of which not to exceed $150,000,000 shall remain available until expended: Provided, That not to exceed $205,000 shall be available for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, the Director of the Federal Bureau of Investigation, upon a determination that additional funding is necessary to carry out construction of the Biometrics Technology Center, may transfer from amounts available for ''Salaries and Expenses'' to amounts available for ''Construction'' up to $30,000,000 in fees collected to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs: Provided further, That any transfer made pursuant to the previous proviso shall be subject to section 505 of this Act.

CONSTRUCTION

For all necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of federally owned buildings; and preliminary planning and design of projects; $244,915,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $2,014,682,000; of which $10,000,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed $40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,114,772,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which $10,000,000 shall remain available until expended: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of ''Curios or relics'' in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2010: Provided further, That, beginning in fiscal year 2010 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, tribal, or foreign law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or solely in connection with and for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such date to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly or publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: Provided further, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites to purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally owned buildings; and preliminary planning and design of projects; $6,000,000, to remain until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 831, of which 743 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $5,979,831,000, of which $10,500,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2011: Provided further, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the

care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $99,155,000, to remain available until expended, of which not less than $73,769,000 shall be available only for modernization, maintenance and repair, and of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) (''the 1974 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (''the 2000 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); and for related victims services, $435,000,000, to remain available until expended: Provided, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: Provided further, That of the amount provided (which shall be by transfer, for programs administered by the Office of Justice Programs)—

(1) $15,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $2,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $200,000,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) $18,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act; and

(B) $2,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(4) $60,000,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(5) $15,000,000 for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(6) $41,000,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(7) $3,000,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(8) $3,000,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(9) $9,500,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(10) $45,000,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(11) $4,250,000 for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(12) $14,000,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(13) $6,750,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(14) $3,000,000 for an engaging men and youth in prevention program, as authorized by section 41305 of the 1994 Act;

(15) $1,000,000 for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act;

(16) $1,000,000 for tracking of violence against Indian women, as authorized by section 905 of the 2005 Act;

(17) $3,500,000 for services to advocate and respond to youth, as authorized by section 41201 of the 1994 Act;

(18) $3,000,000 for grants to assist children and youth exposed to violence, as authorized by section 41303 of the 1994 Act;

(19) $3,000,000 for the court training and improvements program, as authorized by section 41002 of the 1994 Act;

(20) $500,000 for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act; and

(21) $1,000,000 for grants for televised testimony, as authorized by part N of title I of the 1968 Act.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968; the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296), which may include research and development; and other programs (including the Statewide Automated Victim Notification Program); $215,000,000, to remain available until expended, of which:

(1) $40,000,000 is for criminal justice statistics programs, pursuant to part C of the 1968 Act, of which $35,000,000 is for the National Crime Victimization Survey;

(2) $48,000,000 is for research, development, and evaluation programs;

(3) $12,000,000 is for the Statewide Victim Notification System of the Bureau of Justice Assistance;

(4) $45,000,000 is for the Regional Information System Sharing System, as authorized by part M of title I of the 1968 Act; and

(5) $70,000,000 is for the Missing Children's Program.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); the Second Chance Act of 2007 (Public Law 110–199); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,159,000,000, to remain available until expended as follows:

(1) $510,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act, (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), of which $5,000,000 is for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, $2,000,000 is for a program to improve State and local law enforcement intelligence capabilities including anti-terrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, $10,000,000 is to support the Nationwide Pegasus Program in coordination with the National Sheriff's Association, for rural and non-urban law enforcement databases and connectivity to enhance information sharing technology capacity, and $10,000,000 is for implementation of a student loan repayment assistance program pursuant to section 952 of Public Law 110–315;

(2) $178,500,000 for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation): Provided, That within the amounts appropriated, $178,500,000 shall be used for the projects, and in the amounts specified in the table entitled ''Congressionally designated projects'' in the report of the Committee on Appropriations of the Senate to accompany this Act;

(3) $40,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation) of which $8,000,000 shall be available for the SMART Office activities and $2,000,0000 shall be available for grants to States and local law enforcement agencies as authorized by section 5 of Public Law 110–344;

(4) $2,000,000 for the purposes described in the Missing Alzheimer's Disease Patient Alert Program (section 240001 of the 1994 Act);

(5) $15,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386 and for programs authorized under Public Law 109–164;

(6) $40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(7) $5,000,000 for prison rape prevention and prosecution and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79);

(8) $20,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(9) $50,000,000 for offender re-entry programs, as authorized by the Second Chance Act of 2007 (Public Law 110–199), of which $25,000,000 is for grants for adult and juvenile offender State, tribal and local reentry demonstration projects, $15,000,000 is for grants for mentoring and transitional services and $5,000,000 is for family-based substance abuse treatment;

(10) $5,500,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405;

(11) $10,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(12) $30,000,000 for assistance to Indian tribes, of which—

(A) $10,000,000 shall be available for grants under section 20109 of subtitle A of title II of the 1994 Act;

(B) $10,000,000 shall be available for the Tribal Courts Initiative;

(C) $7,000,000 shall be available for tribal alcohol and substance abuse reduction assistance grants; and

(D) $3,000,000 shall be available for training and technical assistance and civil and criminal legal assistance as authorized by title I of Public Law 106–559;

(13) $228,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)); and

(14) $25,000,000 for the Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys: Provided, That no less than $20,000,000 shall be for prosecution efforts on the Southern border: Provided further, That no less than $5,000,000 shall be for prosecution efforts on the Northern border:

Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Office of Weed and Seed Strategies, $20,000,000, to remain available until expended, as authorized by section 103 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''), the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); the PROTECT Our Children Act of 2008 (Public Law 110–401), and other juvenile justice programs, $407,000,000, to remain available until expended as follows:

(1) $75,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process: Provided, That no less than $5,000,000 shall be for the Safe Start Program, as authorized by the 1974 Act;

(2) $82,000,000 for grants and projects, as authorized by sections 261 and 262 of the 1974 Act: Provided, That within the amounts appropriated, $82,000,000 shall be used for the projects, and in the amounts, specified in the table entitled ''Congressionally designated projects'' in the report of the Committee on Appropriations of the Senate to accompany this Act;

(3) $100,000,000 for youth mentoring grants;

(4) $65,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) $25,000,000 shall be for the Tribal Youth Program;

(B) $10,000,000 shall be for a gang education initiative; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $4,840,000 shall be available for discretionary grants, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(5) $25,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(6) $60,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: Provided further, That not more than 2 percent of each amount may be used for training and technical assistance: Provided further, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary (including amounts for administrative costs, which amounts shall be paid to the ''Salaries and Expenses'' account); and $5,000,000 for payments authorized by section 1201(b) of such Act; and $4,100,000 for educational assistance, as authorized by section 1218 of such Act, to remain available until expended.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296), which may include research and development; and the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (the ''Adam Walsh Act''); and the Justice for All Act of 2004 (Public Law 108–405), $658,500,000, to remain available until expended: Provided, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided (which shall be by transfer, for programs administered by the Office of Justice Programs)—

(1) $30,000,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: Provided, That $1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office for research, testing, and evaluation programs;

(2) $39,500,000 for grants to entities described in section 1701 of title I of the 1968 Act, to address public safety and methamphetamine manufacturing, sale, and use in hot spots as authorized by section 754 of Public Law 109–177, and for other anti-methamphetamine-related activities: Provided, That within the amounts appropriated, $34,500,000 shall be used for the projects, and in the amounts, specified in the table entitled ''Congressionally designated projects'' in the report of the Committee on Appropriations of the Senate to accompany this Act;

(3) $187,000,000 for a law enforcement technologies and interoperable communications program, and related law enforcement and public safety equipment: Provided, That within the amounts appropriated, $187,000,000 shall be used for the projects, and in the amounts, specified in the table entitled ''Congressionally designated projects'' in the report of the Committee on Appropriations of the Senate to accompany this Act;

(4) $10,000,000 for grants to assist States and tribal governments as authorized by the NICS Improvements Amendments Act of 2007 (Public Law 110–180);

(5) $10,000,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(6) $166,000,000 for DNA related and forensic programs and activities as follows:

(A) $151,000,000 for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities including the purposes of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program);

(B) $5,000,000 for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108–405, section 412);

(C) $5,000,000 for Sexual Assault Forensic Exam Program Grants as authorized by Public Law 108–405, section 304; and

(D) $5,000,000 for DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers as authorized by Public Law 108–405, section 303;

(7) $20,000,000 for improving tribal law enforcement, including equipment and training;

(8) $15,000,000 for programs to reduce gun crime and gang violence;

(9) $10,000,000 for training and technical assistance;

(10) $20,000,000 for a national grant program the purpose of which is to assist State and local law enforcement to locate, arrest and prosecute child sexual predators and exploiters, and to enforce sex offender registration laws described in section 1701(b) of the 1968 Act, of which:

(A) $5,000,000 for sex offender management assistance as authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103–322); and

(B) $1,000,000 for the National Sex Offender Public Registry;

(11) $16,000,000 for expenses authorized by part AA of the 1968 Act (Secure our Schools);

(12) $35,000,000 for Paul Coverdell Forensic Science Improvement Grants under part BB of title I of the 1968 Act; and

(13) $100,000,000 for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsections (g) and (i) of such section and notwithstanding 42 U.S.C. 3796dd–3(c).

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office on Violence Against Women, the Office of Justice Programs and the Community Oriented Policing Services Office, $179,000,000, of which not to exceed $15,708,000 shall be available for the Office on Violence Against Women; not to exceed $125,830,000 shall be available for the Office of Justice Programs; not to exceed $37,462,000 shall be available for the Community Oriented Policing Services Office: Provided, That, notwithstanding section 109 of title I of Public Law 90–351, an additional amount, not to exceed $21,000,000 shall be available for authorized activities of the Office of Audit, Assessment, and Management: Provided further, That the total amount available for management and administration of such programs shall not exceed $200,000,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $75,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. The Attorney General is authorized to extend through September 30, 2011, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for Sentinel, or for any other major new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 214. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase of the Federal Bureau of Investigation's Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases currently under contract for development or fielding have completed a majority of the work for that phase under the performance measurement baseline validated by the integrated baseline review conducted in 2008: Provided, That this restriction does not apply to planning and design activities for future phases: Provided further, That the Bureau will notify the Committees on Appropriations of any significant changes to the baseline.

SEC. 215. In addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this Act under the headings ''Justice Assistance'', ''State and Local Law Enforcement Assistance'', ''Weed and Seed'', ''Juvenile Justice Programs'', and ''Community Oriented Policing Services''—

(1) Up to 3 percent of funds made available to the Office of Justice Programs for grants or reimbursement may be used to provide training and technical assistance; and

(2) Up to 1 percent of funds made available to such Office for formula grants under such headings may be used for research or statistical purposes by the National Institute of Justice or the Bureau of Justice Statistics, pursuant to, respectively, sections 201 and 202, and sections 301 and 302 of title I of Public Law 90–351.

SEC. 216. Section 5759(e) of title 5, United States Code, is amended by striking subsection (e).

SEC. 217. (a) The Attorney General shall submit quarterly reports to the Inspector General of the Department of Justice regarding the costs and contracting procedures relating to each conference held by the Department of Justice during fiscal year 2010 for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the Department of Justice in evaluating potential contractors for that conference.

SEC. 218. (a) Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end of the following:

''§ 5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation

''The Director of the Federal Bureau of Investigation may, under regulations prescribed by the Director, pay a cash award of up to 10 percent of basic pay to any Bureau employee who maintains proficiency in a language or languages critical to the mission or who uses one or more foreign languages in the performance of official duties.''.

(b) The analysis for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

''5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation.''

SEC. 219. The Attorney General is authorized to waive the application of 42 U.S.C. 3755(d)(2)(A) with respect to grants made to units of local government pursuant to 42 U.S.C. 3755(d)(1), if such units of local government were eligible to receive such grants under the transitional rule in 42 U.S.C. 3755(d)(2)(B).

This title may be cited as the ''Department of Justice Appropriations Act, 2010''.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $6,154,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including

research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $4,517,000,000, to remain available until September 30, 2011.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $507,000,000, to remain available until September 30, 2011.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management, personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,940,400,000, to remain available until September 30, 2011.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,161,600,000, to remain available until September 30, 2011.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $140,100,000, to remain available until September 30, 2011.

CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $70,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,383,500,000, to remain available until September 30, 2011: Provided, That within the amounts appropriated $47,000,000 shall be used for the projects, and in the amounts, specified in the table entitled ''Congressionally designated projects'' in the report of the Committee on Appropriations of the Senate to accompany this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $36,400,000, to remain available until September 30, 2011.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the duration of availability of funds appropriated to the National Aeronautics and Space Administration for any account in this Act, except for ''Office of Inspector General'', when any activity has been initiated by the incurrence of obligations for environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended.

Notwithstanding the limitation on the availability of funds appropriated to the National Aeronautics and Space Administration for any account in this Act, except for ''Office of Inspector General'', the amounts appropriated for construction of facilities shall remain available until September 30, 2014.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Notwithstanding any other provision of law, no funds shall be used to implement any Reduction in Force or other involuntary separations (except for cause) by the National Aeronautics and Space Administration prior to September 30, 2010.

The unexpired balances of the Science, Aeronautics, and Exploration account, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

Funding designations and minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this title for the National Aeronautics and Space Administration.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,618,000,000, to remain available until September 30, 2011, of which not to exceed $570,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: Provided, That from funds specified in the fiscal year 2010 budget request for icebreaking services, $54,000,000 shall be transferred to the U.S. Coast Guard ''Operating Expenses'': Provided further, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That not less than $147,800,000 shall be available for activities authorized by section 7002(c)(2)(A)(iv) of Public Law 110–69.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, $122,290,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $857,760,000, to remain available until September 30, 2011: Provided, That not less than $55,000,000 shall be available until expended for activities authorized by section 7030 of Public Law 110–69.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $300,370,000: Provided, That contracts may be entered into under this heading in fiscal year 2010 for maintenance and operation of facilities,

and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,340,000: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $14,000,000.

This title may be cited as the ''Science Appropriations Act, 2010''.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,400,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–23); the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and not to exceed $30,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, $367,303,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the House and Senate Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $82,700,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $400,000,000, of which $374,600,000 is for basic field programs and required independent audits; $4,000,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $17,000,000 is for management and grants oversight; $3,400,000 is for client self-help and information technology; and $1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d).

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2009 and 2010, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $3,250,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $48,326,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $124,000 shall be available for official reception and representation expenses: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210 to maintain strong U.S. remedies laws, correct the problem of overreaching by World Trade Organization Panels and Appellate Body, and prevent the creation of obligation never negotiated or expressly agreed to by the United States.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et. seq.) $5,000,000, of which $500,000 shall remain available until September 30, 2011: Provided, That not to exceed $3,000 shall be available for official reception and representation expenses.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that:

(1) creates or initiates a new program, project or activity;

(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(5) reorganizes or renames offices, programs or activities, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(8) augments funds for existing programs, projects or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds; or

(9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in

any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. None of the funds made available in this Act may be used to pay the salaries and expenses of personnel of the Department of Justice to obligate more than $705,000,000 during fiscal year 2010 from the fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601): Provided, That hereafter the availability of funds under section 1402(d)(3) to improve services shall be understood to mean availability for pay or salary, including benefits for the same.

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin ''curios or relics'' firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

SEC. 529. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 530. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

(RESCISSIONS)

SEC. 531. (a) Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are hereby rescinded, not later than September 30, 2010, from the following accounts in the specified amounts:

(1) ''Legal Activities, Assets Forfeiture Fund'', $379,000,000, of which $136,000,000 shall be permanently rescinded and returned to the general fund;

(2) ''Office of Justice Programs'', $42,000,000; and

(3) ''Community Oriented Policing Services'', $40,000,000.

(b) The Department of Justice shall, within 30 days of enactment of this Act, submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

(c) The recissions contained in this section shall not apply to funds provided in this Act.

SEC. 532. Section 504(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104–134) is amended:

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after ''('' the following: ''that uses Federal funds (or funds from any source with regard to paragraphs (14) and (15)) in a manner'';

(2) by striking subsection (d); and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 533. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

REVIEW AND AUDIT OF ACORN FEDERAL FUNDING

SEC. 534. (a) REVIEW AND AUDIT.—The Comptroller General of the United States shall conduct a review and audit of Federal funds received by the Association of Community Organizations for Reform Now (referred to in this section as ''ACORN'') or any subsidiary or affiliate of ACORN to determine—

(1) whether any Federal funds were misused and, if so, the total amount of Federal funds involved and how such funds were misused;

(2) what steps, if any, have been taken to recover any Federal funds that were misused;

(3) what steps should be taken to prevent the misuse of any Federal funds; and

(4) whether all necessary steps have been taken to prevent the misuse of any Federal funds.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the audit required under subsection (a), along with recommendations for Federal agency reforms.

This Act may be cited as the ''Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010''.

When on motion of Mr. OBEY, it was,

Resolved, That the House agree to the amendment of the Senate with the following amendment, printed in Part B of House Report 111-380:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I—INFRASTRUCTURE AND JOBS INVESTMENT

CHAPTER 1—JUSTICE

DEPARTMENT OF JUSTICE

COMMUNITY ORIENTED POLICING SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Community Oriented Policing Services'', for grants under section 1701 of title I of the 1968 Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3796dd) for hiring and rehiring of additional career law enforcement officers under part Q of such title, notwithstanding subsection (i) of such section, $1,179,000,000, of which $2,950,000 shall be transferred to ''State and Local Law Enforcement Activities, Salaries and Expenses'' for management, administration and oversight of such grants.

CHAPTER 2—ENERGY AND WATER DEVELOPMENT

CORPS OF ENGINEERS—CIVIL WORKS

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Construction'', $715,000,000: Provided, That section 102 of Public Law 109–103 (33 U.S.C. 2221) shall not apply to funds provided in this title: Provided further, That not less than $30,000,000 of the funds provided shall be for water-related environmental infrastructure assistance: Provided further, That up to $30,000,000 of the funds provided under this heading may be transferred to ''Mississippi Rivers and Tributaries'' for authorized projects and activities: Provided further, That notwithstanding any other provision of law, funds provided under this heading shall not be cost shared with the Inland Waterways Trust Fund as authorized in Public Law 99–662: Provided further, That funds provided under this heading shall only be allocated to programs, projects or activities that heretofore received funds provided in Acts making appropriations available for Energy and Water Development and that are selected using only the fallowing criteria in order of priority: programs, projects or activities that can be commenced quickly; programs, projects or activities that will create immediate employment; programs, projects or activities that will be executed by contract or direct hire of temporary labor; and programs, projects or activities that are located in a State with high unemployment: Provided further, That the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), shall not apply during fiscal years 2010 and 2011 for any project receiving funds provided in this title: Provided further, That for projects that are being completed with funds appropriated in this paragraph that would otherwise be expired

for obligation, expired funds appropriated in this paragraph may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: Provided further, That funds made available under this heading shall be apportioned by the Office of Management and Budget not later than 30 days after the date of enactment of this Act and allocated by the Secretary of the Army to specific programs, projects or activities not later than 45 days after the date of enactment of this Act: Provided further, That the Secretary of the Army shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, including an explanation of how each selected program, project or activity fulfills the funding criteria above, beginning not later than 45 days after the date of enactment of this Act: Provided further, That the Secretary shall have unlimited reprogramming authority for the funds provided under this heading: Provided further, That up to 0.5 percent of funds provided under this heading may be transferred to ''Expenses'' for the purposes of management and oversight of the programs, projects or activities funded by this paragraph.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Water and Related Resources'', $100,000,000: Provided, That of the amount appropriated under this heading, not less than $26,000,000 shall be used for water reclamation and reuse projects authorized under title XVI of Public Law 102–575: Provided further, That up to $30,000,000 of the funds provided under this heading may be used for programs, projects, and activities authorized by Public Law 108–361 and up to $10,000,000 of the funds provided under this heading may be transferred to the Department of the Interior for programs, projects, and activities authorized by titles II–V of Public Law 102–575: Provided further, That funds provided under this heading shall only be allocated to programs, projects or activities that heretofore received funds provided in Acts making appropriations available for Energy and Water Development: Provided further, That for projects that are being completed with funds appropriated in this paragraph that would otherwise be expired for obligation, expired funds appropriated in this paragraph may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: Provided further, That the Secretary of the Interior shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, beginning not later than 45 days after the date of enactment of this Act: Provided further, That the Secretary shall have unlimited reprogramming authority for the funds provided under this heading: Provided further, That up to 0.5 percent of funds appropriated under this heading may be transferred to ''Policy and Administration'' for the purposes of management and oversight of the programs, projects, or activities funded by this paragraph.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

For an additional amount for ''Title 17 Innovative Technology Loan Guarantee Program'' for the cost of guaranteed loans authorized by section 1705 of the Energy Policy Act of 2005, $2,000,000,000, available until expended: Provided, That the cost of such loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

GENERAL PROVISION, THIS CHAPTER

INCENTIVES FOR INNOVATIVE TECHNOLOGIES LOAN GUARANTEE PROGRAM

SEC. 1201. (a) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost has been made;

''(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury; or

''(C) a combination of appropriations or payments from the borrower has been made sufficient to cover the cost of the obligation.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) or (C) shall not be a loan or other debt obligation, that is made or guaranteed by the Federal Government.''; and

(2) by adding at the end the following:

''(k) CREDIT REPORT.—If, in the opinion of the Secretary, a third-party credit rating of the applicant or project is not relevant to the determination of the credit risk of a project, if the project costs are not projected to exceed $100,000,000, and the applicant agrees to accept the credit rating assigned to the applicant by the Secretary, the Secretary may waive any otherwise applicable requirement (including any requirement described in part 609 of title 10, Code of Federal Regulations) to provide a third-party credit report.

''(l) DIRECT HIRE AUTHORITY.—

''(1) IN GENERAL.—Notwithstanding section 3304 and sections 3309 through 3318 of title 5, United States Code, the head of the loan guarantee program under this title (referred to in this subsection as the 'Executive Director') may, on a determination that there is a severe shortage of candidates or a severe hiring need for particular positions to carry out the functions of this title, recruit and directly appoint highly qualified critical personnel with specialized knowledge important to the function of the programs under this title into the competitive service.

''(2) EXCEPTION.—The authority granted under paragraph (1) shall not apply to positions in the excepted service or the Senior Executive Service.

''(3) REQUIREMENTS.—In exercising the authority granted under paragraph (1), the Executive Director shall ensure that any action taken by the Executive Director—

''(A) is consistent with the merit principles of section 2301 of title 5, United States Code; and

''(B) complies with the public notice requimments of section 3327 of title 5, United States Code.

''(4) SUNSET.—The authority provided under paragraph (1) shall terminate on January 1, 2011.

''(m) MULTIPLE SITES.—Notwithstanding any contrary requirement (including any provision under part 609.12 of title 10, Code of Federal Regulations) an eligible project may be located on 2 or more non-contiguous sites in the United States.''.

(b) APPLICATIONS FOR MULTIPLE ELIGIBLE PROJECTS.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

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

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

''(e) MULTIPLE APPLICATIONS.—Notwithstanding any contrary requirement (including any provision under part 609.3(a) of title 10, Code of Federal Regulations), a project applicant or sponsor of an eligible project may submit an application for more than 1 eligible project under this section.''.

(c) ENERGY EFFICIENCY LOAN GUARANTEES.—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

''(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment.''.

CHAPTER 3—HOMELAND SECURITY

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

FIREFIGHTER ASSISTANCE GRANTS

For an additional amount for ''Firefighter Assistance Grants'' for necessary expenses for programs authorized by section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a), $500,000,000: Provided, That notwithstanding any provision under section 34(a)(1)(A) such Act specifying that grants must be used to increase the number of firefighters in fire departments, the Secretary of Homeland Security, in making grants under section 34 of such Act for fiscal year 2010, shall grant waivers from the requirements of subsections (a)(1)(B), (c)(1), (c)(2), and (c)(4)(A) of such section: Provided further, That section 34(a)(1)(E) of such Act shall not apply with respect to funds appropriated in this or any other Act making appropriations for fiscal year 2010 for grants under section 34 of such Act: Provided further, That the Secretary of Homeland Security, in making grants under section 34 of such Act, shall ensure that funds appropriated under this or any other Act making appropriations for fiscal year 2010 are made available for the retention of firefighters and shall award grants not later than 120 days after the date of enactment of this Act: Provided further, That the Secretary may transfer any unused funds under this heading to make grants for programs authorized by section 33 of such Act (15 U.S.C. 2229) after notification to the Committees on Appropriations of the Senate and the House of Representatives.

CHAPTER 4—INTERIOR AND ENVIRONMENT

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for ''Management of Lands and Resources'', for activities on all Bureau of Land Management lands using term employment, $20,000,000.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for ''Resource Management'', for activities using term employment, $30,000,000.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for ''Operation of the National Park System'', for activities on all national park units using term employment, $50,000,000.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

For an additional amount for ''Wildland Fire Management'', for hazardous fuels reduction and related activities including necessary inventory and monitoring, using term employment, $20,000,000.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''State and Tribal Assistance Grants'', $2,000,000,000, of which $1,000,000,000 shall be for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act and $1,000,000,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: Provided, That the Administrator may retain up to 1 percent of the funds appropriated herein for management and oversight purposes: Provided further, That funds appropriated herein shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3) or 202 of the Federal Water Pollution Control Act nor the matching requirements of section 1452(e) of the Safe Drinking Water Act: Provided further, That the Administrator shall reallocate funds appropriated herein for the Clean and Drinking Water State Revolving Funds (Revolving Funds) where projects are not under contract or construction within 8 months of the date of enactment of this Act: Provided further, That notwithstanding the priority rankings they would otherwise receive under each program, priority for funds appropriated herein shall be given to projects on a State priority list that are ready to proceed to construction within 12 months of the date of enactment of this Act: Provided further, That notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act or section 1452(f) of the Safe Drinking Water Act, for the funds appropriated herein, each State shall use not less than 50 percent of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: Provided further, That, to the extent there are sufficient eligible project applications, not less than 20 percent of the funds appropriated herein for the Revolving Funds shall be for projects to address green infrastructure, water or energy efficiency improvements or other environmentally innovative activities: Provided further, That notwithstanding the limitation on amounts specified in section 518(c) of the Federal Water Pollution Control Act, up to 2.0 percent of the funds appropriated herein for the Clean Water State Revolving Funds may be reserved by the Administrator for tribal grants under section 518(c) of such Act: Provided further, That up to 4 percent of the funds appropriated herein for tribal set-asides under the Revolving Funds may be transferred to the Indian Health Service to support management and oversight of tribal projects: Provided further, That none of the funds appropriated herein shall be available for the purchase of land or easements as authorized by section 603(c) of the Federal Water Pollution Control Act or for activities authorized by section 1452(k) of the Safe Drinking Water Act: Provided further, That notwithstanding section 603(d)(2) of the Federal Water Pollution Control Act and section 1452(f)(2) of the Safe Drinking Water Act, funds may be used to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after October 1, 2009: Provided further, That section 1606 of title XVI of Public Law 111–5 shall apply to the use of the funds provided under this heading.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for ''State and Private Forestry for financial assistance to States and territories for authorized activities using term employment, $75,000,000.

NATIONAL FOREST SYSTEM

For an additional amount for ''National Forest System'', for activities on the National Forest System using term employment, $40,000,000.

WILDLAND FIRE MANAGEMENT

For an additional amount for ''Wildland Fire Management'', for hazardous fuels reduction and related activities using term employment, $35,000,000.

GENERAL PROVISIONS, THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 1401. Funds made available to the Environmental Protection Agency by this Act for management and oversight purposes shall remain available until September 30, 2012, and may be transferred to the ''Environmental Programs and Management'' account as needed.

SEC. 1402. In carrying out the work for which funds in this title are being made available, the Secretary of the Interior and the Secretary of Agriculture shall utilize, to the maximum extent practicable, the Public Lands Corps, Youth Conservation Corps, Student Conservation. Association, Job Corps, Corps Network members, and other related partnerships with Federal, State, local, tribal or non-profit groups that serve youny adults, underserved and minority populations, veterans, and special needs individuals.

CHAPTER 5—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for ''Training and Employment Services'' for activities under the Workforce Investment Act of 1998 (''WIA''), $1,250,000,000, which shall be available for obligation on the date of enactment of this Act, as follows:

(1) $500,000,000 for grants to the States for youth activities: Provided, That such funds shall be used solely for summer employment programs for youth: Provided further, That no portion of such funds shall he reserved to carry out section 127(b)(1)(A) of the WIA: Provided further, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed $1,000,000,000: Provided further, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds: Provided further, That an in-school youth shall meet the requirement that eligible youth be a low-income individual under section, 101(13)(B) of the WIA if such youth has been determined to meet the eligibility requirements for free meals under the National School Lunch Act (42 U.S.C. 1751 et seq.) during the most recent school year; and

(2) $750,000,000 for a program of competitive grants for worker training and placement in high growth and emerging industry sectors: Provided, That $275,000,000 shall be for job training projects that prepare workers for careers in energy efficiency and renewable energy as described in section 171(e)(1)(B) of the WIA, of which $225,000,000 shall be for Pathways Out of Poverty projects: Provided further, That awarding grants from those funds not dedicated in the preceding proviso, the Secretary of Labor shall give priority to projects that prepare workers for careers in the health care sector.

DEPARTMENT OF EDUCATION

EDUCATION JOBS FUND

For necessary expenses for an Education Jobs Fund, $23,000,000,000, which shall remain available for obligation through September 30, 2010 and shall he administered under the terms and conditions of sections 14001 through 14013 of title XIV, and title XV, of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), except as follows:

(1) ALLOTMENTS TO STATES AND TERRITORIES.—Such funds shall be available only for allocations by the Secretary under subsections (a) and (d) of section 14001.

(2) RESERVATION.—With respect to funds appropriated under this heading, a State that receives an allocation may reserve not more than 5 percent, for—

(A) the administrative costs of carrying out its responsibilities with respect to those funds, provided the State reserves not more than 1 percent of its total allocation for those costs; and

(B) retaining or creating positions in the State educational agency or the State agency for higher education, and other State agency positions related to the administration or support of early childhood, elementary, secondary or postsecondary education.

(3) AWARDS TO LOCAL EDUCATIONAL AGENCIES AND PUBLIC INSTITUTIONS OF HIGHER EDUCATION.—

(A) Except as specified under paragraph (2), allocation of such funds to a State under section 14001(d) shall be used only for awards to local educational agencies and public institutions of higher education for the support of elementary, secondary, and postsecondary education. The Governor shall determine how the funds appropriated under this heading are allocated for elementary and secondary education and for public institutions of higher education. In making the determination in the preceding sentence, the Governor shall allocate funds among the categories of elementary and secondary education and public institutions of higher education generally in proportion to any reductions in State funds for such categories.

(B) Funds used to support elementary and secondary education, shall be distributed through the State's primary elementary and secondary funding formulae.

(C) Section 14002(a) and (b) shall not apply.

(4) INAPPLICABILITY OF EDUCATION REFORM ASSURANCES.—Subsection (b)(2), and paragraphs (1) through (5) of subsection (d), of section 14005 shall not apply to any application for an allocation of such funds.

(5) REQUIRENENT TO USE FUNDS TO RETAIN OR CREATE EDUCATION JOBS.—Notwithstanding sections 14003(a) and 14004(a), such funds may be used only for compensation and benefits and other expenses, such as support services, necessary to retain existing employees, for activities defined in section 101(31) of the Workforce Investment Act of 1998, and to hire new employees in order to provide early childhood, elementary, secondary, or postsecondary educational and related services or for modernization, renovation, and repair of public school facilities and facilities of institutions of higher education.

(6) PROHIBITION ON USE OF FUNDS FOR RAINY-DAY FUNDS OR DEBT RETIREMENT.—A State that receives an allocation may not use such funds, directly or indirectly, to establish, restore, or supplement a rainy-day fund, or to supplant State funds in a manner that has the effect of establishing, restoring, or, supplementing a rainy-day fund; or to reduce or retire debt obligations incurred by the State, or to supplant State funds in a manner that has the effect of reducing or retiring debt obligations incurred by the State, provided that this prohibition shall not apply to

fund balances that are necessary to comply with any State requirement to maintain a balanced budget.

(7) APPLICATION CONSIDERATIONS.—If, by a date set by the Secretary, a Governor has not submitted an approvable application under section 14005(a), the Secretary may provide for the distribution of funds allocated under section 14001(d) to another entity or other entities in the State, under such terms and conditions as the Secretary may establish, provided that all terms and conditions that apply to the appropriation under this heading shall apply to such funds distributed to such entity or entities.

(8) LOCAL EDUCATIONAL AGENCY APPLICATION.—Section 442 of the General Education Provisions Act does not apply to a local educational agency that has previously submitted an application to the State under title XIV of division A of the American Recovery and Reinvestment Act of 2009. The assurances provided under that application shall continue to apply to funds awarded under this heading.

(9) MAINTENANCE OF EFFORT.—The Secretary shall not allocate funds to a State under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that the State will—

(A) for fiscal year 2010—

(i) maintain State support for elementary, secondary, and public higher education (not including support for capital projects or research and development or tuition and fees paid by students), in the aggregate, at the level of such support for fiscal year 2009; or

(ii) maintain State support far elementary, secondary, and public higher education (not including support for capital projects or research and development or tuition and fees paid by students), in the aggregate, at a level no less than such support for fiscal year 2006, provided that if a State has enacted a reduction to such aggregate level of fiscal year 2010 State support for elementary, secondary, and public higher education after December 12, 2009, the State shall maintain State support for elementary, secondary, and public higher education at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for such purpose for fiscal year 2010 prior to December 12, 2009; and

(B) for fiscal year 2011—

(i) comply with subparagraph (A)(i); or

(ii) maintain State support, for elementary, secondary, and public higher education (not including support, for capital projects or research and development or tuition and fees paid by students), in the aggregate, at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for such purpose for fiscal year 2010.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for ''Student Financial Assistance'' to carry out part C of title IV of the Higher Education Act of 1965, $300,000,000, which, shall remain available through September 30, 2011.

RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operating Expenses'' to carry out the Domestic Volunteer Service Act of 1973 (''1973 Act'') and the National and Community Service Act of 1990 (''1990 Act''), $132,000,000, which shall remain available through September 30, 2011: Provided, That not less than $90,000,000 of the funds made available in this paragraph shall be used to make additional awards to existing AmeriCorps grantees and may be used to provide adjustments to awards under subtitle C of title I of the 1990 Act made prior to September 30, 2011 for which the Chief Executive Officer of the Corporation for National and Community Service (''CEO'') determines that a waiver of the Federal share limitation is warranted under section 2521.70 of title 45 of the Code of Federal Regulations: Provided further, That up to $30,000,000 shall be for programs under title I, part A of the 1973 Act: Provided further, That any funds provided in the previous proviso shall not be made available in connection with cost-share agreements authorized under section 192A(g)(10) of the 1990 Act: Provided further, That of the amount made available in this paragraph, not less than $7,000,000 shall be transferred to ''Salaries and Expenses'' to administer the funds provided in this paragraph, including making any necessary information technology upgrades: Provided further, That the CEO shall provide to the Committees on Appropriations of the house of Representatives and the Senate a fiscal year 2010 operating plan for the funds appropriated in this paragraph prior to making any Federal obligations of such funds in fiscal year 2010, but not later than 90 days after the date of enactment of this Act, and a fiscal year 2011 operating plan for such funds in fiscal year 2011, but not later than November 1, 2010, that detail the allocation of resources and the increased number of members supported by the AmeriCorps programs: Provided further, That the CEO shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than 90 clays after issuance of the operating plan, and quarterly thereafter as long as funding provided under this heading is available for obligation or expenditure.

NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''National Service Trust'' established under subtitle D of title I of the National and Community Service Act of 1990 (''1990 Act''), $68,000,000, which shall remain available until expended: Provided, That the Corporation for National and Community Service may transfer additional funds from the amount provided within ''Operating Expenses'' allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the amount appropriated or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirements to apportion funds under 31 U.S.C. 1513(b).

GENERAL PROVISION, THIS CHAPTER

ISSUER ALLOWED REFUNDABLE CREDIT FOR QUALIFIED ZONE ACADEMY BONDS AND QUALIFIED SCHOOL CONSTRUCTION BONDS

SEC. 1501. (a) IN GENERAL.—Section 6431 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) APPLICATION OF SECTION TO QUALIFIED ZONE ACADEMY BONDS AND QUALIFIED SCHOOL CONSTRUCTION BONDS—

''(1) IN GENERAL—In the case of any specified tax credit bond—

''(A) such bond shall be treated as a qualified bond for purposes of this section,

''(B) subsection (a) shall be applied without regard to the requirement that the qualified bond be issued before January 1, 2011,

''(C) the amount of the payment determined under subsection (b) with respect to any interest payment date under such bond shall be equal to the lesser of—

''(i) the amount of interest payable under such bond on such date, or

''(ii) the amount of interest which would have been payable under such bond on such date if such interest were determined at the applicable credit rate determined under section 54A(b)(3) with respect to such bond,

''(D) interest on any such bond shall be includible in gross income for purposes of this title, and

''(E) no credit shall be allowed under section 54A with respect to such bond.

''(2) SPECIFIED TAX CREDIT BOND.—For purposes of nets of this subsection, the term 'specified tax credit bond' means any qualified tax credit bond (as defined in section 54A(d)) if—

''(A) such bond is a qualified zone academy bond (as defined in section 54E) or a qualified school construction bond (as defined in section 54F), and

''(B) the issuer of such bond makes an irrevocable election to hare this subsection apply.''.

(b) TECHNICAL CORRECTIONS RELATING TO QUALIFIED SCHOOL CONSTRUCTION BONDS.—

(1) The second sentence of section 54F(d)(1) of such Code is amended by striking ''by the State'' and inserting ''by the State education agency (or such other agency as is authorized under State law to make such allocation)''.

(2) The second sentence of section 54F(e) of such Code is amended by striking ''subsection (d)(4)'' and inserting ''paragraphs (2) and (4) of subsection (d)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (b) shall take effect as if included in section 1521 of the American Recovery and Reinvestment Tax Act of 2009.

CHAPTER 6—TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

For an additional amount for ''Grants-In-Aid for Airports'', to enable the Secretary of Transportation to make grants for discretionary projects as authorized by subchapter 1 of chapter 471 and subchapter 1 of chapter 475 of title 49, United States Code, $500,000,000: Provided, That such funds shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471 of such title: Provided further, That the Secretary shall distribute funds provided under this heading as discretionary grants to airports using the criteria established under chapters 471 and 475 of such title, but with priority given to those projects that demonstrate to his satisfaction their ability to be completed within 2 years of enactment of this Act: Provided further, That the Secretary shall award grants under this heading within 120 days of enactment of this Act: Provided further, That the amount made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: Provided further, That the Federal share payable of the costs for which a grant is made under this heading shall be, at the option of the recipient, up to 100 percent: Provided further, That the amounts provided under this heading may be used for expenses the agency incurs in administering this program in addition to amounts provided for administrative expenses for the Grants-in-Aid

Airport Improvement Program from any other Act.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY INFRASTRUCTURE INVESTMENT

For an additional amount for ''Highway Infrastructure Investment'' for restoration, repair, construction and other activities eligible under paragraph (b) of section 133 of title 23, United States Code, and for passenger and freight rail transportation and port infrastructure projects eligible for assistance under subsection 601(a)(8) of such title, $27,500,000,000 to remain available through September 30, 2011: Provided, That, after making the set-asides required under this heading, 50 percent of the funds made available under this heading shall be apportioned to States using the formula set forth in section 104(b)(3) of title 23, United States Code, and the remaining funds shall be apportioned to States in the same ratio as the obligation limitation for fiscal year 2008 was distributed among the States in accordance with the formula specified in section 120(a)(6) of division K of Public Law 110–161: Provided further, That funds made available under this heading shall be apportioned not later than 21 days after the date of enactment of this Act: Provided further, That in selecting projects to be carried out with funds apportioned under this heading, priority shall be given to projects that are projected for completion within a 3-year time frame, and are located in economically distressed areas as defined by section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161): Provided further, That in selecting projects to be carried out with funds apportioned under this heading, States shall ensure an equitable geographic distribution of funds and an appropriate balance in addressing the needs of urban and rural communities in the State: Provided further, That 90 days following the date of such apportionment, the Secretary of Transportation shall withdraw from each State an amount equal to 50 percent of the funds awarded to that State less the amount of funding under contract, as determined by the Secretary, and the Secretary shall redistribute such amounts to other States that have had no funds withdrawn under this proviso in the manner described in section 120(c) of division K of Public Law 110–161: Provided further, That 1 year following the date of such apportionment, the Secretary shall withdraw from each recipient of funds apportioned under this heading any funds that are not under contract, as determined by the Secretary, and the Secretary shall redistribute such amounts to States that have had no funds withdrawn under this proviso in the manner described in section 120(c) of division K of Public Law 110–161: Provided further, That at the request of a State, the Secretary of Transportation may provide an extension of such 1-year period only to the extent that he feels satisfied that the State has encountered extreme conditions that create an unworkable bidding environment or other extenuating circumstances: Provided further, That before granting such an extension, the Secretary shall send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension: Provided further, That 3 percent of the funds apportioned to a State under this heading shall be set aside for the purposes described in subsection 133(d)(2) of title 23, United States Code (without regard to the comparison to fiscal year 2005): Provided further, That 30 percent of the funds apportioned to a State under this heading shall be suballocated within the State in the manner and for the purposes described in the first sentence of subsection 133(d)(3)(A), in subsection 133(d)(3)(B), and in subsection 133(d)(3)(D): Provided further, That such suballocation shall be conducted in every State: Provided further, That of the funds provided under this heading, $105,000,000 shall be for the Puerto Rico highway program authorized under section 165 of title 23, United States Code, and $45,000,000 shall be for the territorial highway program authorized under section 215 of title 23, United States Code: Provided further, That of the funds provided under this heading, $60,000,000 shall be for capital expenditures eligible under section 147 of title 23, United States Code (without regard to subsection (d)): Provided further, That the Secretary of Transportation shall distribute such $60,000,000 as competitive discretionary grants to States, with priority given to those projects that demonstrate to his satisfaction their ability to be completed within 2 years of enactment of this Act: Provided further, That of the funds provided under this heading, $550,000,000 shall be for investments in transportation at Indian reservations and Federal lands: Provided further, That of the funds identified in the preceding proviso, $310,000,000 shall be for the Indian Reservation Roads program, $170,000,000 shall be for the Park Roads and Parkways program, $60,000,000 shall be for the Forest Highway Program, and $10,000,000 shall be for the Refuge Roads program: Provided further, That for investments at Indian reservations and Federal lands, priority shall be given to capital investments, and to projects and activities that can be completed within 2 years of enactment of this Act: Provided further, That 1 year following the enactment of this Act, to ensure the prompt use of the $550,000,000 provided for investments at Indian reservations and Federal lands, the Secretary shall have the authority to redistribute unobligated funds within the respective program for which the funds were appropriated: Provided further, That up to 4 percent of the funding provided for Indian Reservation Roads may be used by the Secretary of the Interior for program management and oversight and project-related administrative expenses: Provided further, That section 134(f)(3)(C)(ii)(II) of title 23, United States Code, shall not apply to funds provided under this heading: Provided further, That of the funds made available under this heading, $20,000,000 shall be for highway surface transportation and technology training under section 140(b) of title 23, United States Code, and $20,000,000 shall be for disadvantaged business enterprises bonding assistance under section 332(e) of title 49, United States Code: Provided further, That funds made available under this heading shall be administered as if apportioned under chapter 1 of title 23, United States Code, except for funds made available for investments in transportation at Indian reservations and Federal lands, and for the territorial highway program, which shall be administered in accordance with chapter 2 of title 23, United States Code, and except for funds made available for disadvantaged business enterprises bonding assistance, which shall be administered in accordance with chapter 3 of title 49, United States Code: Provided further, That the Federal share payable on account of any project or activity carried out with funds made available under this heading shall be, at the option of the recipient, up to 100 percent of the total cost thereof: Provided further, That funds made available by this paragraph shall not be obligated for the purposes authorized under section 115(b) of title 23, United States Code: Provided further, That funding provided under this heading shall be in addition to any and all funds provided for fiscal years 2010 and 2011 in any other Act for ''Federal-aid Highways'' and shall not affect the distribution of funds provided for ''Federal-aid Highways'' in any other Act: Provided further, That the amount made available under this heading shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act: Provided further, That section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this heading: Provided further, That the Administrator of the Federal Highway Administration may retain up to $45,000,000 of the funds provided under this heading to fund the oversight by the Administrator of projects and activities carried out with funds made available to the Federal Highway Administration in this Act, of which $5,000,000 shall be for the Office of Expedited Project Delivery in the Office of the Administrator of the Federal Highway Administration, and such funds shall be available through September 30, 2013.

FEDERAL RAILROAD ADMINISTRATION

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for ''Capital Grants to the National Railroad Passenger Corporation'' to enable the Secretary of Transportation to make capital grants to The National Railroad Passenger Corporation (Amtrak) as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432), $800,000,000, for fleet modernization, including rehabilitation of existing and acquisition of new passenger equipment, including fuel efficient locomotives: Provided, That none of the funds provided under this heading shall he used to subsidize the operating losses of Amtrak: Provided further, That section 24305(f)(4)(B) of title 49, United States Code, shall not apply to any new equipment acquired with funds provided under this heading: Provided further, That funds provided under this heading shall be awarded not later than 60 days after the date of enactment of this Act.

FEDERAL TRANSIT ADMINISTRATION

TRANSIT CAPITAL ASSISTANCE

For an additional amount for ''Transit Capital Assistance'' for transit capital assistance grants authorized under section 5302(a)(1) of title 49, United States Code, $6,150,000,000: Provided, That the Secretary of Transportation shall provide 80 percent of the funds appropriated under this heading for grants under section 5307 of title 49, United States Code, and apportion such funds in accordance with section 5336 of such title (other than subsections (i)(1) and (j)): Provided further, That the Secretary shall apportion 10 percent of the funds appropriated under this heading in accordance with section 5340 of such title: Provided further, That the Secretary shall provide 10 percent of the funds appropriated under this heading for grants under section 5311 of title 49, United States Code, and apportion such funds in accordance with such section: Provided further, That funds apportioned under this heading shall be apportioned not later than 21 days after the date of enactment of this Act: Provided further, That 90 days following the date of such apportionment, the Secretary shall withdraw from each urbanized area or State an amount equal to 50 percent of the funds apportioned to such urbanized areas or States less the amount of funding under contract, as determined by the Secretary, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method he deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly: Provided further, That 1 year following the date of such apportionment, the Secretary shall withdraw from each urbanized area or State any funds that are not under contract, as determined by the

Secretary, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method he deems appropriate to ensure that all finds redistributed under this proviso shall be utilized promptly: Provided further, That at the request of an urbanized area or State, the Secretary of Transportation may provide an extension of such 1-year period if he feels satisfied that the urbanized area or State has encountered an unworkable bidding environment or other extenuating circumstances: Provided further, That before granting such an extension, the Secretary shall send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension: Provided further, That of the funds provided for section 5311 of title 49, United States Code, 2.5 percent shall be made available for section 5311(c)(1): Provided further, That of the funding provided under this heading, $100,000,000 shall be distributed as discretionary grants to public transit agencies for capital investments that will assist in reducing the energy consumption or greenhouse gas emissions of their public transportation systems: Provided further, That for such grants on energy-related investments, priority shall be given to projects based on the total energy savings that are projected to result from the investment, and projected energy savings as a percentage of the total energy usage of the public transit agency: Provided further, That applicable chapter 53 requirements shall apply to funding provided under this heading, except that the Federal share of the costs for which any grant is made under this heading shall be, at the option of the recipient, up to 100 percent: Provided further, That the amount made available under this heading shall not be subject to any limitation on obligations for transit programs set forth in any Act: Provided further, That section 1101(b) of Public Law 109–59 shall apply to funds appropriated under this heading: Provided further, That the funds appropriated under this heading shall not be commingled with any prior year funds: Provided further, That a recipient and subrecipient of funds made available under this heading may use up to 10 percent of the amount apportioned to a State or urbanized area for the operating costs of equipment and facilities for use in public transportation or for eligible activities under section 5311(f): Provided further, That in selecting projects to be carried out with funds apportioned under this heading, priority shall be given to projects that are located in economically distressed areas as defined by section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161): Provided further, That in selecting projects to be carried out with funds apportioned under this heading, States shall ensure an equitable geographic distribution of funds and an appropriate balance in addressing the needs of urban and rural communities in the State: Provided further, That notwithstanding any other provision of law, three-quarters of 1 percent of the funds provided for grants under section 5307 and section 5340, and one-half of 1 percent of the funds provided for grants under section 5311, shall be available for administrative expenses and program management oversight, and such funds shall be available through September 30, 2013.

FIXED GUIDEWAY INFRASTRUCTURE INVESTMENT

For an amount for capital expenditures authorized under section 5309(b)(2) of title 49, United States Code, $1,750,000,000: Provided, That the Secretary of Transportation shall apportion funds under this heading pursuant to the formula set forth in section 5337 of title 49, United States Code: Provided further, That the funds appropriated under this heading shall not be commingled with any prior year funds: Provided further, That funds made available under this heading shall be apportioned not later than 21 days after the date of enactment of this Act: Provided further, That 90 days following the date of such apportionment, the Secretary shall withdraw from each urbanized area an amount equal to 50 percent of the funds apportioned to such urbanized area less the amount of funding under contract, as determined by the Secretary, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this proviso utilizing whatever method he deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly: Provided further, That 1 year following the date of such apportionment, the Secretary shall withdraw from each urbanized area any funds that are not under contract, as determined by the Secretary, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this proviso utilizing whatever method he deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly: Provided further, That at the request of an urbanized area, the Secretary of Transportation may provide an extension of such 1-year period if he feels satisfied that the urbanized area has encountered an unworkable bidding environment or other extenuating circumstances: Provided further, That before granting such an extension, the Secretary shall send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension: Provided further, That applicable chapter 53 requirements shall apply except that the Federal share of the costs for which a grant is made under this heading shall be, at the option of the recipient, up to 100 percent: Provided further, That the provisions of section 1101(b) of Public Law 109–59 shall apply to funds made available under this heading: Provided further, That notwithstanding any other provision of law, up to 1 percent of the funds under this heading shall be available for administrative expenses and program management oversight and shall remain available for obligation until September 30, 2013.

CAPITAL INVESTMENT GRANTS

For an additional amount for ''Capital Investment Grants'', as authorized under section 5338(c)(4) of title 49, United States Code, and allocated under section 5309(m)(2)(A) of such title, to enable the Secretary of Transportation to make discretionary grants as authorized by section 5309(d) and (e) of such title, $500,000,000, of which $1,500,000 shall be for the Office of Expedited Project Delivery in the Office of the Administrator of the Federal Transit Administration: Provided, That such amount shall be allocated without regard to the limitation under section 5309(m)(2)(A)(i): Provided further, That in selecting projects to be funded, priority shall be given to projects that are able to award contracts within 90 days of enactment of this Act: Provided further, That the provisions of section 1101(b) of Public Law 109–59 shall apply to funds made available under this heading: Provided further, That funds appropriated under this heading shall not be commingled with any prior year funds: Provided further, That applicable chapter 53 requirements shall apply, except that notwithstanding any other provision of law, up to 1 percent of the funds provided under this heading shall be available for administrative expenses and program management oversight, and shall remain available through September 30, 2013: Provided further, That, notwithstanding any other provision of law, the provisions of section 3011(f) of Public Law 109–59 shall apply to all projects evaluated under sections 5309(d) and 5309(e) of title 49, United States Code, and funded in fiscal years 2010 and 2011 with funds made available in the Act or any other Act.

MARITIME ADMINISTRATION

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized, $100,000,000: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That the Maritime Administrator may retain, and transfer to ''Maritime Administration, Operations and Training'' up to 2 percent of the funds provided under this heading to carry out the guaranteed loan program.

GENERAL PROVISION, DEPARTMENT OF TRANSPORTATION

SEC. 1601. (a) MAINTENANCE OF EFFORT.—

(1) CERTIFICATION—

(A) CERTIFICATION THROUGH SEPTEMBER 30, 2010.—The certification made by the Governor of each State under section 1201(a) of division A of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5, 123 Stat. 115, 212) shall continue in effect under this Act.

(B) CERTIFICATION THROUGH SEPTEMBER 30, 2011.—Not later than 30 days after the date enactment of this Act, for each amount that is distributed to a State or agency thereof from an appropriation in this Act for a covered program, the Governor of the State shall certify to the Secretary of Transportation that the State will maintain its effort with regard to State funding for the types of projects that are funded by the appropriation. As part of this certification, the Governor shall submit to the Secretary of Transportation a statement identifying the amount of State funds the State planned to expend from State sources as of the date of enactment of this Act for the period of October 1, 2010, through September 30, 2011, for the types of projects that are funded by the appropriation. For the period of October 1, 2010, through September 30, 2011, the Governor of a State may calculate planned expenditures from State funds in the same manner as under section 1201(a) of division A of the American Recovery and Reinvestment Act of 2009 or may calculate the amount by pro rating the amount certified under section 1201(a) of division A of the American Recovery and Reinvestment Act of 2009 to establish the amount of planned expenditures for such period.

(2) DEFINITION OF STATE FUNDS.—For purposes of the certifications required by section 1201(a) of division A of the American Recovery and Reinvestment Act of 2009 and paragraph (1)(B), State funding means State funds used for transportation purposes that are expended by the State agency that is primarily responsible for carrying out the covered program. State funding does not include State transportation funds that are expended by on at the direction of non-State governmental entities.

(b) REQUIREMENT TO MAINTAIN EFFORT.—

(1) REPORTS.—Each State shall submit to the Department of Transportation for each covered program the actual aggregate expenditures from State funds during the period of February 17, 2009, through September 30, 2011, as compared to the level of such expenditures from State funds that were planned to occur during such period as certified in accordance with subsection (a). The State shall submit the maintenance of effort reports in the same manner and in the same timeframe required by subsection (c), except

the State is not required to submit a maintenance of effort report on February 17, 2013. The covered agencies shall submit the reports to Congress in accordance with subsection (c)(1).

(2) DETERMINATION OF MAINTENANCE OF EFFORT.—A State is deemed to have met its level of effort if the aggregate amount of actual expenditures of State funds reported in the February 17, 2012 report in accordance with paragraph (1) meets or exceeds the aggregate amount of planned expenditures of State funds identified in the certification required by subsection (a).

(3) PENALTY FOR FAILURE TO MAINTAIN EFFORT.—If a State is unable to maintain the level of effort certified pursuant to subsection (a), the State will be prohibited by the Secretary of Transportation from receiving additional limitation pursuant to the redistribution of the limitation on obligations for Federal-aid highway and highway safety construction programs that occurs after August 1 for fiscal year 2012.

(c) PERIODIC REPORTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, each grant recipient shall submit to the covered agency from which they received funding periodic reports on the use of the funds appropriated in this chapter for the Department of Transportation for covered programs. Such reports shall be collected and compiled by the covered agency and transmitted to Congress. Covered agencies may develop such reports on behalf of grant recipients to ensure the accuracy and consistency of such reports.

(2) CONTENTS OF REPORTS.—For amounts received under each covered program by a grant recipient under this chapter for the Department of Transportation, the grant recipient shall include in the periodic reports information tracking—

(A) the amount of Federal funds appropriated, allocated, obligated, and outlayed under the appropriation;

(B) the number of projects that have been put out to bid under the appropriation and the amount of Federal funds associated with such projects;

(C) the number of projects for which contracts have been awarded under the appropriation and the amount of Federal funds associated with such contracts;

(D) the number of projects for which work has begun under such contracts and the amount of Federal funds associated with such contracts;

(E) the number of projects for which work has been completed under such contracts and the amount of Federal funds associated with such contracts; and

(F) the number of direct, on-project jobs created or sustained by the Federal funds provided for projects under the appropriation and, to the extent possible, the estimated indirect jobs created or sustained in the associated supplying industries, including the number of job-years created and the total increase in employment since the date of enactment of this Act.

(3) TIMING OF REPORTS.—Each grant recipient shall submit the first of the periodic reports required under this subsection not later than 1 year after the date of enactment of the American Recovery and Reinvestment Act of 2009 and shall submit updated reports not later than 15 months, 18 months, 2 years, 3 years, and 4 years after such date of enactment.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED AGENCY.—The term ''covered agency'' means the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the Federal Transit Administration, and the Maritime Administration of the Department of Transportation.

(2) COVERED PROGRAM.—The term ''covered program'' means funds appropriated in this Act for Grants-in-Aid for Airports'' to the Federal Aviation Administration; for ''Highway Infrastructure Investment'' to the Federal Highway Administration; for ''Capital Grants to the National Railroad Passenger Corporation'' to the Federal Railroad Administration; for ''Transit Capital Assistance'', ''Fixed Guideway Infrastructure Investment'', and ''Capital Investment Grants'' to the Federal Transit Administration; and for ''Maritime Guaranteed Loan (Title XI) Program Account'' to the Maritime Administration.

(3) GRANT RECIPIENT.—The term ''grant recipient'' means a State or other recipient of assistance provided under a covered program in this Act. Such term does not include a Federal department or agency.

(e) EXEMPTION.—Notwithstanding any other provision of law, sections 3501–3521 of title 44 United States Code, shall not apply to the provisions of this section.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

PUBLIC HOUSING CAPITAL FUND

For an additional amount for the ''Public Housing Capital Fund'' to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (in this heading referred to as the ''Act''), $1,000,000,000: Provided, That the Secretary of Housing and Urban Development shall make the funds provided under this heading available by competition for priority investments, including investments that leverage private sector funding or financing for renovations and energy conservation retrofit investments: Provided further, That the Secretary shall obligate the funds provided under this heading by such competition within 60 days of the date of the enactment of this Act: Provided further, That in using the funds provided under this heading public housing authorities shall give priority to capital projects that can award contracts based on bids within 120 days from the date that the funds are made available to the public housing authorities: Provided further, That in using such funds provided under this heading public housing agencies shall give priority consideration to the rehabilitation of vacant rental units: Provided further, That in using such funds provided under this heading public housing agencies shall prioritize capital projects that are already underway or included in the 5-year capital fund plans required by section 5A of the Act (42 U.S.C. 1437c–1(a)): Provided further, That notwithstanding any other provision of law, funds provided under this heading (1) may not be used for operating or rental assistance activities, and (2) shall not be subject to any restriction of funding to replacement housing uses: Provided further, That notwithstanding section 9(j) of the Act, public housing agencies shall obligate 50 percent of the funds provided under this heading within 180 days of the date on which such funds become available to the agency for obligation, and shall expend 100 percent of such funds within one year of the date on which such funds become available to the agency for obligation: Provided further, That if a public housing agency fails to comply with the 180-day obligation requirement under the preceding proviso, the Secretary shall recapture all funds provided under this heading awarded to the public housing agency that remain unobligated and reallocate such funds to agencies that are in compliance with such requirement: Provided further, That in administering funds appropriated or otherwise made available under this heading, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation by the Secretary or the use of such funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such a waiver is necessary to expedite or facilitate the use of such funds: Provided further, That, in addition to waivers authorized under the preceding proviso, the Secretary may direct that requirements relating to the procurement of goods and services arising under State and local laws and regulations shall not apply to funds provided under this heading.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING TRUST FUND

For the Housing Trust Fund established pursuant to section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568), $1,065,000,000, for use under such section: Provided, That of the total amount provided under this heading, $65,000,000 shall be available to the Secretary of Housing and Urban Development only for incremental project-based voucher assistance or project-based rental assistance, to be allocated to States pursuant to the formula established under such section 1338, to be used solely in conjunction with grant funds awarded under such section 1338.

CHAPTER 7—GENERAL PROVISIONS, THIS TITLE

TARP REDUCTION

SEC. 1701. The limitation under section 115(a)(3) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)(3)) in effect on the (date of the enactment of this Act is decreased by $150,000,000,000.

LIMIT ON FUNDS

SEC. 1702. All funds provided under this title shall be subject to the requirements of section 1604 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

RECOVERY ACT REPORTING REQUIREMENTS

SEC. 1703. (a) Funds made available by this title shall be subject to the reporting, transparency, and oversight requirements established by title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), on the same basis as funds made available in division A of that Act.

(b) Amounts appropriated in division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) to any Office of Inspector General or to the Recovery Accountability and Transparency Board shall also be available for the same purposes with respect to any programs, grants, projects, and activities for which funds are made available by this title.

TITLE II—SURFACE TRANSPORTATION EXTENSION

SHORT TITLE

SEC. 2001. This title may be cited as the ''Surface Transportation Extension Act of 2009''.

FEDERAL-AID HIGHWAYS

SEC. 2002. (a) IN GENERAL.—

(1) APPLICABILITY OF PROVISIONS.—Except as provided in this title, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I, V, and VI of SAFETEA –LU (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title), which would otherwise expire on or cease to apply after September

30, 2009, or the date specified in section 106(3) of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), are incorporated by reference and shall continue in effect through September 30, 2010.

(2) AUTHORIZATION OF APPROPRIATIONS.—Except as provided in subsection (b), there are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2010 an amount equal to the sum of the amounts authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for programs, projects, and activities for fiscal year 2009 under titles I, V, and VI of SAFETEA–LU (119 Stat. 1144) and title 23, United States Code (excluding administrative expenses under section 104(a) and programs, projects, and activities under chapter 4 of that title), minus $1,394,358,419.

(3) USE OF FUNDS.—

(A) FISCAL YEAR 2010.—Except as otherwise expressly provided in this title, funds authorized to be appropriated under paragraph (2) for fiscal year 2010 shall be distributed, administered, limited, and made available for obligation in the same manner as the total amount of funds authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under SAFETEA–LU (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title).

(B) CALCULATION.—The amounts authorized to be appropriated under paragraph (2) shall be calculated without regard to any rescission or cancellation of funds or contract authority for fiscal year 2009 under SAFETEA–LU (119 Stat. 1144) or any other law.

(C) DISTRIBUTION BETWEEN PROGRAMS.—Funds authorized to be appropriated under paragraph (2) shall be distributed under subparagraph, (A) among programs, projects, and activities referenced in such subparagraph in the ratio that—

(i) the amount authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for such program, project, or activity for fiscal year 2009; bear to

(ii) the amount authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for all such programs, projects, and activities for fiscal year 2009.

(D) CONTRACT AUTHORITY.—

(i) IN GENERAL.—Except as provided in clause (ii), funds authorized to be appropriated under this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010.

(ii) EXCEPTIONS.—

(I) IN GENERAL.—A limitation on obligations described in clause (i) shall not apply to any obligation under—

(aa) section 125 of title 23, United States Code; or

(bb) section 105 of title 23, United States Code, but only in an amount equal to $639,000,000.

(II) SPECIAL RULES.—Except as otherwise expressly provided by this title, any special rule that applied in fiscal year 2009 to any program, project, or activity for which funds are authorized to be appropriated under paragraph (2) shall continue to apply through September 30, 2010.

EXTENSION FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.—

(A) FISCAL YEAR 2010.—

(i) IN GENERAL.—Notwithstanding any other provision of law, for fiscal year 2010, the portion of the share of funds of a State under paragraph (2) determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out sections 1307, 1702, and 1934 of SAFETEA–LU (119 Stat. 1217, 1256, and 1485) and section 144(f)(1) of title 23, United States Code, shall be—

(I) made available to the State for programs specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program), and in the same proportion for each such program that—

(aa) the amount apportioned to the State for that program for fiscal year 2009; bears to

(bb) the amount apportioned to the State for fiscal year 2009 for all such programs; and

(II) administered in the same manner and with the same period of availability as such funding as administered under programs identified in clause (i), except that no funds may be used to carry out the project described in section 1307(d)(1) of SAFETEA–LU (119 Stat. 1217; 122 Stat. 1577).

(ii) TERRITORIES AND PUERTO RICO.—

(I) IN GENERAL.—Notwithstanding any other provision of law, the portion of the share of funds of a territory or Puerto Rico under paragraph (2) determined by the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2009 to carry out section 1934 of SAFETEA–LU (119 Stat. 1485), shall be—

(aa) for a territory, made available and administered in the same manner as funding is made available and administered under section 215 of title 23, United States Code; and

(bb) for Puerto Rico, made available and administered in the same manner as funding is made available and administered under section 165 of title 23, United States Code.

(II) TERRITORY DEFINED.—In this clause, the term ''territory'' means any of the following territories of the United States: American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the United States Virgin Islands.

(B) ADDITIONAL FUNDS.—

(i) IN GENERAL.—No additional funds shall be provided for any project or activity under paragraph (3)(A) that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

(ii) RESERVATION AND REDISTRIBUTION AMONG STATES.—

(I) IN GENERAL.—Funds made available in accordance with paragraph (3)(A) for a project or activity described in clause (i) shall be—

(aa) reserved by the Secretary of Transportation; and

(bb) apportioned among all States such that each State's share of funds so apportioned is equal to the State's share for fiscal year 2009 of funds apportioned or allocated for the programs specified in subclause (II).

(II) SPECIFIC PROGRAMS.—The programs referred to in subclause (I) are—

(aa) the programs listed in section 105(a)(2) of title 23, United States Code;

(bb) the program authorized by section 144(f)(1) of such title; and

(cc) the program authorized by section 1934 of SAFETEA–LU (119 Stat. 1485).

(iii) DISTRIBUTION AMONG PROGRAMS.—Funds apportioned to a State pursuant to clause (ii) shall be—

(I) made available to the State for programs specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program), and in the same proportion fir each such program that—

(aa) the amount apportioned to the State for that program fir fiscal year 2009; bears to

(bb) the amount apportioned to the State for fiscal year 2009 for all such programs; and

(II) administered in the same manner and with the same period of availability as such, funding is administered under programs identified in subclause (I).

(C) COMPETITIVE DISTRIBUTION OF CERTAIN DISCRETIONARY FUNDS.—

(i) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.—Notwithstanding section 1301(m) of SAFETEA–LU (119 Stat. 1202), the Secretary shall allocate funds authorized to be appropriated under paragraph (2) for the projects of national and regional significance program on the basis of a competitive selection process in accordance with sections 1301(d), 1301(e), and 1301(f) of that Act (119 Stat. 1199).

(ii) NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAM.—Notwithstanding section 1302 (e) of SAFETEA–LU (119 Stat. 1205), the Secretary shall allocate finds authorized to be appropriated under paragraph (2) for the national corridor infrastructure improvement program on the basis of a competitive selection process in accordance with section 1302(b) of that Act (119 Stat. 1204).

(5) EXTENSION OF AUTHORIZATION UNDER TITLE V OF SAFETEA–LU.—

(A) IN GENERAL.—The programs authorized under paragraphs (1) through (5) of section 5101(a) of SAFETEA–LU (119 Stat. 1779) shall be continued for fiscal year 2010 at the funding levels authorized for those programs for fiscal year 2009.

(B) DISTRIBITTION OF FUNDS.—Funds for programs continued under subparagraph (A) shall be distributed to major program areas under those programs in the same proportions as funds were allocated for those program areas for fiscal year 2009, except that designations for specific activities shall not be required to be continued for fiscal year 2010.

(C) ADDITIONAL FUNDS.—

(i) IN GENERAL.—No additional funds shall be provided for any project or activity under this paragraph that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

(ii) DISTRIBUTION.—Funds that would have been made available under subparagraph (A) for a project or activity but for the prohibition under clause (i) shall be distributed in accordance with subparagraph (B).

(b) ADMINISTRATION EXPENSES.—

(1) AUTHORIZATION OF CONTRACT AUTHORITY.—Notwithstanding other provision of this title or any other law, there is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account), $420,562,000 for administrative expenses of the Federal-aid highway program for fiscal year 2010.

(2) CONTRACT AUTHORITY.—Funds authorized to be appropriated by this subsection shall be—

(A) available for obligation, and shall be administered, in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that such funds shall remain available until expended; and

(B) subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010.

(c) RECONCILIATION OF FUNDS.—The Secretary shall reduce the amount apportioned or allocated for a program, project, or activity continued under this section by any amount apportioned or allocated for such program, project, or activity pursuant to the

Continuing Appropriations Resolution, 2010 (Public Law 111–68).

(d) REFERENCES.—Except as otherwise expressly provided, any reference in this section to an Act, or a provision contained in on Act, shall be considered to include the amendments made by that Act or provision.

EXTENSION OF HIGHWAY SAFETY PROGRAMS OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 2003. (a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of SAFETEA–LU (119 Stat. 1519) is amended—

(1) by striking ''and''; and

(2) by inserting after ''2009'' the following: '', and $235,000,000 for fiscal year 2010''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of such Act (119 Stat. 1519) is amended—

(1) by striking ''and''; and

(2) by inserting after ''2009'' the following: '', and $105,500,000 for fiscal year 2010''.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 405 of title 23, United States Code, is amended—

(A) in subsection (a)(3) by striking ''6'' and inserting ''7''; and

(B) in subsection (a)(4)(C) by striking ''in each of the fifth and sixth fiscal years beginning after September 30, 2003,'' and inserting ''in each subsequent fiscal year''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(3) of such Act (119 Stat. 1519) is amended—

(A) by striking ''and''; and

(B) by inserting after ''2009'' the following: '', and $25,000,000 for fiscal year 2010''.

(d) SAFETY BELT PERFORMANCE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 406(c)(1) of title 23, United States Code, is amended by striking ''2009'' and inserting ''2010''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(4) of such Act (119 Stat. 1519) is amended—

(A) by striking ''and''; and

(B) by inserting after ''2009'' the following: '', and $124,500,000 for fiscal year 2010''.

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of such Act (119 Stat. 1519) is amended—

(1) by striking ''and''; and

(2) by inserting after ''2009'' the following: '', and $34,500,000 for fiscal year 2010''.

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 410 of title 23, United States Code, is amended—

(A) in subsection (a)(3)(C) by striking ''in each of the fifth, sixth, seventh, and eighth fiscal years'' and inserting ''in each subsequent fiscal year''; and

(B) in subsection (b)(2)(C) by striking ''and 2009'' and inserting '', 2009, and 2010''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(6) of such Act (119 Stat. 1519) is amended—

(A) by striking ''and''; and

(B) by inserting after ''2009'' the following: '', and $139,000,000 for fiscal year 2010''.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of such Act (119 Stat. 1520) is amended—

(1) by striking ''and''; and

(2) by inserting after ''2009'' the following: ''and $4,000,000 for fiscal year 2010''.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 2009(a) of such Act (23 U.S.C. 402 note; 119 Stat. 1535) is amended by striking ''2009'' and inserting ''2010'.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(8) of such Act (119 Stat. 1520) is amended—

(A) by striking ''and''; and

(B) by inserting after ''2009'' the second place it appears the following: '', and $29,000,000 for fiscal year 2010''.

(i) MOTORCYCLIST SAFETY.—

(1) EXTENSION OF PROGRAM.—Section 2010(d)(1)(B) of such Act (23 U.S.C. 402 note; 119 Stat. 1536) is amended by striking ''and fourth'' and inserting ''fourth, and fifth''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(9) of such Act (119 Stat. 1520) is amended—

(A) by striking ''and''; and

(B) by inserting after ''2009'' the following: '', and $7,000,000 far fiscal year 2010''.

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 2011(c)(2) of such Act (23 U.S.C. 405 note; 119 Stat. 1538) is amended by striking ''fourth fiscal year'' and inserting ''fourth and fifth fiscal years''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(10) of such Act (11.9 Stat. 1520) is amended—

(A) by striking ''and''; and

(B) by inserting after ''2009'' the following: '', and $7,000,000 for fiscal year 2010''.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of such Act (119 Stat. 1520) is amended—

(1) by striking ''and'' the last place it appears; and

(2) by inserting after ''2009'' the following: '', and $18,500,000 for fiscal year 2010''.

(l) APPLICABILITY OF TITLE 23.—Section 2001(c) of such Act (119 Stat. 1520) is amended by striking ''2009'' and inserting ''2010''.

(m) DRUG-IMPAIRED DRIVING ENFORCEMENT.—Seetion 5013(7) of such Act (23 U.S.C. 103 note; 119 Stat. 1:540) is amended by striking ''2009'' and inserting ''2010''.

(n) OLDER DRIVER SAFETY; LAW ENFORCEMENT TRAINING.—Section 2017 of such Act (23 (U.S.C. 402 note; 119 Stat. 1541) is amended—

(1) in subsection (a)(1) by striking ''2009'' and inserting ''2010''; and

(2) in subsection (b)(2) by striking ''2009'' and inserting ''2010''.

EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS

SEC. 2004. (a) MOTOR CARRIER SAFETY GRANTS—Section 31104(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) $212,070,000 for fiscal year 2010.''.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(1)(1) of title 49, United States Code is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(3) by adding at the end the following:

''(F) $239,828,000 for fiscal year 2010.''.

(c) HIGH PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking ''2009'' and inserting ''2010''.

(d) GRANT PROGRAM.—Section 4104(c) of SAFETEA–LU (119 Stat. 1715) is amended—

(1) in paragraph (1) by striking ''2009'' and inserting ''2010'';

(2) in paragraph (2) by striking ''and 2009'' and inserting ''2009, and 2010'';

(3) in paragraph (3) by striking ''and 2009'' and inserting ''2009, and 2010'';

(4) in paragraph (4) by striking ''2009'' and inserting ''2010''; and

(5) in paragraph (5) by striking ''2009'' and inserting ''2010''.

(e) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM MODERNIZATION.—Section 4123(d) of SAFETEA–LU (119 Stat. 1736) is amended—

(1) by striking ''and'' at the end of paragraph. (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding it the end the following:

''(5) $8,000,000 for fiscal year 2010.''.

(f) OUTREACH AND EDUCATION.—Section 4127(e) of such Act (119 Stat. 1741) is amended by striking ''and 2009'' and inserting ''2009, and 2010''.

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of such Act (119 Stat. 1744) is amended by striking ''2009'' and inserting ''2010''.

(h) WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.—Section 4213(d) of such Act (119 Stat. 1759) is amended by striking ''2009'' and inserting ''2010''.

(i) OFFICE OF INTERMODALISM.—Section 5503(1) of title 49, United States Code, is amended by striking ''2009'' and inserting ''2010''.

EXTENSION OF FEDERAL TRANSIT ASSISTANCE PROGRAMS

SEC. 2005. (a) EXTENSION OF FEDERAL TRANSIT ASSISTANCE PROGRAMS.—Except as otherwise provided in this title, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under title III of SAFETEA–LU (119 Stat. 1544), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), title III of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2087), title III of the Transportation Equity Act for the 21st Century (112 Stat. 338), and chapter 53 of title 49, United States Code, which would otherwise expire on or cease to apply after September 30, 2009, or the date specified in section 106(3) of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), are incorporated by reference and shall continue in effect through September 30, 2010.

(b) AUTHORIZATIONS.—For fiscal year 2010—

(1) their shall be available from the Mass Transit Account of the Highway Trust Fund $8,343,171,000 for each Federal transit assistance program under section 5338(b) of title 49, United States Code, to be allocated among such programs in proportion to the amounts provided for each such program in fiscal year 2009; and

(2) there is authorized to be appropriated $2,164,581,000 for each Federal transit program under subsections (c) and (d) of section 5338 of title 49, United States Code, and for administrative expenses under subsection (e) of such section.

(c) EXCEPTIONS.—

(1) PROJECTS FOR BUS AND BUS-RELATED FACILITIES AND CLEAN FUELS GRANT PROGRAM.—The project designations contained in section 3044 of SAFETEA–LU (119 Stat. 1652) shall not apply to funds made available under subsection (b)(1).

(2) ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.—A program, project, or activity identified in section 3046 of SAFETEA–LU (119 Stat 1706) that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the program, project, or activity shalt not be eligible for funds authorized to be appropriated under subsection (b)(2).

(d) CONTRACT AUTHORITY—A grant or contract approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund through September 30, 2010, to carry out sections 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339 and 5340 of title 49, United States Code, and section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392) is a contractual obligation of the Government to pay the Federal share of the cost of the project.

(e) RECONCILIATION OF FUNDS.—The Secretary shall reduce the amount apportioned or allocated for a program, project, or activity continued under this section by any amount apportioned or allocated for such program, project, or activity pursuant to the Continuing Appropriation Resolution, 2010 (Public Law 111–68).

(f) REFERENCES.—Except as otherwise expressly provided, any reference in this section to an Act, or a provision contained in an Act, shall be considered to include the amendments made by that Act or provision.

BOATING SAFETY EXTENSION

SEC. 2006. Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) by striking ''2009, and the period from October 1, 2009, and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law, and inserting ''2010,''; and

(2) in subsection (b)(1)(A) by striking ''2009 and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law,'' and inserting ''2010,''.

LEVEL OF OBLIGATION LIMIITATIONS

Sec. 2007. (a) HIGHWAY CATEGORY—Section 8003(a) of SAFETEA–LU (119 Stat. 1917) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) for fiscal year 2010, $42,469,970,178.''.

(b) MASS TRANSIT CATEGORY.—Section 8003(b) of SAFETEA–LU (119 Stat. 1917) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by inserting after paragraph (5) the following:

''(6) for fiscal year 2010, $10,338,065,000.''.

HAZARDOUS MATERIALS RESEARCH

SEC. 2008. Section 7131(e) of SAFETEA–LU (119 Stat. 1910) is amended by striking ''2009'' and inserting ''2010''.

EXTENSION AND EXPANSION OF EXPENDITURE AUTHORITY FROM TRUST FUNDS

SEC. 2009. (a) HIGHWAY TRUST FUND.—

(1) HIGHWAY ACCOUNT.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''September 30, 2009 (October 1, 2009'' and inserting ''September 30, 2010 (October 1, 2010'', and

(B) by striking ''under'' and all that follows and inserting ''under the Surface Transportation Extension Act of 2009 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 95303(e) of such Code is amended—

(A) by striking ''October 1, 2009'' and inserting ''October 1, 2010'', and

(B) by striking ''in accordance with'' and all that follows and inserting ''in accordance with the Surface Transportation Extension Act of 2009 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking ''September 30, 2009 (October 1, 2009'' and inserting ''September 30, 2010 (October 1, 2010''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—

(1) IN GENERAL.—Paragraph (2) of section 9504(b) of such Code is amended—

(A) by striking ''(as in effect'' in subparagraph. (A) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2009),'',

(B) by striking ''(as in effect'' in subparagraph (B) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2009), and'', and

(C) by striking ''(as in effect'' in subparagraph (C) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2009).''.

(2) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking ''October 1, 2009'' and inserting ''October 1, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 2009.

DETERMINATION OF HIGHWAY TRUST FUND BALANCES

SEC. 2010. (a) RESTORATION OF CERTAIN FOREGONE INTEREST TO HIGHWAY TRUST FUND.—Subsection (f) of section 9503 of the Internal Revenue Code of 1986 (relating to determination of trust fund balances after September 30, 1998) is amended—

(1) by striking paragraph (2); and

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

''(2) RESTORATION OF FOREGONE INTEREST.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated (without fiscal year limitation)—

''(A) $14,700,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) of the Highway Trust Fund, and

''(B) $4,800,000,000 to the Mass Transit Account of the Highway Trust Fund.''.

(b) REPEAL OF PROVISION PROHIBITING CREDITING OF INTEREST TO HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(f) of such Code is amended by striking subparagraph (B).

(2) CONFORMING AMENDMENTS.—Such paragraph, as amended by paragraph (1), is further amended—

(A) by striking '', and'' at the end of subparagraph (A) and inserting a period, and

(B) by striking ''1998'' in the matter preceding subparagraph (A) and all that follows through ''the opening balance'' and inserting ''1998, the opening balance''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

REPEAL OF TRANSFERS FROM HIGHWAY TRUST FUND FOR REPAYMENTS AND CREDITS

SEC. 2011. (a) IN GENERAL.—Subsection (c) of section 9503 of the Internal Revenue Code of 1986 is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5).

(b) CONFORMING AMENDMENTS.—

(1) Section 9502(a) of such Code is amended by striking ''section 9503(c)(7)'' and inserting ''section 9503(c)(5)''.

(2) Section 9503(b)(4)(D) of such Code is amended by striking ''paragraph (4)(D) or (5)(B)'' and inserting ''paragraph, (3)(D) or (4)(B)''.

(3) Section 9503(c)(2) of such Code, as redesignated by subsection (a), is amended by adding at the end the following sentence: ''The amounts payable from the Highway Trust Fund under the preceding sentence shall be determined by taking into account only the portion of the taxes which are deposited into the Highway Trust Fund.''.

(4) Section 9503(e)(5)(A) of such Code is amended by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraphs (2) and (3)''.

(5) Section 9504(a) of such Code is amended by striking ''section 9503(c)(4), section 9503(c)(5)'' and inserting ''section 9503(c)(3), section 9503(c)(4)''.

(6) Section 9504(b)(2) of such Code is amended by striking ''section 9503(c)(5)'' and inserting ''section 9503(c)(4)''.

(7) Section 9504(e) of such Code is amended by striking ''section 9503(c)(4)'' and inserting ''section 9503(c)(3)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid, and credits allowed with respect to fuel used, in calendar quarters beginning after the date of the enactment of this Act.

FEDERAL SHARE

SEC. 2012. (a) IN GENERAL.—Notwithstanding any other provision of law, the Federal share of the cost of a covered project or activity (or portion of a covered project or activity) funded with amounts obligated during the period beginning on the date of enactment of this Act and ending on September 30, 2010, shall be, at the option of the recipient, up to 100 percent.

(b) COVERED PROJECT OR ACTIVITY DEFINED.—

(1) IN GENERAL.—In this section, the term ''covered project or activity'' means a project or activity eligible for assistance under titles I through VI of SAFETEA–LU (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles 1 through VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, chapter 53 of title 49, United States Code, chapter 303 of title 49, United States Code, chapter 303 of title 49, United States Code, or part B of subtitle VI of title 49, United States Code.

(2) EXCLUSIONS.—Notwithstanding paragraph (1), the term does not include a project or activity funded pursuant to—

(A) seciton 1301 or 1302 of SAFETEA–LU (119 Stat. 1198, 1204); SAFETEA–LU (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I through VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, chapter 303 of title 49, United States Code, or part B of subtitle VI of title 49, United States Code.

(2) EXCLUSIONS.—Notwithstanding paragraph (1), the term does not include a project or activity funded pursuant to Chapter 53 of title 49, United States Code,

(A) section 1301 Or 1302 of SAFETEA–LU (119 Stat. 1198, 1204);

(B) section 5309(d) or 5309(e) of title 49, United States Code;

(C) the national infrastructure investments program in the Office of the Secretary of Transportation; or

(D) section 122 of the Department of Transportation Appropriations Act, 2010.

(c) REFERENCES.—Any reference in this section to an Act, or a provision contained in an Act, shall be considered include the amendments made by that Act or provision.

BUY AMERICA REQUIREMENTS FOR HIGHWAY AND PUBLIC TRANSPORTATION PROJECTS

SEC. 2013. (a) HIGHWAYS.—Section 313 of title 23, United States Code, is amended—

(1) by redesignating subsections (c) through (f) as subsections (e) through (h), respectively;

(2) by inserting after subsection (b) the following:

''(c) REQUIREMENTS FOR ISSUANCE OF WAIVERS.—

''(1) PUBLIC INTEREST WAIVERS.—The Secretary may issue a waiver under subsection (b)(1) only after the Secretary has considered the potential impacts of the waiver on domestic manufacturing employment.

''(2) INSUFFICIENT DOMESTIC SOURCE WAIVERS.—The Secretary may issue a waiver under subsection (b)(2) with respect to a material or product only if the Secretary publishes notice of the waiver on the Internet for a period of at least 5 business days prior to issuance of the waiver and a sufficient domestic source of the material or product does not identify itself during the period.

''(d) TRANSPARENCY OF WAIVERS.—

''(1) IN GENERAL.—When the Secretary receives a written request for a waiver under this section, the Secretary shall—

''(A) publish the request on the Internet within 5 business days of the date of receipt of the request; and

''(B) if the Secretary decides to issue a waiver based on the request, publish on the Internet, within 30 days following the date of issuance of the waiver, a detailed written justification as to why the waiver is necessary, including an identification of the amount of Federal funds associated with the waiver.

''(2) EMPLOYMENT IMPACT STATEMENT.—In issuing a waiver based on a finding under subsection (b)(1), the Secretary shall include, as part of the Secretary's written justification for the waiver decision, a statement detailing the short- and long-term impact of the decision on domestic manufacturing employment.''; and

(3) by adding at the end the following:

''(1) APPLICATION TO BRIDGE PROJECTS.—In the case of a bridge project, the requirements of this section apply to all construction contracts carried out within the scope of the applicable decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and carried out on the bridge from abutment to abutment (including the abutments) regardless of the funding source of the contracts if at least one contract for construction with respect to the bridge is funded with amounts made available under this title.''.

(b) PUBLIC TRANSPORTATION.—Section 5323(j) of title 49, United States Code, is amended—

(1) in paragraph (2)(C) in the matter preceding clause (i) by inserting '', but excluding a rolling stock prototype'' after ''equipment'';

(2) by redesignating paragraphs (3) through (9) as paragraphs (5) through (11), respectively; and

(3) by inserting after paragraph (2) the following:

''(3) REQUIREMENTS FOR ISSUANCE OF WAIVER.—

''(A) PUBLIC INTEREST WAIVERS.—The Secretary may issue a waiver under paragraph (2)(A) only after the Secretary has considered the potential impacts of the waiver on domestic manufacturing employment.

''(B) INSUFFICIENT DOMESTIC SOURCE WAIVERS.—The Secretary may issue a waiver under paragraph (2)(B) with respect to a material or product only if the Secretary publishes notice of the waiver on the Internet for a period of at least 5 business days prior to issuance of the waiver and a sufficient domestic source of the material or product does not identify itself during the period.

''(4) TRANSPARENCY OF WAIVERS.—

''(A) IN GENERAL.—When the Secretary receives a written request for a waiver under this subsection, the Secretary shall—

''(i) publish the request on the Internet within 5 business days of the date of receipt of the request; and

''(ii) if the Secretary decides to issue a waiver based on the request, publish on the Internet, within 30 days following the date of issuance of the waiver, a detailed written justification as to why the waiver is necessary, including an identification of the amount of Federal funds associated with the waiver.

''(B) EMPLOYMENT IMPACT STATEMENT.—In issuing a waiver based on a finding under paragraph (2)(A), the Secretary shall include, as part of the Secretary's written justification of the waiver decision, a statement detailing the short- and long-term impact of the decision on domestic manufacturing employment.''.

(c) IMPLEMENTATION.—

(1) FINAL GUIDANCE.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue final guidance to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The requirements of the amendments made by subsections (a) and (b) shall begin to apply only after issuance of final guidance by the Secretary under paragraph (1).

(d) SEMIANNUAL REPORT.—Not later than 6 months after the date of enactment of this Act, and semiannually thereafter through September 30, 2011, the Comptroller General shall submit to the Committee on Transportation and Infrastructure and the Committee on Education and Labor of the House of Representatives and the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the number of waivers issued by the Secretary of Transportation under section 313(b) of title 23, United States Code, and section 5323(j)(2) of title 49, United States Code, the reasons relied upon for issuing the waivers, and the amount of Federal funds associated with each waiver and in total for the period examined.

TITLE III—UNEMPLOYMENT AND OTHER EMERGENCY NEEDS

CHAPTER 1—AGRICULTURE AND RURAL DEVELOPMENT

DEPARTMENT OF AGRICULTURE

GENERAL PROVISION, THIS CHAPTER

RELIEF FOR DISCRIMINATION IN A CREDIT PROGRAM OF THE DEPARTMENT OF AGRICULTURE UNDER THE EQUAL CREDIT OPPORTUNITY ACT

Sec. 3101. (a) IN GENERAL.—To the extent permitted by the Constitution, and notwithstanding any other period of limitations, in the case of an eligible complaint alleging discrimination in violation of the Equal Credit Opportunity Act (15 U.S.C. 1691) involving a credit program of the Department of Agriculture, a complainant may, before the end of the filing period—

(1) file a civil action under subsection (c); or

(2) request administrative review under subsection (d).

(b) ELIGIBLE COMPLAINT.—For purposes of this section, the term ''eligible complaint'' means any written complaint—

(1) that is not employment related;

(2) that was filed with the Department of Agriculture after December 31, 1997, and before the earlier of—

(A) 2 years after the date of the alleged violation of the Equal Credit Opportunity Act; and

(B) the date of the enactment of this Act; and

(3) with respect to which the complainant—

(A) was not a party to the consent decree in the case entitled ''Pigford v. Glickman'', approved by the United States District Court for the District of Columbia on April 14, 1999; and

(B) has not obtained relief from the Department of Agriculture or a court of competent jurisdiction.

(c) CIVIL ACTION.—A civil action may be filed under this subsection if, with respect to the eligible complaint, the complainant—

(1) has not requested administrative review; or

(2) has requested administrative review, and the Secretary, with respect to each request, has either—

(A) issued a determination; or

(B) failed to issue a determination by a date that is 180 days after the date such request was made.

(d) ADMINISTRATIVE REVIEW.—Administrative review may be requested under this subsection as follows:

(1) DETERMINATION ON THE MERITS.—A complainant may request a determination on the merits if the complainant, with respect to the eligible complaint, has not filed a civil action.

(2) HEARING ON THE RECORD—A complainant may request a hearing on the record if the complainant, with respect to the eligible complaint—

(A) has not filed a civil action;

(B) has requested a determination on the merits, and the Secretary has not issued such determination by the issuance deadline in subsection (f)(2)(A); and

(C) requests such hearing no later than 180 days after the issuance deadline in subsection (f)(2)(A).

(e) INFORMAL RESOLUTION.—Notwithstanding any other provision of this section, the Secretary may informally resolve an eligible complaint with a complainant.

(f) SPECIAL RULES FOR ADMINISTRATIVE REVIEW.—For purposes of this section:

(1) REQUESTS FOR ADMINISTRATIVE REVIEW.—A request for administrative review shall be—

(A) in writing; and

(B) filed in accordance with procedures established by the Secretary.

(2) RESPONSIBILITY OF SECRETARY.—If a complainant requests a determination, on the merits under subsection (d)(1), then, unless a complainant, with respect to the eligible complaint, files a civil action or requests a hearing on the record, the Secretary shall, with respect to the eligible complaint, take the following actions:

(A) ISSUANCE OF DETERMINATION.—The Secretary shall, not later than an issuance deadline that is 1 year after the date on which the complainant requests a determination on the merits—

(i) investigate the eligible complaint; and

(ii) issue a written determination.

(B) NOTICE OF FAILURE TO ISSUE TIMELY DETERMINATION.—If the Secretary does not issue a written determination by the issuance deadline in subparagraph (A), the Secretary shall promptly issue to the Complainant, in writing and by registered mail, notice—

(i) that the Secretary has not issued a timely determination; and

(ii) of the period of time during which the complainant may bring a civil action or request a hearing on the record.

(3) FINALITY OF DETERMINATION WITH RESPECT TO HEARING ON THE RECORD.—A determination with respect to a hearing on the record shall be final.

(4) JUDICIAL REVIEW OF ADMINISTRATIVE DETERMINATION.—A determination on the merits or a determination with respect to a hearing on the record shall be subject to de novo review.

(g) FILING PERIOD.—

(1) IN GENERAL.—For purposes of this section, the term ''filing period'' means the 2–year period beginning on the date of enactment of this Act.

(2) TOLLING.—The running of the filing period in paragraph (1), for the purpose of filing

a civil action under subsection (c) or requesting a hearing on the record under subsection (d)(2), shall be tolled for the period that, with respect to the eligible complaint—

(A) begins on the date of a request for a determination on the merits; and

(B) ends on the date on which the Secretary issues a determination with respect to a determination on the merits or a hearing on the record.

(h) RELIEF.—

(1) AMOUNT.—Subject to paragraph (2), a complainant shall, under subsection (a), and may, under subsection (e), be awarded such relief as the complainant would be afforded under the Equal Credit Opportunity Act, including—

(A) actual damages;

(B) the costs of the action, together with a reasonable attorney's fee; and

(C) debt relief; including—

(i) write-downs or write-offs of the principal on a loan;

(ii) write-downs or write-offs of the interest on a loan;

(iii) reduction of the interest rate on a loan;

(iv) waiver or reduction of penalties with respect to a loan; or

(v) other modification of the terms of a loan.

(2) LIMITATIONS ON RELIEF.—

(A) IN GENERAL.—The total amount awarded under this section for all claims shall not exceed $100,000,000.

(B) ACTUAL DAMAGES, COSTS, AND ATTORNEY'S FEES.—The sum of the total amount awarded under paragraph (1)(A) for all claims, plus the total amount awarded under paragraph (1)(B) for all claims, shall not exceed $40,000,000.

(C) DEBT RELIEF.—The total amount awarded under paragraph (1)(C) for all claims shall not exceed $60,000,000.

(3) EXEMPTION FROM TAXATION—Any award under clauses (ii), (iii), or (iv) of subparagraph (C) of paragraph (1) shall not be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1986.

(i) FUNDING.—

(1) There is hereby appropriated to the Secretary, for relief awarded under subsection (h)(1), $100,000,000, to remain available until expended.

(2) Of the funds derived from interest on the cushion of credit payments including funds in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, an additional $100,000,000 shall not be obligated and an additional $100,000,000 are rescinded.

(j) SECRETARY.—For purposes of this section, the term ''Secretary'' means the Secretary of Agriculture.

CHAPTER 2—FINANCIAL SERVICES AND GENERAL GOVERNMENT

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for ''Business Loans Program Account'' for fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and for the cost of guaranteed loans under section 502 of such division, $354,000,000: Provided, That such cost shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That authority to guarantee loans under section 502 of division A of the American Recovery and Reinvestment Act of 2009 shall remain in effect through September 30, 2010, notwithstanding subsection (f) of such section.

GENERAL PROVISION, THIS CHAPTER

RESCISSIONS

SEC. 3201. The following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) ''National Telecommunications and Information Administration—Digital-to-Analog Converter Box Program'' in the Department of Commerce, $111,000,000.

(2) ''Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'' of the Department of Agriculture, $243,000,000, to be derived from unobligated balances available from amounts placed in reserve in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115).

CHAPTER 3—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

GENERAL PROVISIONS, THIS CHAPTER

ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUGGLING FAMILIES

SEC. 3301. (a)(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''December 31, 2009'' each place it appears and inserting ''June 30, 2010'';

(B) in the heading for subsection (b)(2), by striking ''DECEMBER 31, 2009'' and inserting ''JUNE 30, 2010''; and

(C) in subsection (b)(3), by striking ''May 31, 2010'' and inserting ''November 30, 2010''.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking ''January 1, 2010'' and inserting ''July 1, 2010'';

(B) in the heading for paragraph (2), by striking ''JANUARY 1, 2010'' and inserting ''JULY 1, 2010''; and

(C) in paragraph (3), by striking ''June 30, 2010'' and inserting ''December 31, 2010''.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''January 1, 2010'' each place it appears and inserting ''July 1, 2010''; and

(B) in subsection (c), by striking ''June 1, 2010'' and inserting ''December 1, 2010''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''May 30, 2010'' and inserting ''November 30, 2010''.

(b) Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking ''by reason of'' and all that follows and inserting the following: ''by reason of—

''(A) the amendments made by section 2001(a) of the Assistance for Unemployed Workers and Struggling Families Act;

''(B) the amendments made by sections 2 through 4 of the Worker, Homeownership, and Business Assistance Act of 2009; and

''(C) the amendments made by section 3301(a)(1) of the Jobs for Main Street Act, 2010; and''.

EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS

SEC. 3302. (A) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking ''December 31, 2009'' and inserting ''June 30, 2010''.

(b) EXTENSION OF MAXIMUM DURATION OF ASSISTANCE.—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking ''9 months'' and inserting ''15 months''.

(c) RULES RELATED TO 2009 EXTENSION.—Subsection (a) of such section is further amended by adding at the end the following:

''(16) RULES RELATED TO 2009 EXTENSION.—

''(A) ELECTION TO PAY PREMIUMS RETROACTIVELY AND MAINTAIN COBRA COVERAGE.—In the case of any premium for a period of coverage during an assistance eligible individual's transition period, such individual shall be treated for purposes of any COBRA continuation provision as having timely paid the amount of such premium if—

''(i) such individual was covered under the COBRA continuation coverage to which such premium relates for the period of coverage immediately preceding such transition period, and

''(ii) such individual pays, not later than 60 days after the date of the enactment of this paragraph (or, if later, 30 days after the date of provision of the notification required under subparagraph (D)(ii)), the amount of such premium, after the application of paragraph (1)(A).

''(B) REFUNDS AND CREDITS FOR RETROACTIVE PREMIUM ASSISTANCE ELIGIBILITY.—IN THE CASE OF AN ASSISTANCE ELIGIBLE INDIVIDUAL WHO PAYS, WITH RESPECT TO ANY PERIOD OF COBRA CONTINUATION COVERAGE DURING SUCH INDIVIDUAL'S TRANSITION PERIOD, THE PREMIUM AMOUNT FOR SUCH COVERAGE WITHOUT REGARD TO PARAGRAPH (1)(A), RULES SIMILAR TO THE RULES OF PARAGRAPH (12)(E) SHALL APPLY.

''(C) TRANSITION PERIOD.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'transition period' means, with respect to any assistance eligible individual, any period of coverage if—

''(I) such period begins before the date of the enactment of this paragraph, and

''(II) paragraph (1)(A) applies to such period by reason of the amendment made by section 3302(b) of the Jobs for Main Street Act, 2010.

''(ii) CONSTRUCTION.—Any period during the period described in subclauses (I) and (II) of clause (i) for which the applicable premium has been paid pursuant to subparagraph (A) shall be treated as a period of coverage referred to in such paragraph, irrespective of any failure to timely pay the applicable premium (other than pursuant to subparagraph (A)) for such period.

''(D) NOTIFICATION.—

''(i) IN GENERAL.—In the case of an individual who was an assistance eligible individual at any time on or after October 31, 2009, or experiences a qualifying event (consisting of a reduction of hours or termination of employment) relating to COBRA continuation coverage on or after such date, the administrator of the group health plan (or other entity) involved shall provide an additional notification with information regarding the amendments made by the Jobs for Main Street Act, 2010 within 60 days after the date of the enactment of such Act or, in the case of a qualifying event occurring after such date of enactment, consistent with the timing of notifications under paragraph (7)(A).

''(ii) TO INDIVIDUALS WHO LOST ASSISTANCE.—In the case of an assistance eligible individual described in subparagraph (A)(i) who did not timely pay the premium for any period of coverage during such individual's transition period or paid the premium for such period without regard to paragraph (1)(A), the administrator of the group health plan (or other entity) involved shall provide to such individual, within the first 60 days of such individual's transition period, an additional notification with information regarding the amendments made by the Jobs for Main Street Act, 2010, including information on the ability under subparagraph (A) to make retroactive premium payments with respect to the transition period of the individual in order to maintain COBRA continuation coverage.

''(iii) APPLICATION OF RULES.—Rules similar to the rules of paragraph (7) shall apply with respect to notifications under this subparagraph.''.

(d) CLARIFICATIONS RELATING TO SECTION 3001 OF ARRA.—

(1) CLARIFICATION THAT ELIGIBILITY AND NOTICE IS BASED ON TIMING OF QUALIFYING EVENT.—Subsection (a) of such section is amended—

(A) in paragraph (3)(A)—

(i) by striking ''at any time'' and inserting ''such qualified beneficiary is eligible for COBRA continuation coverage related to a qualifying event occurring''; and

(ii) by striking '', such qualified beneficiary is eligible for COBRA continuation coverage''; and

(B) in paragraph (7) (A), by striking ''become entitled to elect COBRA continuation coverage and inserting ''have a qualifying event relating to COBRA continuation coverage''.

(2) CLARIFICATION REGARDING RETIREE COVERAGE.—Subsection (a)(2)(A)(i) of such section is amended by inserting ''coverage under a retiree health plan,'' after ''other than''.

(3) CLARIFICATION REGARDING COBRA CONTINUATION RESULTING FROM REDUCTIONS IN HOURS.—Subsection (a) of such section is further amended—

(A) in paragraph (3)(C), by inserting before the period at the end the following: ''or consists of a reduction of hours followed by such an involuntary termination of employment during such period''; and

(B) by adding at the end the following:

''(17) SPECIAL RULES IN CASE OF INDIVIDUALS LOSING COVERAGE BECAUSE OF A REDUCTION OF HOURS.—

''(A) NEW ELECTION PERIOD.—

''(i) IN GENERAL.—For the purposes of the COBRA continuation provisions, in the case of an individual described in subparagraph (C) who did not make (or who made and discontinued) an election of COBRA continuation coverage on the basis of the reduction of hours of employment, the involuntary termination of employment of such individual after the (date of the enactment of the Jobs for Main Street Act, 2010, shall be treated as a qualifying event.

''(ii) COUNTING COBRA DURATION PERIOD FROM PREVIOUS QUALIFYING EVENT.—In any case of an individual referred to in clause (i), the period of such individual's continuation coverage shall be determined as though the qualifying event were the reduction of hours of employment.

''(iii) CONSTRUCTION.—Nothing in this paragraph shall he construed as requiring an individual referred to in clause (i) to make a payment for COBRA continuation coverage between the reduction of hours and the involuntary termination of employment.

''(iv) PREEXISTING CONDITIONS.—With respect to an individual referred to in clause (i) who elects COBRA continuation coverage pursuant to such clause, rules similar to the rules in paragraph (4)(C) shall apply.

''(B) NOTICES.—In the case of an individual described in subparagraph, (C), the administrator of the group health plan (or other entity) involved shall provide, during the 60–day period beginning on the date of such individual's termination of employment, an additional notification described in paragraph (7)(A), including information on the provisions of this paragraph. Rules similar to the rules of paragraph (7) shall apply with respect to such notification.

''(C) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who are assistance eligible individuals on the basis of a qualifying event consisting of a reduction of hours occurring during the period described in paragraph (3)(A) followed by an involuntary termination of employment insofar as such termination of employment occurred after the date of the enactment of the Jobs for Main, Street Act, 2010.''.

(4) CLARIFICATION OF PERIOD OF ASSISTANCE.—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking ''of the first month''.

(5) ENFORCEMENT.—Subsection (a)(5) of such section is amended by adding at the end the lowing: ''In addition to civil actions that may be brought to enforce applicable provisions of such Act or other laws, the appropriate Secretary or an affected individual may bring a civil action to enforce such determinations and for appropriate relief. In addition, such Secretary may assess a penalty against a plan sponsor or health insurance issuer of not more than $110 per day for each failure to comply with such, determination of such Secretary after 10 days after the date of the plan sponsor's or issuer's receipt of the determination.''

(6) AMENDMENTS RELATING TO SECTION 3001 OF ARRA.—

(A) Subsection (g) of section 35 of the Internal Revenue Code of 1986 is amended by striking ''section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(B) Section 139C of such Code is amended by striking ''section 3002 of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001 of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(C) Section 6432 of such Code is amended—

(i) in subsection (a), by striking ''section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a) of title III of division B of the American Recovery awl Reinvestment Act of' 2009'';

(ii) in subsection (c)(3), by striking ''section 3002(a)(1)(A) of such Act'' in subsection (c)(3) and inserting ''section 3001(a)(1)(A) of title III of division B of the American Recovery and Reinvestment Act of 2009''; and

(iii) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection:.

''(e) EMPLOYER DETERMINATION OF QUALIFYING EVENT AS INVOLUNTARY TERMINATION.—For purposes of this section, in any case in which—

''(1) based on a reasonable interpretation of section 3001(a)(3)(C) of division B of the American Recovery and Reinvestment Act of 2009 and administrative guidance thereunder, an employer determines that the qualifying event with respect to COBRA continuation coverage for an individual was involuntary termination of a covered employee's employment, and

''(2) the employer maintains supporting documentation of the determination, including an attestation by the employer of involuntary termination with respect to the covered employee,

the qualifying event for the individual shall be deemed to be involuntary termination of the covered employee's employment.''.

(D) Subsection (a) of section 6720C of such Code is amended by striking ''section 3002 (a)(2)(C) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a)(2)(C) of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 to which they relate, except that—

(1) the amendments .made by subsections (d)(2) and (d)(3) shall apply to periods of coverage beginning after the date of the enactment of this Act; and

(2) the amendment made by subsection (d)(5) shall take effect on the date of the enactment of this Act.

EXTENSION OF RECOVERY ACT INCREASE IN FMAP

SEC. 3303. Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(3), by striking ''first calendar quarter'' and inserting ''first 3 calendar quarters'';

(2) in subsection (b)(2), by inserting before the period at the end the following: ''and such paragraph shall not apply to calendar quarters beginning on or after October 1, 2010'';

(3) in subsection (c)(4)(C)(ii), by striking ''December 2009'' and ''January 2010'' and inserting ''June 2010'' and ''July 2010'', respectively;

(4) in subsection (d), by inserting ''ending before October 1, 2010'' after ''entire fiscal years'' and after ''with respect to fiscal years'';

(5) in subsection (g)(1), by striking ''September 30, 2011'' and inserting ''March 31, 2012''; and

(6) in subsection (h)(3), by striking ''December 31, 2010'' and inserting ''June 30, 2011''.

REPEAL OF EARNED INCOME THRESHOLD FOR DETERMINING REFUNDABLE PORTION OF CHILD TAX CREDIT

SEC. 3304. (a) IN GENERAL.—Clause (i) of section 24(d)(1)(B) of the Internal Revenue Code of 1986 is amended to read as follows:

''(i) 15 percent of the taxpayer's earned income (within the meaning) of section 32) which is taken into account in computing taxable income, or''.

(b) CONFORMING AMENDMENTS.—Subsection (d) of section 24 of such Code is amended—

(1) by striking paragraph (3), and

(2) by striking paragraph (4).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(d) APPLICATION OF EGTRRA SUNSET.—The amendments made by subsection (a) and (b)(1) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

HHS POVERTY GUIDELINES

SEC. 3305. Notwithstanding section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)) or any other provision of law, the poverty line for 2010 issued by the Secretary of Health and Human Services under such section 673(2) shall be not lower than the poverty line so issued on January 23, 2009 (74 Fed. Reg. 14). This section shall have no effect on such Secretary's revision of the poverty line for 2011.

REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS

SEC. 3306. (a) IN GENERAL.—Subchapter A of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for the month of receipt and the following 11 months, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

''(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2010.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

''Sec. 6109. Refunds disregarded in the administration of Federal programs and Federally assisted programs.''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received after December 31, 2009.

PERMANENT EXTENSION OF FEE WITHHOLDING PROCEDURES TO TITLE XVI AND TO QUALIFIED NON-ATTORNEY REPRESENTATIVES

SEC. 3307. (a) PERMANENT EXTENSION OF ATTORNEY FEE WITHHOLDING PROCEDURES TO TITLE XVI.—

(1) IN GENERAL.—Section 302 of the Social Security Protection Act of 2004 (Public Law 108–203; 118 Stat. 519) is amended—

(A) in the section heading, by striking ''**TEMPORARY**''; and

(B) in subsection (c), by striking ''EFFECTIVE DATE.—'' and all that follows through ''The amendments'' and inserting ''EFFECTIVE DATE.—The amendments'', and by striking paragraph (2).

(2) CLERICAL AMENDMENT.—The item relating to section 302 in the table of contents in section 1(b) of such Act is amended by striking ''Temporary extension'' and inserting ''Extension''.

(b) PERMANENT EXTENSION OF FEE WITHHOLDING PROCEDURES TO QUALIFIED NON-ATTORNEY REPRESENTATIVES.—

(1) IN GENERAL.—Section 206 of the Social Security Act (42 U.S.C. 406) is amended by adding at the end the following new subsection:

''(e)(1) The Commissioner shall provide for the extension of the fee withholding procedures and assessment procedures that apply under the preceding provisions of this section to agents and other persons, other than attorneys, who represent claimants under this title before the Commissioner.

''(2) Fee-withholding procedures may be extended under paragraph (1) to any nonattorney representative only if such representative meets at least the following prerequisites:

''(A) The representative has been awarded a bachelor's degree from an accredited institution of higher education, or has been determined by the Commissioner to have equivalent qualifications derived from training and work experience.

''(B) The representative has passed an examination, written and administered by the Commissioner, which tests knowledge of the relevant provisions of this Act and the most recent developments in agency and court decisions affecting this title and title XVI.

''(C) The representative has secured professional liability insurance, or equivalent insurance, which the Commissioner has determined to be adequate to protect claimants in the event of malpractice by the representative.

''(D) The representative has undergone a criminal background check to ensure the representative's fitness to practice before the Commissioner.

''(E) The representative demonstrates ongoing completion of qualified courses of continuing education, including education regarding ethics and professional conduct, which are designed to enhance professional knowledge in matters related to entitlement to, or eligibility for, benefits based on disability under this title and title XVI. Such continuing education, and the instructors providing such education, shall meet such standards as the Commissioner may prescribe.

''(3)(A) The Commissioner may assess representatives reasonable fees to cover the cost to the Social Security Administration of administering the prerequisites described in paragraph (2).

''(B) Fees collected under subparagraph (A) shall be credited to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or deposited as miscellaneous receipts in the general fund of the Treasury, based on such allocations as the Commissioner determines appropriate.

''(C) The fees authorized under this paragraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended for administering the prerequisites described in paragraph (2).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1631(d)(2)(A) of such Act (42 U.S.C. 1383(d)(2)(A)) is amended—

(i) in clause (iv), by striking ''and'' at the end;

(ii) in clause (v), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new clause:

''(vi) by substituting, in subsection (e)(1)—

''(I) 'subparagraphs (B) and (C) of section 1631(d)(2)' for 'the preceding provisions of this section'; and

''(II) 'title XVI' for 'this title'.''.

(B) Section 303(e)(2) of the Social Security Protection Act of 2004 (Public Law 108–203; 118 Stat. 523) is amended by striking ''AND FINAL REPORT'' in the heading and by striking the last sentence.

(3) EFFECTIVE DATE.—The Commissioner of Social Security shall provide for full implementation of the provisions of section 206(e) of the Social Security Act (as added by paragraph (1)) and the amendments made by paragraph (2) not later than March 1, 2010.

CHAPTER 4—GENERAL PROVISIONS, THIS TITLE

EMERGENCY DESIGNATIONS

SEC. 3401. (a) IN GENERAL.—Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) PAYGO.—All applicable provisions in this title are designated as an emergency for purposes of pay-as-you-go principles.

TITLE IV—GENERAL PROVISIONS, THIS ACT

PERIOD OF AVAILABILITY

SEC. 4001. No part of any appropriation contained in this Act shall remain available for obligation beyond September 30, 2010, unless expressly so provided herein.

BUY AMERICA

SEC. 4002. All funds provided under this Act shall be subject to the requirements of section 1605 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

This Act may be cited as the ''Jobs for Main Street Act, 2010''.

The SPEAKER pro tempore, Ms. BALDWIN, announced that the House amendment to the amendment of the Senate to H.R. 2847 contains an emergency designation for purposes of pay-as-you-go-principles.

Accordingly, the Chair must put the question of consideration under clause 10(c)(3) of rule XXI.

The question being put, viva voce,

Will the House now consider the motion to agree to the amendment of the Senate with an amendment?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

So the House decided to consider the motion.

A motion to reconsider the vote whereby said question of consideration was agreed to was, by unanimous consent, laid on the table.

Accordingly,

When said motion was considered.

After debate,

¶157.31 CALL OF THE HOUSE

The SPEAKER pro tempore, Ms. BALDWIN, recognized Mr. OBEY, to move a call of the House.

On motion of Mr. OBEY, by unanimous consent, a call of the House was ordered.

The call was taken by electronic device, and the following-named Members responded

¶157.32 [Roll No. 990]

Abercrombie	Carson (IN)	Foster
Ackerman	Carter	Foxx
Aderholt	Cassidy	Franks (AZ)
Adler (NJ)	Castle	Frelinghuysen
Akin	Castor (FL)	Fudge
Alexander	Chaffetz	Gallegly
Altmire	Chandler	Garamendi
Andrews	Childers	Garrett (NJ)
Arcuri	Chu	Gerlach
Austria	Clarke	Giffords
Baca	Clay	Gingrey (GA)
Bachmann	Cleaver	Gohmert
Bachus	Clyburn	Gonzalez
Baird	Coble	Goodlatte
Baldwin	Coffman (CO)	Gordon (TN)
Barrett (SC)	Cohen	Granger
Barrow	Cole	Graves
Bartlett	Conaway	Grayson
Barton (TX)	Connolly (VA)	Green, Al
Bean	Conyers	Green, Gene
Becerra	Cooper	Griffith
Berkley	Costa	Grijalva
Berman	Costello	Guthrie
Berry	Courtney	Gutierrez
Biggert	Crenshaw	Hall (NY)
Bilbray	Crowley	Hall (TX)
Bilirakis	Cuellar	Halvorson
Bishop (GA)	Culberson	Hare
Bishop (NY)	Cummings	Harman
Bishop (UT)	Dahlkemper	Harper
Blackburn	Davis (AL)	Hastings (FL)
Blumenauer	Davis (CA)	Hastings (WA)
Blunt	Davis (IL)	Heinrich
Boccieri	Davis (KY)	Heller
Boehner	Davis (TN)	Hensarling
Bonner	Deal (GA)	Herger
Bono Mack	DeFazio	Herseth Sandlin
Boozman	DeGette	Higgins
Boren	Delahunt	Hill
Boswell	DeLauro	Himes
Boucher	Dent	Hinchey
Boustany	Diaz-Balart, L.	Hinojosa
Boyd	Diaz-Balart, M.	Hirono
Brady (PA)	Dicks	Hodes
Brady (TX)	Dingell	Hoekstra
Braley (IA)	Doggett	Holden
Bright	Donnelly (IN)	Holt
Broun (GA)	Doyle	Honda
Brown (SC)	Dreier	Hoyer
Brown, Corrine	Driehaus	Hunter
Brown-Waite, Ginny	Duncan	Inglis
Buchanan	Edwards (MD)	Inslee
Burgess	Edwards (TX)	Israel
Burton (IN)	Ehlers	Issa
Butterfield	Ellison	Jackson (IL)
Buyer	Ellsworth	Jackson-Lee (TX)
Calvert	Emerson	Jenkins
Camp	Engel	Johnson (GA)
Campbell	Eshoo	Johnson (IL)
Cantor	Etheridge	Johnson, E. B.
Cao	Fallin	Johnson, Sam
Capito	Farr	Jones
Capps	Fattah	Jordan (OH)
Capuano	Filner	Kagen
Cardoza	Flake	Kanjorski
Carnahan	Fleming	Kaptur
Carney	Forbes	Kennedy
	Fortenberry	

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)
Markey (MA)
Marshall
Massa
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
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
Souder
Space
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

Thereupon, the SPEAKER pro tempore, Ms. BALDWIN, announced that 429 Members had been recorded, a quorum.

Further proceedings under the call were dispensed with.

Pursuant to House Resolution 976, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House now agree to the motion?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Mr. LEWIS of California, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 217 / Nays 212

¶157.33 [Roll No. 991]

AYES—217

Abercrombie
Ackerman
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
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
Perriello
Pingree (ME)
Polis (CO)
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
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
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—212

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

NOT VOTING—6

Johnson, E. B.
Linder
Murtha
Radanovich
Speier
Young (FL)

So the motion to agree to the amendment of the Senate with an amendment was agreed to.

A motion to reconsider the vote whereby said amendment of the Senate with an amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶157.34 H.R. 4194—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4194) to amend title 18, United States Code, to exempt qualifying law school students participating in legal cinics or externships from the application of the conflict of interest rules under section 205 of such title.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds

of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶157.35 H.R. 1147—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1147) to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶157.36 UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (22 United States Code 7002), amended by Division P of the Consolidated Appropriations Resolution, 2003 (22 United States Code 6901), and the order of the House of January 6, 2009, announced that the Speaker reappointed the following members on the part of the House, to the United States-China Economic and Security Review Commission, effective January 1, 2010: Ms. Carolyn Bartholomew, Washington, DC, and Mr. Jeffrey L. Fiedler, Great Falls, Virginia.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶157.37 RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Ms. BALDWIN, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
December 16, 2009.

Hon. NANCY PELOSI,
Speaker of the House of Representatives, H–232, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: This letter is to formally notify you that on October 26, 2009 I sent a letter to Governor Charlie Crist of Florida stating that I will be resigning as the United States Representative from the 19th Congressional District of Florida at the end of the day on January 3, 2010.

I have been honored to serve in the United States House of Representatives for the past 13 years, and I will be eternally grateful to the residents of Florida's 19th Congressional District for giving me the opportunity to be their representative in Washington. When I leave Congress this January, I will serve as the president of the Center for Middle East Peace and Economic Cooperation, where I will take on the critical challenges facing the Middle East. In the coming years, Israeli, Palestinian, and Arab leaders will be faced with monumental decisions that will dramatically affect the region and the entire world for decades. I am confident that now is the best time for me to dedicate myself fully to these significant issues.

While I am deeply saddened to leave this august body, I am looking forward to continuing much of my work in Congress in a different capacity in my new role with the Center for Middle East Peace. I especially want to thank you personally, Speaker Pelosi, for your extraordinary leadership during these difficult times for our nation as well as the kindness and courtesy you have always extended to me. I have particularly admired the dignified manner and deep sense of conviction that you display as Speaker of the House. The opportunity to work with you and all our colleagues in the House has been a great privilege indeed, and I hope to continue these friendships for many years to come.

With warm regards,

ROBERT WEXLER.

¶157.38 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1472. An Act to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

¶157.39 JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on December 16, 2009, she presented to the President of the United States, for his approval, the following bill.

H.J. Res. 62. A joint resolution appointing the day for the convening of the second session of the One Hundred Eleventh Congress.

¶157.40 BILLS AND JOINT RESOLUTIONS APPROVED

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

August 7, 2009:

H.R. 2245. An Act to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. 'Buzz' Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

H.R. 3114. An Act to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes.

H.R. 3357. An Act to restore sums to the Highway Trust Fund, and for other purposes.

H.R. 3435. An Act making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

August 12, 2009:

H.R. 838. An Act to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

August 19, 2009:

H.J. Res. 44. A joint resolution recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army.

H.R. 774. An Act to designate the facility of the United States Postal Service located at 46–02 21st Street in Long Island City, New York, as the ''Geraldine Ferraro Post Office Building''.

H.R. 987. An Act to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the ''John Scott Challis, Jr. Post Office''.

H.R. 1271. An Act to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the ''Elijah Pat Larkins Post Office Building''.

H.R. 1275. An Act to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes.

H.R. 1397. An Act to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the ''Caroline O'Day Post Office Building''.

H.R. 2090. An Act to designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the ''Frederic Remington Post Office Building''.

H.R. 2162. An Act to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the ''Herbert A Littleton Postal Station''.

H.R. 2325. An Act to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the ''Laredo Veterans Post Office''.

H.R. 2422. An Act to designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the ''Kile G. West Post Office Building''.

H.R. 2470. An Act to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the ''Lieutenant Commander Roy H. Boehm Post Office Building''.

H.R. 2938. An Act to extend the deadline for commencement of construction of a hydroelectric project.

September 18, 2009:

H.R. 3325. An Act to amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

September 30, 2009:

H.R. 1243. An Act to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

H.R. 3614. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

October 1, 2009:

H.R. 2918. An Act making appropriations for the Legislative Branch for the fiscal year

ending September 30, 2010, and for other purposes.

H.R. 3607. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

October 9, 2009:

H.R. 2131. An Act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 3593. An Act to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes.

October 13, 2009:

H.R. 3663. An Act to amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies.

October 19, 2009:

H.R. 1687. An Act to designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the ''Ralph Regula Federal Building and United States Courthouse''.

H.R. 2053. An Act to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the ''Albert Armendariz, Sr., United States Courthouse''.

H.R. 2121. An Act to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation.

H.R. 2498. An Act to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the ''William O. Lipinski Federal Building''.

H.R. 2913. An Act to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the ''Sidney M. Aronovitz United States Courthouse''.

October 21, 2009:

H.R. 2997. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

October 22, 2009:

H.R. 1016. An Act to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.

October 28, 2009:

H.R. 2647. An Act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 2892. An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 3183. An Act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

October 29, 2009:

H.R. 621. An Act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

October 30, 2009:

H.R. 2996. An Act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

November 6, 2009:

H.J. Res. 26. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

H.R. 1209. An Act to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

H.R. 3548. An Act to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

H.R. 3606. An Act to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009.

November 30, 2009:

H.R. 955. An Act to designate the facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, as the ''John 'Bud' Hawk Post Office''.

H.R. 1516. An Act to designate the facility of the United States Postal Service located at 37926 Church Street in Dade City, Florida, as the ''Sergeant Marcus Mathes Post Office''.

H.R. 1713. An Act to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley 'Wes' Watkins.

H.R. 2004. An Act to designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, as the ''Akron Veterans Memorial Post Office''.

H.R. 2215. An Act to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the ''John J. Shivnen Post Office Building''.

H.R. 2760. An Act to designate the facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, as the ''Johnny Grant Hollywood Post Office Building''.

H.R. 2972. An Act to designate the facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, as the ''Conrad DeRouen, Jr. Post Office''.

H.R. 3119. An Act to designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, as the ''Lim Poon Lee Post Office''.

H.R. 3386. An Act to designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the ''Iraq and Afghanistan Veterans Memorial Post Office''.

H.R. 3547. An Act to designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the ''Rex E. Lee Post Office Building''.

December 15, 2009:

H.R. 4218. An Act to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators.

December 16, 2009:

H.R. 3288. An Act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes

H.R. 4217. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

¶157.41 SENATE BILLS AND JOINT RESOLUTIONS APPROVED

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

July 31, 2009:

S. 1513. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

August 12, 2009:

S. 1107. An Act to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

August 19, 2009:

S.J. Res. 19. A joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

September 18, 2009:

S.J. Res. 9. A joint resolution providing for the appointment of France A. Cordova as a citizen regent of the Board of Regents of the Smithsonian Institution.

September 30, 2009:

S. 1677. An Act to reauthorize the Defense Production Act of 1950, and for other purposes.

October 15, 2009:

S. 1707. An Act to authorize appropriations for fiscal year 2010 through 2014 to promote and enhanced strategic partnership with Pakistan and its people, and for other purposes.

October 19, 2009:

S. 1289. An Act to improve title 18 of the United States Code.

October 26, 2009:

S. 1717. An Act to authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010, and for other purposes.

October 30, 2009:

S. 1793. An Act to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

S. 1929. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

November 3, 2009:

S. 1818. An Act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

November 6, 2009:

S. 832. An Act to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 1694. An Act to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

November 11, 2009:

S. 475. An Act to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 509. An Act to to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes.

November 30, 2009:

S. 748. An Act to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the ''Cesar E. Chavez Post Office''.

S. 1211. An Act to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the ''Jack F. Kemp Post Office Building''.

S. 1314. An Act to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the ''Dr. Martin Luther King, Jr. Post Office''.

S. 1825. An Act to extend the authority for relocation expenses test programs for Federal employees, and for other purposes.

December 14, 2009:

S. 1599. An Act to amend title 38, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws.

S. 1860. An Act to permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms.

¶157.42 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. RADANOVICH, for today; and

To Mr. YOUNG of Florida, for today after 1:30 p.m.

And then,

¶157.43 ADJOURNMENT

Mr. GOHMERT moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. SCHAUER, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to the previous order of the House, at 10 o'clock and 8 minutes p.m., the House stands adjourned until 6 p.m. on Saturday, December 19, 2009, unless the conditions specified in section 11(c) of House Resolution 976 are met, in which case the House shall stand adjourned pursuant to House Concurrent Resolution 223.

¶157.44 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PINGREE of Maine: Committee on Rules. House Resolution 976. Resolution providing for consideration of the Senate amendment to the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; for consideration of the joint resolution (H.J. Res. 64) making further continuing appropriations for fiscal year 2010, and for other purposes; for consideration of the bill (H.R. 4314) to permit continued financing of Government operations; for consideration of the Senate amendment to the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; and for other purposes (Rept. 111–380). Referred to the House Calendar.

Mr. WAXMAN. Committee on Energy and Commerce. H.R. 2190. A bill to amend the Toxic Substance Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; with an amendment (Rept. 111–381). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 3845. A bill to extend and modify authorities needed to combat terrorism and protect civil liberties, and for other purposes; with an amendment (Rept. 111–382 Pt. 1). Ordered to be printed.

¶157.45 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3845. Referral to the Committees on Intelligence (Permanent Select) and Financial Services extended for a period ending not later than January 29, 2010.

¶157.46 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. NADLER of New York, Mr. DELAHUNT, Mr. COBLE, and Mr. DANIEL E. LUNGREN of California):

H.R. 4326. A bill to provide appropriate protection to attorney-client privileged communications and attorney work product; to the Committee on the Judiciary.

By Mr. SCOTT of Virginia:

H.R. 4327. A bill to amend title 18, United States Code, with respect to the good time credit toward service of sentences of imprisonment; to the Committee on the Judiciary.

By Mr. SCOTT of Virginia (for himself, Mr. CONYERS, and Mr. LEWIS of Georgia):

H.R. 4328. A bill to amend title 18, United States Code, to award credit toward the service of a sentence to prisoners who participate in designated educational, vocational, treatment, assigned work, or other developmental programs, and for other purposes; to the Committee on the Judiciary.

By Mr. WITTMAN:

H.R. 4329. A bill to require the Secretary of the Treasury to mint coins in commemoration of President James Monroe, and for other purposes; to the Committee on Financial Services.

By Mr. POLIS (for himself, Ms. BERKLEY, Mr. CAO, Ms. DEGETTE, Mr. EHLERS, Mr. HIMES, Mr. HINOJOSA, Mr. HOLT, Mr. KLEIN of Florida, Ms. KOSMAS, Mr. MURPHY of Connecticut, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. NORTON, Mr. PAULSEN, Mr. PERLMUTTER, and Mr. PERRIELLO):

H.R. 4330. A bill to provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate; to the Committee on Education and Labor.

By Mr. BACHUS (for himself, Mr. GUTIERREZ, and Mr. TIBERI):

H.R. 4331. A bill to amend title 31, United States Code, to establish the Office of Money Services Business Compliance within the Department of the Treasury for the purpose of assuring compliance with subchapter II of chapter 53 of such title by money services businesses and such other duties as the Secretary of the Treasury may delegate, and for other purposes; to the Committee on Financial Services.

By Mr. MCKEON:

H.R. 4332. A bill to provide to the Secretary of Interior a mechanism to cancel contracts for the sale of materials CA-20139 and CA-22901, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR (for himself, Mr. PUTNAM, Ms. RICHARDSON, Mr. BLUMENAUER, Mr. KAGEN, Mr. MICHAUD, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Ms. MATSUI, Ms. WASSERMAN SCHULTZ, Mr. MORAN of Virginia, Mr. COSTA, Mr. SERRANO, Mr. COURTNEY, Ms. HIRONO, and Mrs. CAPPS):

H.R. 4333. A bill to amend the Richard B. Russell National School Lunch Act to improve the health and well-being of school children, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRIGHT (for himself and Mr. ELLSWORTH):

H.R. 4334. A bill to provide grants for the renovation, modernization, and construction of law enforcement facilities; to the Committee on the Judiciary.

By Mr. SCOTT of Virginia:

H.R. 4335. A bill to provide for the redress of prison abuses, and for other purposes; to the Committee on the Judiciary.

By Mr. DEAL of Georgia (for himself, Mr. GINGREY of Georgia, Mr. WESTMORELAND, Mr. LINDER, and Mr. PAUL):

H.R. 4336. A bill to provide that pay for Members of Congress be reduced following any fiscal year in which there is a Federal deficit; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. NEAL of Massachusetts, Mr. CROWLEY, and Ms. SCHWARTZ):

H.R. 4337. A bill to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes; to the Committee on Ways and Means.

By Mr. MELANCON:

H.R. 4338. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide adequate benefits for public safety officers injured or killed in the line of duty, and for other purposes; to the Committee on the Judiciary.

By Mr. SABLAN:

H.R. 4339. A bill to encourage students from the Commonwealth of the Northern Mariana Islands to become civically engaged through local and Federal government fellowships; to the Committee on Natural Resources.

By Mr. DAVIS of Alabama:

H.R. 4340. A bill to require the Secretary of the Treasury to establish a revolving loan fund program for certain businesses to facilitate increased lending in the United States; to the Committee on Financial Services.

By Mr. RYAN of Ohio (for himself, Mr. KENNEDY, Mr. HINCHEY, and Mr. ISRAEL):

H.R. 4341. A bill to amend the Federal Food, Drug, and Cosmetic Act to require a warning on the label of any food container that is composed, in whole or in part, of bisphenol A or could release bisphenol A into food; to the Committee on Energy and Commerce.

By Mr. MCCOTTER (for himself and Mr. BACHUS):

H.R. 4342. A bill to amend the Emergency Economic Stabilization Act of 2008 to terminate the Secretary of the Treasury's authority under the Troubled Asset Relief Program, and for other purposes; to the Committee on Financial Services.

By Mr. RUSH:

H.R. 4343. A bill to establish in the Department of Commerce the Minority Business Development Program to provide qualified minority businesses with technical assistance, loan guarantees, and contracting opportunities, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER (for himself, Mr. BURTON of Indiana, and Mr. TIBERI):

H.R. 4344. A bill to prohibit the Environmental Protection Agency from obligating any amounts for the regulation of emissions of carbon dioxide; to the Committee on Energy and Commerce.

By Mr. DAVIS of Alabama (for himself, Mr. BRIGHT, Mr. ROGERS of Alabama, Mr. GRIFFITH, Mr. BONNER, Mr. BACHUS, and Mr. ADERHOLT):

H.R. 4345. A bill to establish the Alabama Black Belt National Heritage Area, and for other purposes; to the Committee on Natural Resources.

By Mr. CONYERS (for himself, Mr. DANIEL E. LUNGREN of California, Ms. JACKSON-LEE of Texas, and Mr. HASTINGS of Florida):

H.R. 4346. A bill to establish a commission to commemorate the ending of chattel slavery in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BOREN (for himself and Mr. WALZ):

H.R. 4347. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes; to the Committee on Natural Resources.

By Mr. WITTMAN:

H.R. 4348. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking; to the Committee on Ways and Means.

By Mrs. NAPOLITANO (for herself, Mr. BACA, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BILBRAY, Mrs. BONO MACK, Mr. CALVERT, Mr. CAMPBELL, Mrs. CAPPS, Ms. CHU, Mr. COSTA, Mrs. DAVIS of California, Mr. DREIER, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARAMENDI, Mr. GRIJALVA, Ms. HARMAN, Mr. HELLER, Mr. HONDA, Mr. HUNTER, Mr. ISSA, Ms. LEE of California, Mr. LEWIS of California, Ms. MATSUI, Mr. MCCARTHY of California, Mr. MCKEON, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mr. ROYCE, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SHADEGG, Mr. SHERMAN, Mr. SCHIFF, Ms. TITUS, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, and Mr. FLAKE):

H.R. 4349. A bill to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes; to the Committee on Natural Resources.

By Mr. ISSA (for himself, Mr. REYES, Mr. SKELTON, Mr. HOEKSTRA, Mr. MCKEON, and Mr. TOWNS):

H.R. 4350. A bill to amend the Immigration and Nationality Act to provide for nonimmigrant status for an alien who is the parent or legal guardian of a United States citizen child if the child was born abroad and is the child of a deceased member of the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. LIPINSKI (for himself, Ms. EDWARDS of Maryland, Ms. KAPTUR, Mr. MICHAUD, Mr. MASSA, Mr. COSTELLO, Mr. GRIJALVA, Mr. STARK, Mr. BRALEY of Iowa, Mr. HARE, Mr. VISCLOSKY, Mr. SCHAUER, Ms. SHEA-PORTER, Mr. MURPHY of Connecticut, Mr. DEFAZIO, Ms. SUTTON, Mr. KAGEN, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 4351. A bill to amend the Buy American Act to increase the requirement for American-made content, to tighten the waiver provisions, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MCCARTHY of California:

H.R. 4352. A bill to amend the Federal Water Pollution Control Act to authorize additional assistance for projects to construct publicly owned treatment works that serve small and disadvantaged communities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RUSH:

H.R. 4353. A bill to require the Federal Communications Commission to authorize access by owners and operators of certain wireless microphones to a geolocation database maintained for the purpose of prohibiting the operation of unlicensed TV band devices on protected frequencies, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself and Mr. PLATTS):

H.R. 4354. A bill to recruit, support, and prepare principals to improve student academic achievement at high-need schools; to the Committee on Education and Labor.

By Ms. JACKSON-LEE of Texas:

H.R. 4355. A bill to authorize the Secretary of Labor to make grants to States, units of local government, and Indian tribes to carry out employment training programs; to the Committee on Education and Labor.

By Mr. ACKERMAN (for himself, Mr. LATOURETTE, Mr. GRIJALVA, Mr. ISRAEL, Mr. CASTLE, Ms. SHEA-PORTER, Mr. MOORE of Kansas, Mr. NADLER of New York, Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SUTTON, Mr. MORAN of Virginia, Mr. SHULER, Mr. KING of New York, Mr. LEWIS of Georgia, Mr. SHERMAN, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. BLUMENAUER, Mrs. LOWEY, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. GEORGE MILLER of California, Mr. MICHAUD, Mr. CROWLEY, Mr. GERLACH, Mr. CUMMINGS, Mr. MARKEY of Massachusetts, Mr. INSLEE, Mr. DOYLE, Mr. SERRANO, and Ms. LEE of California):

H.R. 4356. A bill to amend the Humane Methods of Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory cattle, and for other purposes; to the Committee on Agriculture.

By Mr. BACA (for himself and Mr. GENE GREEN of Texas):

H.R. 4357. A bill to use amounts repaid to the Treasury under the Troubled Assets Relief Program for relief to displaced and low-wage workers, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN:

H.R. 4358. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve access to high-quality early learning and child care for low-income children and working families, and for other purposes; to the Committee on Education and Labor.

By Mr. BOOZMAN (for himself and Mr. WALZ):

H.R. 4359. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to guarantee housing loans for the construction energy efficient dwellings, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CAMPBELL (for himself, Mr. ROHRABACHER, Mr. FILNER, Mr. MCCARTHY of California, Mr. HUNTER, Mr. DANIEL E. LUNGREN of California, Mr. RADANOVICH, Mr. CALVERT, Mr. WAXMAN, Mrs. DAVIS of California, Mr. LEWIS of California, Mr. MCKEON, Mr. MCCLINTOCK, Ms. RICHARDSON, Mr. GALLEGLY, Ms. WATSON, Mr. DREIER, Ms. ZOE LOFGREN of California, Ms. LINDA T. SÁNCHEZ of California, Ms. SPEIER, Mr. SHERMAN, Mr. COSTA, Mr. ISSA, Mr. NUNES, Mrs. BONO MACK, Mr. ROYCE, Mr. BACA, Ms. LORETTA SANCHEZ of California, Mr. BERMAN, Ms. CHU, Mr. MCNERNEY, Mr. HERGER, Mr. SCHIFF, Mr. CARDOZA, and Ms. HARMAN):

H.R. 4360. A bill to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the ''Major Charles R. Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center''; to the Committee on Veterans' Affairs.

By Mr. CAMPBELL:

H.R. 4361. A bill to amend the Internal Revenue Code of 1986 to eliminate contribution limitations for retirement plans and increase penalties attributable to such contributions; to the Committee on Ways and Means.

By Mr. CAO:

H.R. 4362. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income remediation payments for hazardous drywall; to the Committee on Ways and Means.

By Mrs. CAPPS:

H.R. 4363. A bill to establish a regulatory system and research program for sustainable offshore aquaculture in the United States exclusive economic zone, and for other purposes; to the Committee on Natural Resources.

By Mr. COHEN:

H.R. 4364. A bill to protect first amendment rights of petition and free speech by preventing States and the United States from allowing meritless lawsuits arising from acts in furtherance of those rights, commonly called ''SLAPPs'', and for other purposes; to the Committee on the Judiciary.

By Mr. MARIO DIAZ-BALART of Florida:

H.R. 4365. A bill to limit the distribution of funds for campaign-related work under the American Recovery and Reinvestment Act of 2009, to reduce the deficit, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. DONNELLY of Indiana:

H.R. 4366. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified motor vehicle taxes for motor

homes; to the Committee on Ways and Means.

By Mr. ELLISON (for himself and Mr. DEFAZIO):

H.R. 4367. A bill to alter requirements relating to recommendations for funding by the Federal Transit Administration of fixed guideway projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ENGEL (for himself, Mr. MEEKS of New York, Mr. HONDA, Mr. SIRES, Mr. MCGOVERN, and Ms. LEE of California):

H.R. 4368. A bill to authorize the establishment of a Social Investment and Economic Development for the Americas Fund to reduce poverty, expand the middle class, and foster increased economic opportunity in that region, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FRANK of Massachusetts (for himself, Mr. TIERNEY, Mr. JONES, and Ms. PINGREE of Maine):

H.R. 4369. A bill to allow the United States-Canada Transboundary Resource Sharing Understanding to be considered an international agreement for the purposes of section 304(e)(4) of the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

By Mr. GONZALEZ (for himself and Ms. NORTON):

H.R. 4370. A bill to require railroad carriers to prepare and maintain a plan for notifying local emergency responders before transporting hazardous materials through their jurisdictions; to the Committee on Transportation and Infrastructure.

By Mr. GONZALEZ (for himself, Mr. ORTIZ, Mr. BOREN, Mr. GRIFFITH, Mr. THORNBERRY, Mr. MEEK of Florida, Mr. COURTNEY, Mr. GARRETT of New Jersey, Mr. ARCURI, Mr. CARNAHAN, Mr. HALL of Texas, Mr. RUPPERSBERGER, Mr. MORAN of Virginia, Mr. SCOTT of Georgia, Mr. AKIN, Mr. PITTS, Mr. CUELLAR, Mr. KAGEN, Mr. MCINTYRE, Mr. GRAYSON, Mrs. MCCARTHY of New York, Mr. BISHOP of Georgia, Mr. CUMMINGS, Mr. MASSA, Mr. BARTLETT, Mr. COHEN, Mr. PETERS, Mr. BERRY, Mr. HIMES, Ms. MCCOLLUM, Mr. BISHOP of New York, Mrs. LOWEY, Mr. MAFFEI, Mr. CLAY, Mr. MURPHY of New York, Mrs. CHRISTENSEN, Mr. KRATOVIL, Mr. ROE of Tennessee, Mr. WITTMAN, Mr. BUTTERFIELD, Mr. ISRAEL, Mr. LUETKEMEYER, Mr. RUSH, Mr. MARCHANT, Mr. HILL, Ms. WASSERMAN SCHULTZ, Mr. LINCOLN DIAZ-BALART of Florida, Ms. NORTON, Mr. LOBIONDO, Ms. KOSMAS, Mr. DENT, Mr. FALEOMAVAEGA, Mrs. BIGGERT, Mr. ADLER of New Jersey, Mr. GERLACH, and Mr. PAUL):

H.R. 4371. A bill to amend title XVIII of the Social Security Act to continue using 2009 Medicare practice expense relative value units for certain cardiology services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES (for himself and Mr. CLEAVER):

H.R. 4372. A bill to direct the Secretary of Transportation to establish a pilot program for evaluating technologies that are likely to prevent adverse weather effects associated with freezing temperatures on bridges, improve bridge safety, extend the life of bridges, and promote energy efficiency on bridges on the National Highway System; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Florida (for himself, Mr. MEEK of Florida, Mr. BARROW, Ms. JACKSON-LEE of Texas, Mr. STARK, and Mrs. NAPOLITANO):

H.R. 4373. A bill to amend title XVIII of the Social Security Act to stabilize and modernize the provision of partial hospitalization services under the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself and Mr. HERGER):

H.R. 4374. A bill to amend the Internal Revenue Code of 1986 to extend the credit for electricity produced from biomass, to provide credit rate parity under such credit, and to exclude certain unprocessed fuels from the cellulosic biofuel producer credit; to the Committee on Ways and Means.

By Mr. HINCHEY (for himself, Mr. INSLEE, Mr. TIERNEY, Mr. DEFAZIO, Ms. KAPTUR, and Mr. MCDERMOTT):

H.R. 4375. A bill to restore certain provisions of the Banking Act of 1933, commonly referred to as the ''Glass-Steagall Act'', and for other purposes; to the Committee on Financial Services.

By Mr. ISRAEL (for himself, Mr. FRANK of Massachusetts, Ms. BALDWIN, Mr. POLIS of Colorado, Mr. SERRANO, Mr. MORAN of Virginia, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. TOWNS, Mr. ACKERMAN, Mr. WEINER, Mr. GUTIERREZ, Mr. HONDA, Mr. CAPUANO, Ms. SPEIER, Mr. CROWLEY, Ms. PINGREE of Maine, Mr. NADLER of New York, Ms. WATSON, Mrs. MALONEY, Mr. QUIGLEY, Mr. SABLAN, Ms. SUTTON, Mr. SHERMAN, Mrs. CAPPS, Ms. BERKLEY, Ms. LINDA T. SÁNCHEZ of California, Mr. PETERS, Ms. ZOE LOFGREN of California, Mr. WAXMAN, Ms. LEE of California, Ms. WASSERMAN SCHULTZ, Mr. ENGEL, Mr. OLVER, Mr. ANDREWS, Mr. HINCHEY, Mr. LUJAN, Mr. KENNEDY, Mr. WU, Ms. CLARKE, Ms. CHU, Mr. MCGOVERN, Mr. CLAY, Mr. TONKO, and Mr. MURPHY of Connecticut):

H.R. 4376. A bill to amend the Equal Credit Opportunity Act to prohibit discrimination on account of sexual orientation or gender identity when extending credit; to the Committee on Financial Services.

By Ms. KAPTUR:

H.R. 4377. A bill to repeal certain provisions of the Gramm-Leach-Bliley Act and revive the separation between commercial banking and the securities business, in the manner provided in the Banking Act of 1933, the so-called ''Glass-Steagall Act'', and for other purposes; to the Committee on Financial Services.

By Mr. KISSELL:

H.R. 4378. A bill to amend the Americans with Disabilities Act to require that the same access to transportation and public accommodations be afforded to certified trainers of service animals as is afforded under such Act to individuals with disabilities who use such service animals; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN:

H.R. 4379. A bill to amend title 10, United States Code, to require contractors and subcontractors working on military construction projects to comply with licensing requirements for employees working at the project location; to the Committee on Armed Services.

By Mr. LEVIN (for himself and Mr. BRADY of Texas):

H.R. 4380. A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California (for herself and Mr. GEORGE MILLER of California):

H.R. 4381. A bill to reform the H-2B program, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY:

H.R. 4382. A bill to authorize the Secretary of Housing and Urban Development to make grants to nonprofit community organizations for the development of open space on municipally owned vacant lots in urban areas; to the Committee on Financial Services.

By Mr. MARSHALL (for himself, Mr. ACKERMAN, Mr. ARCURI, Mr. BISHOP of New York, Ms. CLARKE, Mr. CROWLEY, Mr. ENGEL, Mr. HALL of New York, Mr. HIGGINS, Mr. HINCHEY, Mr. ISRAEL, Mr. KING of New York, Mr. LEE of New York, Mrs. LOWEY, Mr. MAFFEI, Mr. MASSA, Mrs. MCCARTHY of New York, Mr. MCMAHON, Mrs. MALONEY, Mr. MEEKS of New York, Mr. MURPHY of New York, Mr. NADLER of New York, Mr. OWENS, Mr. RANGEL, Mr. SERRANO, Ms. SLAUGHTER, Mr. TONKO, Mr. TOWNS, Ms. VELÁZQUEZ, and Mr. WEINER):

H.R. 4383. A bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer; to the Committee on Energy and Commerce.

By Mr. MATHESON:

H.R. 4384. A bill to establish the Utah Navajo Trust Fund Commission, and for other purposes; to the Committee on Natural Resources.

By Mr. MEEK of Florida (for himself, Ms. LINDA T. SÁNCHEZ of California, and Mr. CARNAHAN):

H.R. 4385. A bill to authorize the issuance of United States War Bonds to aid in funding of the operations in Iraq and Afghanistan; to the Committee on Ways and Means.

By Mr. MICHAUD (for himself, Ms. TSONGAS, Ms. HARMAN, Mr. RYAN of Ohio, and Mrs. DAVIS of California):

H.R. 4386. A bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities; to the Committee on Armed Services.

By Mr. MILLER of Florida:

H.R. 4387. A bill to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. MURPHY of New York (for himself and Mr. CARNEY):

H.R. 4388. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the donation of wild game meat; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 4389. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to taxpayers using energy derived from biomass to power domestic paper, pulp and paperboard manufacturing process facilities; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 4390. A bill to amend title XI of the Social Security Act to provide for enhanced program and provider protections under the Medicare, Medicaid, and Children's Health Insurance programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL:

H.R. 4391. A bill to amend the Internal Revenue Code of 1986 to exclude from an employee's gross income any employer-provided supplemental instructional services assistance, and for other purposes; to the Committee on Ways and Means.

By Mr. PAYNE (for himself, Ms. WATSON, Mr. FATTAH, Mr. RUSH, Mr. LEWIS of Georgia, Ms. CLARKE, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Ms. FUDGE, Mr. JACKSON of Illinois, Ms. LEE of California, and Mr. BISHOP of Georgia):

H.R. 4392. A bill to amend the Foreign Assistance Act of 1961 to provide assistance to expand, improve, support, and promote higher education in the countries of sub-Saharan Africa; to the Committee on Foreign Affairs.

By Mr. PETERS (for himself, Mr. EHLERS, Mr. DINGELL, Ms. DELAURO, Mr. RYAN of Ohio, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. HOLDEN, Mr. COSTELLO, Ms. KAPTUR, Mr. WILSON of Ohio, Mr. STUPAK, Ms. FUDGE, Ms. MARKEY of Colorado, Ms. CORRINE BROWN of Florida, Mr. HARE, Ms. SUTTON, Mr. SCHAUER, Mr. KILDEE, Mr. CARNEY, Mr. CAMP, Mr. INSLEE, Mr. LUETKEMEYER, Mr. DENT, Mr. MILLER of North Carolina, Mr. FORTENBERRY, Mrs. MILLER of Michigan, Mr. GINGREY of Georgia, Mr. ROGERS of Michigan, Mr. COURTNEY, Mr. LIPINSKI, Mr. REYES, Mr. WELCH, Mr. FILNER, Mr. TONKO, Mr. SIMPSON, Mr. CARNAHAN, Mr. LATOURETTE, Ms. KILPATRICK of Michigan, Mr. TIM MURPHY of Pennsylvania, Mr. PLATTS, and Mr. MINNICK):

H.R. 4393. A bill to authorize the Secretary of Commerce to reduce the matching requirement for participants in the Hollings Manufacturing Extension Partnership Program; to the Committee on Science and Technology.

By Ms. PINGREE of Maine:

H.R. 4394. A bill to provide for a phased ban on decabrominated diphenylether and mixtures or products containing that chemical, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Foreign Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS:

H.R. 4395. A bill to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes; to the Committee on Natural Resources.

By Mr. POMEROY:

H.R. 4396. A bill to amend the Clean Air Act to provide that greenhouse gases are not subject to the Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SABLAN:

H.R. 4397. A bill to clarify the transitional status of certain aliens not provided for in subtitle A of title VII of the Consolidated Natural Resources Act of 2008, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR (for himself, Ms. DEGETTE, Ms. MARKEY of Colorado, Mr. POLIS of Colorado, Mr. PERLMUTTER, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. MINNICK, Mr. LUJÁN, Mrs. KIRKPATRICK of Arizona, and Ms. BERKLEY):

H.R. 4398. A bill to address public safety risks in western States by facilitating insect and disease infestation treatment of National Forest System land and certain adjacent land, to make permanent the good-neighbor authority for Colorado and stewardship contracting authorities available to the Forest Service, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO (for himself, Mr. TERRY, Mr. MAFFEI, Mr. GONZALEZ, Mr. CARNAHAN, and Mr. ISRAEL):

H.R. 4399. A bill to further the national deployment of electric drive vehicles, to strengthen and enhance the national power grid through the integration of such vehicles, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHULER (for himself, Mr. MELANCON, Mrs. EMERSON, Mr. PAUL, Ms. FOXX, Mr. POE of Texas, Mr. GONZALEZ, Mr. RYAN of Ohio, Mr. DELAHUNT, Mr. MINNICK, Mr. DINGELL, Mr. QUIGLEY, Mr. TANNER, Mr. SMITH of Texas, Mr. CARNEY, Mr. INGLIS, Ms. JENKINS, Mr. COBLE, Mr. CONAWAY, Mr. HILL, Ms. BEAN, Mr. CHILDERS, Mr. COSTA, and Mr. HARPER):

H.R. 4400. A bill to authorize States to exempt certain nonprofit housing organizations from the licensing requirements of the S.A.F.E. Mortgage Licensing Act of 2008; to the Committee on Financial Services.

By Mr. SMITH of Washington (for himself and Mr. DICKS):

H.R. 4401. A bill to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes; to the Committee on Natural Resources.

By Mr. TONKO:

H.R. 4402. A bill to amend the Richard B. Russell National School Lunch Act to improve access to nutritious meals for young children in child care; to the Committee on Education and Labor.

By Mr. WALZ (for himself, Mr. BARTLETT, Mr. BUYER, and Mr. FILNER):

H.R. 4403. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for unremarried surviving spouses of retired members of the uniformed services and the unremarried surviving spouses of veterans who died from a service-connected or compensable disability, and for the dependents of such spouses; to the Committee on Armed Services.

By Ms. WATERS (for herself, Ms. ROS-LEHTINEN, Mrs. CHRISTENSEN, Mr. KILDEE, and Ms. BORDALLO):

H.R. 4404. A bill to amend the Public Health Service Act to authorize grants to provide treatment for diabetes in minority communities; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mr. BACHUS, Mrs. MALONEY, Mrs. BIGGERT, Mr. GUTIERREZ, Mr. PAYNE, Ms. LEE of California, Mr. CLEAVER, and Mr. WALDEN):

H.R. 4405. A bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 4406. A bill to render nationals of Israel eligible to enter the United States as nonimmigrant traders and investors; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 4407. A bill to establish a coordinated avalanche protection program, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Oversight and Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. HALVORSON:

H.J. Res. 65. A joint resolution disapproving the rule submitted by the Federal Election Commission with respect to travel on private aircraft for Federal candidates; to the Committee on House Administration.

By Mr. MORAN of Kansas:

H.J. Res. 66. A joint resolution disapproving a rule submitted by the Administrator of the Environmental Protection Agency relating to endangerment and cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act; to the Committee on Energy and Commerce.

By Ms. PINGREE of Maine:

H. Con. Res. 223. Concurrent resolution providing for the sine die adjournment of the first session of the One Hundred Eleventh Congress; considered and agreed to.

By Mr. POSEY (for himself, Mr. PUTNAM, Mr. LANCE, and Mr. PAUL):

H. Con. Res. 224. Concurrent resolution encouraging Federal financial regulators to establish clear and consistent guidelines for financial institutions seeking to grow or expand; to the Committee on Financial Services.

By Mr. SCHIFF (for himself and Ms. GRANGER):

H. Con. Res. 225. Concurrent resolution supporting the goals and ideals of observing the National Slavery and Trafficking Prevention Month from January 1 through February 1 of each year to raise awareness of, and opposition to, modern slavery; to the Committee on the Judiciary.

By Mr. POE of Texas (for himself, Mr. BURTON of Indiana, Mr. CAPUANO, Mr. MANZULLO, Mr. BILIRAKIS, Mr. ROYCE, Mr. ROHRABACHER, Mr. WILSON of South Carolina, Mr. CALVERT, Mrs. MYRICK, Mr. SMITH of Texas, Mr. OLSON, Mrs. LUMMIS, Mr. BOOZMAN, Mr. LATTA, Mr. NEUGEBAUER, Mr. LEE of New York, Mr. NYE, Mr. JONES, Mr. COBLE, Mr. HALL of Texas, Ms. FALLIN, Mr. SAM JOHNSON of Texas, Ms. GRANGER, Mr. BRADY of Texas, Mr. KING of Iowa, Mr. CULBERSON, Mr. PRICE of Georgia, Mr. CARTER, Mr. CONAWAY, Mr. MCCAUL, Mr. GOHMERT, Mr. HENSARLING, Mr. GINGREY of Georgia, Mr. BARTLETT, Mr. PITTS, Mrs. SCHMIDT, Mrs. BLACKBURN, Mr. MARCHANT, Mr. SHADEGG, Mr. POSEY, Mr. AKIN, Mr. HUNTER, Mr. MCCOTTER, Mr. BARTON of Texas, and Mr. WITTMAN):

H. Res. 977. A resolution honoring Navy SEALs Petty Officer 2nd Class Matthew McCabe, Petty Officer 2nd Class Jonathan Keefe, and Petty Officer 1st Class Julio

Huertas for their heroic actions in the capture of Ahmed Hashim Abed, the mastermind behind of one of the most notorious crimes against Americans in Iraq; to the Committee on Armed Services.

By Mr. HOEKSTRA:

H. Res. 978. A resolution requesting the President to transmit to the House of Representatives all documents in the possession of the President relating to the inventory and review of intelligence related to the shooting at Fort Hood, Texas, described by the President in a memorandum dated November 10, 2009; to the Committee on Intelligence (Permanent Select).

By Mr. FATTAH:

H. Res. 979. A resolution expressing the sense of the House of Representatives in support of the Common Core State Standards Initiative; to the Committee on Education and Labor.

By Mr. DENT (for himself, Mr. KING of New York, Mr. BILIRAKIS, Mr. DANIEL E. LUNGREN of California, Mr. OLSON, Mrs. MILLER of Michigan, and Mr. AUSTRIA):

H. Res. 980. A resolution of inquiry directing the Secretary of Homeland Security to transmit to the House of Representatives a copy of the Transportation Security Administration's Aviation Security Screening Management Standard Operating Procedures manual in effect on December 5, 2009, and any subsequent revisions of such manual in effect prior to the adoption of this resolution; to the Committee on Homeland Security.

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Mr. LEVIN, Mr. BARTLETT, Ms. KAPTUR, Mr. GERLACH, Mr. HASTINGS of Florida, and Mr. WEXLER):

H. Res. 981. A resolution supporting continued political and economic development in Ukraine; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself and Mr. SHIMKUS):

H. Res. 982. A resolution expressing the sense of the House of Representatives that France and other member states of the North Atlantic Treaty Organization and the European Union should decline to sell major weapons systems or offensive military equipment to the Russian Federation; to the Committee on Foreign Affairs.

By Mr. BURGESS:

H. Res. 983. A resolution requesting the President, and directing the Secretary of Health and Human Services, to transmit to the House of Representatives copies of documents, records, and communications in their possession relating to certain agreements regarding health care reform; to the Committee on Energy and Commerce.

By Mr. MCCARTHY of California (for himself, Mr. MCKEON, Mr. DICKS, Mrs. CAPPS, Mr. MILLER of Florida, Mr. COURTNEY, Mr. SCOTT of Virginia, Mr. KIRK, and Mr. CAPUANO):

H. Res. 984. A resolution recognizing the importance and contributions of the official United States naval history museums; to the Committee on Armed Services.

By Mr. BOOZMAN:

H. Res. 985. A resolution of inquiry directing the Administrator of the Environmental Protection Agency to transmit to the House of Representatives all information in the possession of the Administrator relating to nutrient management of the Illinois River Watershed, Arkansas and Oklahoma; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Pennsylvania (for himself, Mr. ADLER of New Jersey, Mr. FATTAH, Mr. GERLACH, Ms. SCHWARTZ, Mr. KANJORSKI, Mr. NEAL of Massachusetts, Mr. PIERLUISI, Mr. WELCH, Mr. DOYLE, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PAYNE, and Ms. LINDA T. SÁNCHEZ of California):

H. Res. 986. A resolution supporting a national and international celebration commemorating the 250th anniversary of the United States of America's birth, to be held throughout the year 2026, focused on the Greater Philadelphia Region in the Commonwealth of Pennsylvania, the State of Delaware, and the State of New Jersey; to the Committee on Oversight and Government Reform.

By Mr. FRELINGHUYSEN:

H. Res. 987. A resolution recognizing the importance of trade to the United States economy and the importance of passing free trade agreements with Colombia, South Korea, and Panama; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. CULBERSON, Mr. DANIEL E. LUNGREN of California, Mr. MCCOTTER, Mr. CHAFFETZ, Mr. PRICE of Georgia, Mr. LUETKEMEYER, Mr. ROONEY, Mr. GUTHRIE, Mr. LOBIONDO, Mr. HALL of Texas, Mr. BROUN of Georgia, Mr. SCALISE, Mr. YOUNG of Florida, Mr. FRELINGHUYSEN, Mr. SIMPSON, Mr. TIBERI, Mr. JORDAN of Ohio, Mr. SHUSTER, Mr. GINGREY of Georgia, Mr. TIM MURPHY of Pennsylvania, Mr. DAVIS of Kentucky, Mr. NUNES, Mr. KINGSTON, Mr. LEE of New York, Mr. SESSIONS, Mr. DREIER, Mr. BRIGHT, Mr. KING of Iowa, Mr. AKIN, Mr. COFFMAN of Colorado, Mr. WITTMAN, Mr. LATTA, Mr. BILBRAY, Mr. BURTON of Indiana, Mr. CALVERT, Mr. POE of Texas, Mr. ISSA, Mr. COHEN, and Mr. NYE):

H. Res. 988. A resolution recognizing the exemplarily service, devotion to country, and selfless sacrifice of Special Warfare Operators 2nd Class Matthew McCabe and Jonathan Keefe and Special Warfare Operator 1st Class Julio Huertas in capturing Ahmed Hashim Abed, one of the most-wanted terrorists in Iraq, and pledging to continue to support members of the United States Armed Forces serving in harm's way; to the Committee on Armed Services.

By Mr. INSLEE (for himself, Mr. MARKEY of Massachusetts, Ms. BORDALLO, Mr. BAIRD, Mr. THOMPSON of California, Mr. LANGEVIN, Ms. HIRONO, Mrs. CAPPS, Mr. GEORGE MILLER of California, Ms. SHEA-PORTER, Ms. WOOLSEY, Mr. HONDA, Mr. WU, Ms. SPEIER, Mr. DELAHUNT, Mr. SMITH of Washington, Ms. MCCOLLUM, Mr. FARR, Mr. DICKS, Mrs. CHRISTENSEN, Mr. ADLER of New Jersey, and Mr. HOLT):

H. Res. 989. A resolution expressing the sense of the House of Representatives that the United States should adopt national policies and pursue international agreements to prevent ocean acidification, to study the impacts of ocean acidification, and to address the effects of ocean acidification on marine ecosystems and coastal economies; to the Committee on Natural Resources.

By Ms. MCCOLLUM (for herself, Mrs. DAVIS of California, and Mr. ROGERS of Michigan):

H. Res. 990. A resolution expressing support for designation of January 2010 as ''National Mentoring Month''; to the Committee on Education and Labor.

By Mr. PERRIELLO:

H. Res. 991. A resolution commending the University of Virginia men's soccer team for winning the 2009 Division I NCAA National Championship; to the Committee on Education and Labor.

By Mr. POE of Texas (for himself and Mr. ROHRABACHER):

H. Res. 992. A resolution expressing the sense of the House that the Government of the Islamic Republic of Iran should halt the widespread and brutal repression of the peaceful reformist protestors, opposition supporters, human rights defenders, students, and journalists following the disputed Iranian presidential election of June 12, 2009; to the Committee on Foreign Affairs.

By Mr. ROONEY:

H. Res. 993. A resolution recognizing the service, professionalism, honor, and sacrifices of the Navy SEALs and their contribution to the national security of the United States, supporting the mission of the Navy SEALs, and encouraging the people of the United States to learn the history and mission of the Navy SEALs; to the Committee on Armed Services.

By Mr. WOLF:

H. Res. 994. A resolution directing the Attorney General to transmit to the House of Representatives all information in the Attorney General's possession relating to the decision to dismiss United States v. New Black Panther Party; to the Committee on the Judiciary.

¶157.47 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. SARBANES, Ms. CLARKE, Mr. PERLMUTTER, Ms. HERSETH SANDLIN, Mr. BECERRA, Mr. HINOJOSA, Mr. WEINER, Mr. TOWNS, Mrs. MCCARTHY of New York, and Mr. WILSON of Ohio.

H.R. 43: Mr. DENT, Mrs. KIRKPATRICK of Arizona, and Mr. CAPUANO.

H.R. 208: Mr. BURGESS.

H.R. 211: Mr. CUELLAR and Mr. GONZALEZ.

H.R. 235: Ms. CHU.

H.R. 268: Mr. WILSON of South Carolina, Mr. JORDAN of Ohio, Mr. MORAN of Kansas, Mr. BOOZMAN, and Mr. GARY G. MILLER of California.

H.R. 272: Mr. BURTON of Indiana, Mr. CONAWAY, and Mr. SPRATT.

H.R. 391: Mrs. BIGGERT, Mr. BILIRAKIS, Mr. BONNER, Mr. BOUSTANY, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. CAMP, Mrs. CAPITO, Mr. COBLE, Mr. DEAL of Georgia, Mr. DUNCAN, Mr. FORBES, Mr. GALLEGLY, Mr. GRIFFITH, Mr. GUTHRIE, Mr. JONES, Mr. KING of New York, Mr. KINGSTON, Mr. LEWIS of California, Mr. LUCAS, Mr. MACK, Mr. MCCARTHY of California, Mr. MICA, Mrs. MILLER of Michigan, Mr. PUTNAM, Mr. REHBERG, Mr. ROSKAM, Mr. ROYCE, Mr. SMITH of Texas, Mr. STEARNS, Mr. TURNER, Mr. WALDEN, Mr. WHITFIELD, Mr. CAMPBELL, Mrs. EMERSON, Mr. FORTENBERRY, Mr. YOUNG of Florida, Mr. TIBERI, Mr. SIMPSON, Mr. LATOURETTE, Mr. PETRI, and Mrs. SCHMIDT.

H.R. 413: Ms. ROYBAL-ALLARD, Mr. ADLER of New Jersey, and Mr. JOHNSON of Georgia.

H.R. 450: Mr. UPTON.

H.R. 503: Mr. ORTIZ, Mr. QUIGLEY, Ms. VELÁZQUEZ, Mr. HARE, Mr. ADLER of New Jersey, Mr. TOWNS, and Mr. INSLEE.

H.R. 510: Mr. BOSWELL and Mr. BROUN of Georgia.

H.R. 558: Ms. WOOLSEY and Mr. BRIGHT.

H.R. 616: Mr. MOORE of Kansas.

H.R. 684: Mr. WELCH.

H.R. 690: Mr. ALEXANDER and Mrs. BIGGERT.

H.R. 734: Mr. BILBRAY, Mrs. HALVORSON, and Mr. DOGGETT.

H.R. 775: Mr. MCDERMOTT, Mr. CAO, and Mr. PITTS.

H.R. 847: Mr. REICHERT.

H.R. 855: Mr. DAVIS of Alabama.

H.R. 864: Mr. FOSTER.

H.R. 886: Mr. PETERSON and Mr. MOORE of Kansas.

H.R. 932: Mr. CAPUANO, Mr. KANJORSKI, Mr. AL GREEN of Texas, and Mr. GUTIERREZ.

H.R. 948: Mr. ELLSWORTH.

H.R. 988: Mr. TIM MURPHY of Pennsylvania, Mr. BISHOP of Georgia, Mr. PETERSON, Mr.

BISHOP of Utah, Mr. SHIMKUS, and Mr. CAPUANO.
H.R. 1006: Mr. HOLDEN and Mr. ANDREWS.
H.R. 1020: Mr. BRADY of Pennsylvania.
H.R. 1034: Ms. FOXX.
H.R. 1064: Ms. HERSETH SANDLIN.
H.R. 1067: Mr. MOLLOHAN and Mr. BOREN.
H.R. 1079: Mr. GRIJALVA and Mr. CONNOLLY of Virginia.
H.R. 1132: Mr. INGLIS, Mr. MANZULLO, and Mr. WALDEN.
H.R. 1188: Mr. HIMES.
H.R. 1194: Mr. MILLER of Florida, Mr. JACKSON of Illinois, Mr. WOLF, Mr. JOHNSON of Illinois, Mr. ETHERIDGE, Mr. ROGERS of Kentucky, and Mr. QUIGLEY.
H.R. 1205: Mr. WAMP and Mr. ROGERS of Kentucky.
H.R. 1230: Mrs. BONO MACK.
H.R. 1314: Mr. ABERCROMBIE.
H.R. 1326: Mr. ENGEL, Ms. LINDA T. SÁNCHEZ of California, Mr. GONZALEZ, Mr. QUIGLEY, Mr. ADLER of New Jersey, Mr. FOSTER, and Ms. MARKEY of Colorado.
H.R. 1351: Ms. ROS-LEHTINEN and Mr. MICHAUD.
H.R. 1352: Mr. HUNTER.
H.R. 1361: Ms. WOOLSEY and Ms. MCCOLLUM.
H.R. 1378: Mr. BRALEY of Iowa.
H.R. 1479: Ms. ZOE LOFGREN of California and Mr. QUIGLEY.
H.R. 1490: Mrs. NAPOLITANO.
H.R. 1526: Mr. KAGEN, Mr. NADLER of New York, Mr. OBERSTAR, Mr. POSEY, Mr. MCNERNEY, Ms. SUTTON, Mr. HINCHEY, and Mr. MARKEY of Massachusetts.
H.R. 1545: Mr. NYE.
H.R. 1549: Mr. QUIGLEY, Mr. CAPUANO, Mr. LEWIS of Georgia, Ms. WASSERMAN SCHULTZ, Mr. TOWNS, Ms. HARMAN, and Mr. ADLER of New Jersey.
H.R. 1551: Mr. ADLER of New Jersey.
H.R. 1557: Mr. HEINRICH.
H.R. 1585: Mr. JOHNSON of Illinois, Mr. UPTON, and Mr. ALEXANDER.
H.R. 1588: Mr. ALEXANDER.
H.R. 1693: Mr. QUIGLEY.
H.R. 1740: Mr. DENT.
H.R. 1778: Mr. LUJÁN, Ms. FUDGE, Mr. KAGEN, Ms. BALDWIN, Ms. HIRONO, Mr. HIGGINS, Mr. MCGOVERN, and Mr. SARBANES.
H.R. 1806: Mr. ROSS, Ms. LINDA T. SÁNCHEZ of California, Mr. SIRES, Mr. BUTTERFIELD, Mr. JOHNSON of Illinois, and Mr. SNYDER.
H.R. 1826: Mr. OWENS and Ms. CHU.
H.R. 1829: Mrs. BLACKBURN and Mr. CAPUANO.
H.R. 1836: Mr. MITCHELL.
H.R. 1844: Ms. DELAURO.
H.R. 1873: Mr. CONNOLLY of Virginia.
H.R. 1884: Mr. SMITH of New Jersey, Mr. BOOZMAN, and Ms. SPEIER.
H.R. 1924: Mr. HEINRICH.
H.R. 1925: Ms. PINGREE of Maine.
H.R. 1964: Ms. SLAUGHTER, Mr. AL GREEN of Texas, and Mr. ELLISON.
H.R. 1972: Mr. WALZ.
H.R. 1977: Mr. MORAN of Virginia.
H.R. 1998: Mr. SESSIONS.
H.R. 2000: Mr. PETERS and Ms. ESHOO.
H.R. 2001: Mr. HODES.
H.R. 2006: Ms. DELAURO.
H.R. 2135: Ms. WOOLSEY, Mr. BRIGHT, and Mrs. BIGGERT.
H.R. 2139: Mr. KAGEN, Ms. ESHOO, Mr. CLEAVER, and Mr. INSLEE.
H.R. 2142: MR. BRIGHT, MR. MELANCON, MR. ARCURI, MR. TANNER, MR. KRATOVIL, MR. ROSS, MR. THOMPSON OF CALIFORNIA, AND MR. SCOTT OF GEORGIA.
H.R. 2149: Mr. CARNEY.
H.R. 2153: Mr. YOUNG of Alaska.
H.R. 2156: Mr. ALTMIRE.
H.R. 2159: Mr. PASCRELL.
H.R. 2246: Ms. MATSUI.
H.R. 2256: Ms. SPEIER.
H.R. 2275: Ms. MOORE of Wisconsin, Mr. MEEK of Florida, Ms. ZOE LOFGREN of California, Ms. BERKLEY, Mr. SOUDER, Mr. BARROW, Mr. CLEAVER, and Mrs. MYRICK.
H.R. 2277: Mr. REHBERG.
H.R. 2296: Mrs. MYRICK.
H.R. 2324: Mr. PRICE of North Carolina, Mr. LANGEVIN, Mr. KING of New York, Mr. BLUMENAUER, Mr. FILNER, and Ms. ROYBAL-ALLARD.
H.R. 2377: Mrs. BIGGERT.
H.R. 2408: Mrs. NAPOLITANO.
H.R. 2413: Ms. SCHAKOWSKY and Mr. HEINRICH.
H.R. 2426: Mrs. MALONEY.
H.R. 2446: Ms. WOOLSEY, Mr. SHUSTER, and Mr. BRIGHT.
H.R. 2455: Mr. SMITH of New Jersey.
H.R. 2460: Ms. TSONGAS.
H.R. 2476: Mr. POLIS of Colorado.
H.R. 2478: Mr. WU.
H.R. 2480: Mr. TOWNS, Mr. INSLEE, Mr. MCDERMOTT, Mr. CAPUANO, Mr. QUIGLEY, Mr. ADLER of New Jersey, Mr. CLEAVER, Mr. FATTAH, Ms. KILROY, Mr. FOSTER, Mr. MARKEY of Massachusetts, Mr. SCHRADER, and Mr. PERRIELLO.
H.R. 2502: Mrs. BONO MACK.
H.R. 2531: Mr. JOHNSON of Georgia.
H.R. 2567: Mr. POLIS of Colorado.
H.R. 2568: Ms. NORTON.
H.R. 2570: Mr. RUSH.
H.R. 2575: Mr. GONZALEZ.
H.R. 2578: Mr. DAVIS of Illinois.
H.R. 2579: Ms. WOOLSEY and Ms. ROYBAL-ALLARD.
H.R. 2584: Mr. MAFFEI.
H.R. 2600: Mr. MURPHY of New York, Mr. PERRIELLO, and Mr. SIRES.
H.R. 2613: Mr. FILNER.
H.R. 2624: Mrs. BIGGERT.
H.R. 2672: Mr. POE of Texas.
H.R. 2697: Mr. BOOZMAN.
H.R. 2698: Mr. NYE.
H.R. 2699: Mr. HILL and Mr. NYE.
H.R. 2710: Mr. CARNAHAN and Mr. YARMUTH.
H.R. 2730: Mrs. BIGGERT.
H.R. 2733: Mr. MORAN of Kansas and Mr. GARRETT of New Jersey.
H.R. 2746: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. SCHAUER.
H.R. 2755: Ms. WOOLSEY.
H.R. 2766: Ms. SLAUGHTER.
H.R. 2799: Mr. MEEKS of New York.
H.R. 2807: Mr. LOBIONDO.
H.R. 2842: Mr. POE of Texas.
H.R. 2852: Mr. ARCURI.
H.R. 2855: Mr. LARSEN of Washington.
H.R. 2866: Mr. BARTLETT.
H.R. 2946: Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, and Ms. HIRONO.
H.R. 2999: Mr. MOORE of Kansas.
H.R. 3012: Mr. GARAMENDI.
H.R. 3024: Ms. WASSERMAN SCHULTZ and Mr. LATOURETTE.
H.R. 3043: Mrs. MALONEY, Ms. BORDALLO, and Ms. MOORE of Wisconsin.
H.R. 3077: Mr. MOORE of Kansas.
H.R. 3149: Mr. STARK and Mr. HINCHEY.
H.R. 3173: Ms. BALDWIN, Mr. CONYERS, Mr. SENSENBRENNER, and Mr. RYAN of Wisconsin.
H.R. 3202: Mr. STARK.
H.R. 3266: Mr. ISRAEL and Mr. MASSA.
H.R. 3339: Mr. PERLMUTTER, Mr. KIND, and Ms. MARKEY of Colorado.
H.R. 3380: Ms. SCHAKOWSKY and.Mr. JONES.
H.R. 3401: Mr. CUMMINGS, Ms. HIRONO, Ms. ROYBAL-ALLARD, and Ms. VELÁZQUEZ.
H.R. 3413: Mr. HODES.
H.R. 3460: Ms. SLAUGHTER.
H.R. 3510: Mr. BLUMENAUER, Ms. SUTTON, and Ms. MATSUI.
H.R. 3519: Mr. TIAHRT and Mr. GRIFFITH.
H.R. 3554: Ms. KILPATRICK of Michigan.
H.R. 3560: Ms. WOOLSEY.
H.R. 3564: Mr. DELAHUNT, Mr. SALAZAR, Mr. BECERRA, Mr. CARDOZA, Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR of Arizona, Mr. RODRIGUEZ, Mr. SIRES, Mr. FARR, Ms. LEE of California, Ms. CLARKE, Ms. VELÁZQUEZ, Mr. ELLISON, Mr. REYES, Mr. BERMAN, Mrs. CAPPS, Ms. CHU, Mr. HONDA, Ms. RICHARDSON, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Mr. GRAYSON, Ms. CORRINE BROWN of Florida, Mr. ABERCROMBIE, Mr. CAPUANO, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. FATTAH, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. PALLONE, Mr. PAYNE, Mr. OLVER, Mr. RUSH, Ms. SCHAKOWSKY, Mr. THOMPSON of Mississippi, and Ms. MATSUI.
H.R. 3567: Mr. HIGGINS and Mr. SIRES.
H.R. 3571: Mr. MANZULLO.
H.R. 3578: Ms. WOOLSEY and Mr. WAXMAN.
H.R. 3586: Mr. GOODLATTE.
H.R. 3589: Mrs. MYRICK, Mr. COBLE, Mrs. MALONEY, and Mr. ENGEL.
H.R. 3613: Mr. LUETKEMEYER.
H.R. 3654: Mr. GRAYSON.
H.R. 3666: Mr. TERRY.
H.R. 3668: Mrs. MILLER of Michigan, Mr. MINNICK, Mr. KENNEDY, Ms. WATERS, Mr. MATHESON, Mr. DELAHUNT, Mr. KIND, Mr. CUMMINGS, Mr. LUCAS, and Mr. ACKERMAN.
H.R. 3705: Mr. SABLAN, Mr. FARR, Mr. MEEKS of New York, and Mr. POLIS of Colorado.
H.R. 3710: Ms. MOORE of Wisconsin.
H.R. 3712: Mr. EHLERS.
H.R. 3752: Mr. LEE of New York.
H.R. 3790: Ms. LINDA T. SÁNCHEZ of California, Mr. BACA, Mr. KILDEE, and Mrs. BONO MACK.
H.R. 3800: Mr. YARMUTH.
H.R. 3810: Mr. MOLLOHAN.
H.R. 3836: Mr. SARBANES.
H.R. 3838: Mr. CONNOLLY of Virginia.
H.R. 3851: Mr. FRANK of Massachusetts.
H.R. 3905: Mr. FORTENBERRY.
H.R. 3907: Mr. POLIS of Colorado, Ms. TITUS, Mr. STARK, Mr. WU, Mr. GUTIERREZ, Mr. MASSA, Ms. SUTTON, Mr. LIPINSKI, Mr. SESTAK, Mr. CONYERS, and Ms. ZOE LOFGREN of California.
H.R. 3922: Mr. WITTMAN.
H.R. 3936: Mr. COURTNEY and Mr. PAYNE.
H.R. 3943: Mr. KISSELL, Mr. LANGEVIN, Ms. PINGREE of Maine, Mr. MEEK of Florida, Mr. HEINRICH, Mr. JOHNSON of Georgia, Mr. SIRES, Mr. MURPHY of Connecticut, Mr. MANZULLO, Mr. PAYNE, and Mr. BOREN.
H.R. 3952: Mr. NYE.
H.R. 3953: Mr. PAUL.
H.R. 3957: Ms. PINGREE of Maine and Mr. HOLT.
H.R. 3995: Mr. CHANDLER.
H.R. 4020: Mr. MCKEON, Mr. BISHOP of Utah, Mr. CHAFFETZ, Mr. REHBERG, and Mrs. LUMMIS.
H.R. 4021: Mr. MORAN of Virginia and Mr. PERRIELLO.
H.R. 4036: Mr. MEEKS of New York and Ms. JACKSON-LEE of Texas.
H.R. 4046: Mr. LAMBORN.
H.R. 4070: Mr. SOUDER and Mr. LUETKEMEYER.
H.R. 4088: Mr. LEE of New York and Mr. RADANOVICH.
H.R. 4089: Mr. WILSON of Ohio.
H.R. 4099: Mr. MAFFEI and Ms. FUDGE.
H.R. 4102: Mr. MCCOTTER.
H.R. 4115: Mr. HODES and Mr. SIRES.
H.R. 4116: Mr. STARK, Ms. SHEA-PORTER, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, and Mr. JOHNSON of Georgia.
H.R. 4123: Mr. BARROW, Mr. ABERCROMBIE, Mr. AL GREEN of Texas, and Mr. CLEAVER.
H.R. 4127: Mr. DENT.
H.R. 4131: Mr. GEORGE MILLER of California.
H.R. 4138: Mr. SCHOCK and Mr. LEE of New York.
H.R. 4144: Mr. MOLLOHAN.
H.R. 4149: Mr. THOMPSON of California, Mr. INSLEE, and Mr. KIND.
H.R. 4155: Mr. INSLEE, Mr. ISRAEL, Mrs. BONO MACK, Mr. WELCH, and Mr. TONKO.

H.R. 4168: Mrs. BONO MACK.
H.R. 4170: Mr. SHERMAN.
H.R. 4178: Ms. JENKINS.
H.R. 4186: Ms. JENKINS, Mr. PAUL, Mr. MINNICK, and Mr. MORAN of Kansas.
H.R. 4196: Mrs. NAPOLITANO, Mr. CARDOZA, Mrs. CAPPS, Mr. SIRES, and Ms. ROYBAL-ALLARD.
H.R. 4199: Mr. PETERSON, Mr. HARE, and Mr. ETHERIDGE.
H.R. 4202: Ms. NORTON and Mr. VAN HOLLEN.
H.R. 4220: Mr. SCHOCK and Mr. MANZULLO.
H.R. 4233: Mr. LEWIS of California, Mr. CALVERT, Mr. MCCLINTOCK, Mr. GARY G. MILLER of California, Mr. GALLEGLY, Mr. DEAL of Georgia, Mr. SIMPSON, Mr. HASTINGS of Washington, Mr. REICHERT, and Mr. WILSON of South Carolina.
H.R. 4236: Mr. KAGEN.
H.R. 4243: Mr. PAUL, Mr. CONAWAY, and Mr. MEEK of Florida.
H.R. 4244: Mr. GENE GREEN of Texas.
H.R. 4249: Mr. SHADEGG.
H.R. 4255: Mr. AUSTRIA, Mr. MINNICK, and Mrs. BIGGERT.
H.R. 4258: Mr. GERLACH.
H.R. 4262: Mr. BILBRAY, Mr. FORTENBERRY, Mrs. LUMMIS, and Mr. MCCOTTER.
H.R. 4263: Ms. SUTTON.
H.R. 4264: Mr. STARK.
H.R. 4267: Mr. BURGESS.
H.R. 4268: Mr. BISHOP of Georgia.
H.R. 4270: Mr. OLSON.
H.R. 4277: Mr. CASSIDY.
H.R. 4286: Ms. NORTON.
H.R. 4290: Ms. LINDA T. SÁNCHEZ of California, Mr. CAPUANO, Mr. MCGOVERN, Mr. NEAL of Massachusetts, and Ms. ROYBAL-ALLARD.
H.R. 4291: Mr. HARE, Ms. NORTON, and Ms. SUTTON.
H.R. 4295: Mr. KAGEN.
H.R. 4296: Mr. CROWLEY, Mr. JACKSON of Illinois, Ms. CLARKE, and Mr. MOORE of Kansas.
H.R. 4298: Mr. PASCRELL.
H.R. 4299: Mr. CLAY and Mr. ALEXANDER.
H.R. 4300: Ms. FUDGE, Mr. HONDA, Mr. PERRIELLO, and Mr. MORAN of Virginia.
H.R. 4303: Mr. MEEKS of New York.
H.R. 4312: Mrs. MCMORRIS RODGERS, Mr. CASSIDY, and Mrs. BACHMANN.
H.R. 4313: Mr. KILDEE.
H.R. 4321: Mr. WEXLER.
H.R. 4325: Mr. ELLISON and Mr. MCGOVERN.
H.J. Res. 42: Mr. LEE of New York.
H. Con. Res. 198: Ms. SCHAKOWSKY, Mr. JOHNSON of Georgia, Ms. SLAUGHTER, Mr. CHANDLER, and Mr. YARMUTH.
H. Con. Res. 200: Mr. BILIRAKIS and Mr. CULBERSON.
H. Con. Res. 205: Mr. MOORE of Kansas.
H. Con. Res. 220: Mr. NYE, Mr. WITTMAN, and Mr. MURPHY of New York.
H. Con. Res. 222: Mr. BACA, Mr. SERRANO, Mrs. NAPOLITANO, and Mr. SABLAN.
H. Res. 191: Ms. LINDA T. SÁNCHEZ of California.
H. Res. 278: Ms. SCHAKOWSKY.
H. Res. 416: Mr. TOWNS.
H. Res. 615: Mr. CALVERT.
H. Res. 713: Mr. PENCE, Mr. KLINE of Minnesota, Mr. SHIMKUS, Mr. SHADEGG, Mrs. BLACKBURN, Mr. GINGREY of Georgia, Ms. SCHWARTZ, Mr. HEINRICH, Mr. HONDA, Mr. SIRES, Mr. POSEY, Mr. WHITFIELD, Mr. WALDEN, Mr. TERRY, Mr. NEUGEBAUER, Mr. GRIJALVA, Mr. OLSON, Mr. THORNBERRY, Mr. CULBERSON, Mr. SABLAN, Mr. BARTON of Texas, Mr. BARTLETT, and Ms. JENKINS.
H. Res. 763: Mr. HOEKSTRA.
H. Res. 776: Mr. MICHAUD and Mr. COURTNEY.
H. Res. 812: Mr. BACHUS.
H. Res. 864: Mr. SPACE.
H. Res. 887: Mr. ALEXANDER.
H. Res. 898: Mr. KENNEDY and Mr. Lee of New York.
H. Res. 904: Mr. MCGOVERN, Mr. FILNER, and Ms. RICHARDSON.
H. Res. 911: Mr. PENCE and Mr. BROUN of Georgia.
H. Res. 923: Mr. THORNBERRY and Mr. KLINE of Minnesota.
H. Res. 925: Mr. SMITH of Washington and Mr. ROE of Tennessee.
H. Res. 945: Mr. TIAHRT.
H. Res. 946: Mr. OLVER.
H. Res. 947: Mr. HONDA.
H. Res. 949: Mrs. BIGGERT and Mr. WAMP.
H. Res. 951: Mr. TURNER.
H. Res. 954: Mr. GERLACH.
H. Res. 957: Mr. BOUCHER, Ms. FOXX, Mr. SHULER, Mr. SOUDER, Mr. POSEY, Mr. ROE of Tennessee, Mrs. MCMORRIS RODGERS, Mr. JONES, Mr. BOOZMAN, Mr. ADERHOLT, Mr. LATOURETTE, Mr. MASSA, Mr. PAULSEN, Mr. RADANOVICH, Mr. BURTON of Indiana, Mr. HILL, Ms. JENKINS, Ms. GRANGER, Mr. GINGREY of Georgia, Mr. SCHOCK, Mr. BUTTERFIELD, Mr. TIM MURPHY of Pennsylvania, Mr. BILBRAY, Mr. POE of Texas, Mr. ROGERS of Michigan, Mr. MCCOTTER, Mr. SHIMKUS, Mr. BROUN of Georgia, Mr. SPRATT, Mrs. CAPITO, and Mr. MARIO DIAZ-BALART of Florida.
H. Res. 958: Mr. CALVERT.
H. Res. 959: Mr. KING of Iowa, Mr. CULBERSON, Mr. BURTON of Indiana, Mr. GINGREY of Georgia, Mr. BARTLETT, Mrs. LUMMIS, Mr. PITTS, Mrs. SCHMIDT, Mr. WAMP, Mr. HALL of Texas, Mr. MARCHANT, Mr. SHADEGG, Mr. POSEY, and Mr. AKIN.
H. Res. 960: Mr. WALZ, Ms. JACKSON-LEE of Texas, and Ms. ROYBAL-ALLARD.
H. Res. 966: Mr. SMITH of Texas, Mr. KINGSTON, Mr. SHIMKUS, Mr. JORDAN of Ohio, Mr. HERGER, Mr. KLINE of Minnesota, and Mr. LAMBORN.
H. Res. 967: Mr. CARSON of Indiana.
H. Res. 970: Mrs. MILLER of Michigan.
H. Res. 975: Ms. KILPATRICK of Michigan.

SATURDAY, DECEMBER 19, 2009 (158)

¶158.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC.
December 19, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶158.2 MESSAGE FROM THE SERGEANT AT ARMS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, laid before the House a message from the Sargeant at Arms, which was read as follows:

OFFICE OF THE SERGEANT AT ARMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 18, 2009.

Hon. NANCY PELOSI,
The Speaker,
Washington, DC.

DEAR MADAM SPEAKER, As you are aware, the time previously appointed for the next meeting of the House is 6 p.m. on Saturday, December 19, 2009. This is to notify you, pursuant to clause 12(c) of rule I, of an imminent impairment of the place of reconvening at that time. The impairment is due to the weather.

Respectfully,

WILSON LIVINGOOD,
Sergeant at Arms.

¶158.3 TIME FOR RECONVENING

The SPEAKER pro tempore Ms. EDWARDS of Maryland, announced that under clause 12(c) of rule I, the Speaker established this time for reconvening and notified Members accordingly.

¶158.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 19, 2009.

Hon. NANCY PELOSI,
The Speaker,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 19, 2009, at 10:00 a.m.

That the Senate concurs in the amendment of the House to the amendment of the Senate to the bill H.R. 3326.

That the Senate passed without amendment H.R. 1377.

That the Senate agreed to without amendment H. Con. Res. 218.

That the Senate agreed to without amendment H.J. Res. 64.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶158.5 RECESS—12:03 P.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 12(c) of rule I, declared the House in recess at 12 o'clock and 3 minutes p.m., until approximately 11:30 a.m. on Wednesday, December 23, 2009.

WEDNESDAY, DECEMBER 23 (LEGISLATIVE DAY OF DECEMBER 19), 2009

¶158.6 AFTER RECESS—11:30 A.M.

The SPEAKER pro tempore, Mr. MORAN of Virginia, called the House to order.

¶158.7 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced he had examined and approved the Journal of the proceedings of Wednesday, December 16, 2009.

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

¶158.8 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5172. A communication from the President of the United States, transmitting an supplemental consolidated report, consistent with the War Powers Resoultion, to help ensure that the Congress is kept fully informed on U.S. military activities in support of the war on terror and Kosovo, pursuant to Public Law 93-148; (H. Doc. No. 111—79); to the Committee on Foreign Affairs and ordered to be printed.

5173. A letter from the Acting Executive Secretary, U.S. Agency For International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5174. A letter from the Acting Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5175. A letter from the Acting Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5176. A letter from the Acting Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5177. A letter from the Acting Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5178. A letter from the Acting Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5179. A letter from the Acting Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5180. A letter from the Acting Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5181. A letter from the Acting Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5182. A letter from the Acting Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5183. A letter from the Acting Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5184. A letter from the Acting Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5185. A letter from the Acting Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5186. A letter from the Acting Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5187. A letter from the Acting Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5188. A letter from the Acting Executive Secretary, U.S. Agency for Intnernational Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

¶158.9 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. MORAN of Virginia, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 22, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 22, 2009, at 9:45 a.m.:

That the Senate passed without amendment H.R. 2877.

That the Senate passed without amendment H.R. 3072.

That the Senate passed without amendment H.R. 3319.

That the Senate passed without amendment H.R. 3539.

That the Senate passed without amendment H.R. 3667.

That the Senate passed without amendment H.R. 3767.

That the Senate passed without amendment H.R. 3788.

That the Senate passed without amendment H.R. 1817.

With best wished, I am

Sincerly,

LORRAINE C. MILLER,
Clerk of the House.

¶158.10 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. MORAN of Virginia, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 22, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 22, 2009, at 9:17 a.m.:

That the Senate passed without amendment H.R. 4282.

That the Senate agreed to without amendment H. Con Res. 206.

Appointments: United States-China Interparliamentary Group (2).

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶158.11 ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced that pursuant to clause 4, rule I, the Speaker signed the following enrolled bill, on Saturday, December 19, 2009:

H.R. 3326. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

The SPEAKER pro tempore, Mr. VAN HOLLEN, signed the following enrolled joint resolution, on Saturday, December 19, 2009.

H.J. Res. 64. A joint resolution making further continuing appropriations for fiscal year 2010, and for other purposes.

And then,

¶158.12 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. MORAN of Virginia, at 11 o'clock and 33 minutes a.m., on Wednesday, December 23 (legislative day of December 19), 2009, pursuant to section 11(b) of House Resolution 976 the House shall stand adjourned until noon today unless the conditions specified in 11(c) of that resolution have been met, in which case the House shall stand adjourned sine die pursuant to House Concurrent Resolution 223.

¶158.13 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following actions occurred on December 17, 2009]

Mr. SKELTON: Committee on Armed Services. House Resolution 924. Resolution directing the Secretary of Defense to transmit to the House of Representatives copies of any document, record, memo, correspondence, or other communication of the Department of Defense, or any portion of such communication, that refers or relates to the trial or detention of Khalid Sheikh Mohammed, Walid Muhammad Salih Mubarek Bin 'Attash, Ramzi Binalshibh, Ali Abdul Aziz Ali, or Mustafa Ahmed Adam al Hawsawi, with an amendment (Rept. 111–383). Referred to the House Calendar.

Mr. REYES: Permanent Select Committee on Intelligence. House Resolution 923. Resolution requesting the President to transmit to the House of Representatives all documents in the possession of the President relating to the effects on foreign intelligence collection of the transfer of detainees held at Naval Station, Guantanamo Bay, Cuba, into the United States, with an amendment (Rept. 111–384). Referred to the House Calendar.

Mr. MALONEY: The 2009 Joint Economic Report (Rept. 111–388). Referred to the Committee of the Whole House on the state of the Union.

¶158.14 REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. PETERSON: Committee on Agriculture. H.R. 977. A bill to amend the Commodity Exchange Act to bring greater transparency and accountability to commodity markets, and for other purposes, with an amendment, Rept. 111–385, Pt. 1; Referred to the Committee on Judiciary for a period ending not later than December 19, 2009, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3376. A bill to amend title 46, United States Code, to ensure the traditional right of self-defense of United States mariners against acts of piracy, and

for other purposes, Rept. 111–386, Part 1; Referred to the Committees on Judiciary, and Homeland Security for a period ending not later than March 25, 2010, for consideration of such provisions of the bill as fall within the jurisdiction of those committees pursuant to clause 1(k) and 1(i) respectively, rule X.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 2646. A bill to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes, with an amendment, Rept. 111–387, Part 1; Referred to the Committee on Financial Services for a period ending not later than December 19, 2009, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(g), rule X.

¶158.15 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII the Committees on Financial Services and the Judiciary discharged from further consideration, H.R. 977 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Pursuant to clause 2 of rule XIII the Committee on Financial Services discharged from further consideration. H.R. 2646 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

¶158.16 PUBLIC BILLS AND RESOLUTIONS

Under the clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GOHMERT (for himself, Mr. AKIN, Mrs. BACHMANN, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Ms. FALLIN, Mr. FLEMING, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. GINGREY of Georgia, Mr. HENSARLING, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. KING of Iowa, Mr. KINGSTON, Mr. LAMBORN, Mr. MCCLINTOCK, Mr. PITTS, Mr. SCALISE, and Mr. SHADEGG):

H.R. 4408. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to eliminate automatic increases for inflation from CBO baseline projections for discretionary appropriations, and for other purposes; to the Committee on the Budget.

By Mr. GENE GREEN of Texas (for himself and Mr. SARBANES):

H.R. 4409. A bill to amend the Public Health Service Act to authorize a program for the training of medical residents in community-based settings; to the Committee on Energy and Commerce.

By Mr. PETERSON (for himself and Mr. CONAWAY):

H.R. 4410. A bill to amend title 31, United States Code, to require that a vacancy in the position of Comptroller General be filled only by an individual who is a licensed certified public accountant and who meets other qualification requirements; to the Committee on Oversight and Government Reform.

By Mr. ROSKAM (for himself, Ms. BERKLEY, Mr. CANTOR, Mr. BRADY of Texas, and Mr. BOUSTANY):

H.R. 4411. A bill to amend the Internal Revenue Code of 1986 to make permanent accelerated depreciation of natural gas distribution property and to clarify to which property such treatment applies; to the Committee on Ways and Means.

By Mr. WELCH:

H.R. 4412. A bill to amend the Internal Revenue Code of 1986 to impose a 50 percent tax on bonuses paid by TARP recipients; referred to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN:

H. Res. 995. A resolution of inquiry requesting the President to transmit to the House of Representatives all information in the possession of the Administrator of the Environmental Protection Agency relating to nutrient management of the Illinois River Watershed, Arkansas and Oklahoma; to the Committee on Transportation and Infrastructure.

By Ms. FUDGE (for herself, Ms. GRANGER, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Mrs. BONO MACK, Ms. BORDALLO, Mr. CASTLE, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. DEGETTE, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HARE, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. KENNEDY, Mr. KIND, Mr. KIRK, Mr. KUCINICH, Mr. MASSA, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. ORTIZ, Mr. PAYNE, Mr. PLATTS, Ms. RICHARDSON, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SESTAK, Mr. SIRES, and Mr. ALEXANDER):

H. Res. 996. A resolution expressing support for designation of September as National Childhood Obesity Awareness Month; to the Committee on Energy and Commerce.

¶158.17 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Ms. WOOLSEY, Mr. TONKO, and Mr. PLATTS.
H.R. 197: Mr. TEAGUE.
H.R. 211: Mr. DAVIS of Alabama and Mr. GARAMENDI.
H.R. 1166: Mr. QUIGLEY.
H.R. 1549: Mr. HIMES, Ms. BERKLEY, and Mr. COURTNEY.
H.R. 1597: Mr. MCCAUL, Mr. MORAN of Kansas, Mr. COBLE, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. TAYLOR.
H.R. 1955: Mr. MASSA.
H.R. 2296: Mr. TEAGUE.
H.R. 2377: Mr. TONKO and Mr. PLATTS.
H.R. 2450: Mr. STARK and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2579: Mr. TONKO and Mr. PLATTS.
H.R. 2624: Mr. PLATTS.
H.R. 2730: Mr. TONKO and Mr. PLATTS.
H.R. 2866: Mr. SCHIFF.
H.R. 2900: Mr. INGLIS.
H.R. 3019: Mrs. CHRISTENSEN.
H.R. 3077: Ms. CLARKE.
H.R. 3430: Mr. GENE GREEN of Texas.
H.R. 3578: Mr. TONKO.
H.R. 3589: Mr. MURPHY of Connecticut and Mr. PRICE of North Carolina.
H.R. 3692: Ms. PINGREE of Maine.
H.R. 3778: Mr. PETERS.
H.R. 4180: Mr. FARR.
H.R. 4243: Ms. JACKSON-LEE of Texas.
H.R. 4255: Mr. RODRIGUEZ, Mr. CHILDERS, Mr. LOBIONDO, Mr. KIND, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. PINGREE of Maine, Mr. MICHAUD, Mr. HILL, Mr. HALL of New York, Ms. KOSMAS, Mr. FOSTER, Mrs. DAHLKEMPER, Mr JOHNSON of Illinois, Ms. TSONGAS, and Mr. SMITH of Washington.
H.R. 4256: Mr. LARSON of Connecticut.
H.R. 4291: Mr. MCDERMOTT, Ms. SCHAKOWSKY, and Mr. LYNCH.
H.R. 4312: Mr. HOEKSTRA.
H.R. 4357: Mr. PIERLUISI.
H.R. 4400: Mr. CASTLE and Mr. RAHALL.
H. Res. 444: Mr. LIPINSKI.
H. Res. 988: Mr. WOLF and Mr. BOEHNER.

WEDNESDAY, DECEMBER 23, 2009 (159)

¶159.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MORAN of Virginia, who laid before the House the following communication:

WASHINGTON, DC.
December 23, 2009.

I hereby appoint the Honorable JAMES P. MORAN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶159.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced he had examined and approved the Journal of the proceedings of Saturday, December 19, 2009.

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

¶159.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5189. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Truth in Lending [Regulation Z; Docket No. R1378] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5190. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5191. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1063] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5192. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5193. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5194. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2009 Commercial Harvest of Gulf of Mexico Greater Amberjack [Docket No.: 040205043-4043-01] (RIN: 0648-XP56) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5195. A letter from the Deputy Assistant Administrator For Regulatory Programs,

NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Subsistence Fishing [Docket No.: 0812191631-91238-03] (RIN: 0648-AX53) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5196. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Central Gulf of Alaska Rockfish Program; Amendment 85 [Docket No.: 0811201490-91372-03] (RIN: 0648-AX42) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5197. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0801041351-9087-02] (RIN: 0648-XS69) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5198. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the United States Exclusive Economic Zone Off Alaska; Fisheries of the Arctic Management Area; Bering Sea Subarea [Docket No.: 090218204-91211-04] (RIN: 0648-AX71) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

¶159.4 PARTY AFFILIATION

The SPEAKER pro tempore, Mr. MORAN of Virginia, laid before the House the following communication, which was read as follows:

DEMOCRATIC CAUCUS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 23, 2009.

Hon. NANCY PELOSI,
Speaker of the House, U.S. Capitol, Washington DC.

DEAR MADAM SPEAKER: This is to notify you that the Honorable Parker Griffith of Alabama has resigned as a Member of the Democratic Caucus.

Sincerely,

JOHN B. LARSON,
Chairman.

¶159.5 COMMITTEE MEMBERSHIP

The SPEAKER pro tempore, Mr. MORAN of Virginia, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
December 23, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIR: This is to advise you that Representative Parker Griffith's election to the Committee on Transportation and Infrastructure has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Best regards,

NANCY PELOSI,
Speaker of the House.

¶159.6 COMMITTEE MEMBERSHIP

The SPEAKER pro tempore, Mr. MORAN of Virginia, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
December 23, 2009.

Hon. NYDIA M. VELÁZQUES,
Chairman, Committee on Small Business, Rayburn House Office Building, Washington, DC.

DEAR MADAM CHAIR: This is to advise you that Representative Parker Griffith's election to the Committee on Small Business has been automatically vacated pursuant to clause 5(b) of rule X effective today.

NANCY PELOSI,
Speaker of the House.

¶159.7 COMMITTEE MEMBERSHIP

The SPEAKER pro tempore, Mr. MORAN of Virginia, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
December 23, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIR: This is to advise you that Representative Parker Griffith's election to the Committee on Science and Technology has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Best regards,

NANCY PELOSI,
Speaker of the House.

And then,

¶159.8 ADJOURNMENT

The SPEAKER pro tempore, Mr. MORAN of Virginia, declared at 12 o'clock and 4 minutes p.m., pursuant to section 11(b) of House Resolution 976, the House shall stand adjourned until 10 a.m. on Saturday, December 26, 2009, unless the conditions specified in section 11(c) of that resolution have been met, in which case the House shall stand adjourned sine die pursuant to House Concurrent Resolution 223.