

Whereas in 1936, Dr. Franklin was appointed to the faculty of Fisk University as instructor of history and subsequently served as professor of history at St. Augustine's College, North Carolina College, and Howard University;

Whereas Dr. Franklin taught at the University of Chicago from 1964 to 1982, serving as professor of American history, chairperson of the department of history, John Matthews Manly Distinguished Service Professor, and professor emeritus of history;

Whereas Dr. Franklin was on faculty at Duke University from 1982 until his passing, serving as the James B. Duke Professor of History, professor of legal history at Duke University Law School, and the James B. Duke Professor of History Emeritus, Duke University;

Whereas Dr. Franklin broke numerous racial barriers, serving as the first African-American department chair at a predominantly white institution as chairman of the department of history at Brooklyn College from 1956 to 1964, as the first African-American professor to hold an endowed chair at Duke University, and as the first African-American president of the American Historical Association;

Whereas Dr. Franklin authored "From Slavery to Freedom: A History of Negro Americans" in 1947, widely considered the preeminent history of the African-American experience in the United States, as well as numerous other notable books including his influential autobiography "Mirror to America: The Autobiography of John Hope Franklin";

Whereas the research of Dr. Franklin contributed to the success of Thurgood Marshall and the legal victory of the National Association for the Advancement of Colored People (NAACP) in the landmark Supreme Court case, *Brown v. Board of Education* (347 U.S. 483), which ended the "separate but equal" doctrine in public schools in the United States;

Whereas in 1996, Dr. Franklin was named "Historian of the Century" by Duke University, North Carolina State University, North Carolina Central University, and the University of North Carolina at Chapel Hill;

Whereas Dr. Franklin received the Presidential Medal of Freedom in 1995, and was appointed chairman of the advisory board of President William J. Clinton's Initiative on Race in 1997;

Whereas Dr. Franklin served as the head of the 3 major historical associations in the United States: the Organization of American Historians, the American Historical Association, and the Southern Historical Association;

Whereas Dr. Franklin was inducted into the North Carolina Literary Hall of Fame in 1998;

Whereas Dr. Franklin received the Benjamin Franklin Medal for Distinguished Public Service from the American Philosophical Society in 2007, and a Gold Medal for distinguished achievement in history from the American Academy of Arts and Letters in 2002;

Whereas Dr. Franklin inspired the John Hope Franklin Center for Interdisciplinary and International Studies at Duke University, a consortium of academic programs that encourages creative scholarship, the exchange of ideas, and a variety of perspectives and methodologies to revitalize notions of how knowledge is gained and shared;

Whereas Dr. Franklin was a scholar who helped create the field of African-American history and literature;

Whereas Dr. Franklin described historians as "the conscience of the nation, if honesty and consistency are factors that nurture the conscience", and his contributions to the

study of American history fundamentally challenged and changed the manner in which the Nation collectively interprets its past and understands its present;

Whereas generations of young historians have been inspired and personally influenced by Dr. Franklin's keen intellect, graceful humility, and humor in the classroom, and will ensure the endurance of his towering legacy;

Whereas Dr. Franklin passed away on March 25, 2009 in Durham, North Carolina; and

Whereas Dr. John Hope Franklin will be deeply missed but leaves an enduring legacy of public service, scholarship, and perseverance that inspires all Americans: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the life and accomplishments of John Hope Franklin; and

(2) honors the contributions that John Hope Franklin made to United States society.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 721. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled "The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws."

SA 722. Mr. BURR proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, *supra*.

SA 723. Mr. FEINGOLD (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1388, *supra*; which was ordered to lie on the table.

SA 724. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1388, *supra*; which was ordered to lie on the table.

SA 725. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 1388, *supra*; which was ordered to lie on the table.

SA 726. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, *supra*; which was ordered to lie on the table.

SA 727. Mr. BURR (for himself and Ms. MIKULSKI) proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, *supra*.

SA 728. Ms. MIKULSKI (for herself and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, *supra*.

SA 729. Mr. HATCH proposed an amendment to the bill H.R. 1388, *supra*.

#### TEXT OF AMENDMENTS

SA 721. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled "The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws."; as follows:

At the appropriate place, insert the following:

##### SEC. —. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) President John F. Kennedy said, "The raising of extraordinarily large sums of money, given voluntarily and freely by millions of our fellow Americans, is a unique American tradition . . . Philanthropy, charity, giving voluntarily and freely . . . call it what you like, but it is truly a jewel of an American tradition".

(2) Americans gave more than \$300,000,000,000 to charitable causes in 2007, an amount equal to roughly 2 percent of the gross domestic product.

(3) The vast majority of those donations, roughly 75 percent or \$229,000,000,000, came from individuals.

(4) Studies have shown that Americans give far more to charity than the people of any other industrialized nation—more than twice as much, measured as a share of gross domestic product, than the citizens of Great Britain, and 10 times more than the citizens of France.

(5) 7 out of 10 American households donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals.

(6) These charities provide innumerable valuable public services to society's most vulnerable citizens during difficult economic times.

(7) Congress has provided incentives through the Internal Revenue Code of 1986 to encourage charitable giving by allowing individuals to deduct contributions made to tax-exempt charities.

(8) 41,000,000 American households, constituting 86 percent of taxpayers who itemize deductions, took advantage of this deduction to give to the charities of their choice.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should preserve the income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving.

SA 722. Mr. BURR proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled "The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws."; as follows:

On page 213, line 21, strike "Code." and insert the following: "Code.

"(d) SPECIAL RULE FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.—

"(1) IN GENERAL.—Notwithstanding subsection (b) or any other provision of law, on and after the date that is 2 years after the date of enactment of the Serve America Act, a criminal history check under subsection (a) for each individual described in paragraph (2) shall, except in a case approved for good cause by the Corporation, include—

"(A) a drug test for controlled substances, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(B) the searches described in subsection (b)(1) and subparagraph (A) of subsection (b)(2); and

"(C) the background check described in subsection (b)(2)(B).

"(2) INDIVIDUALS WITH ACCESS TO VULNERABLE POPULATIONS.—An individual described in this paragraph is an individual who—

"(A) serves in a position in which the individual receives a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws; and

"(B) as a result of such individual's service in such position, has or will have access, on a recurring basis, to—

"(i) children age 17 years or younger;

"(ii) individuals age 60 years or older; or

“(iii) individuals with disabilities.”.

**SA 723.** Mr. FEINGOLD (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1388, entitled “The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.”; which was ordered to lie on the table; as follows:

Strike title V and insert the following:

**TITLE V—VOLUNTEERS FOR PROSPERITY PROGRAM**

**SEC. 5101. FINDINGS.**

Congress makes the following findings:

(1) Americans engaged in international volunteer service, and the organizations deploying them—

(A) play critical roles in responding to the needs of people living throughout the developing world; and

(B) advance the international public diplomacy of the United States.

(2) In light of the barriers many Americans face to volunteering overseas—

(A) paid fellowships would help reduce financial barriers for Americans otherwise unable to afford volunteer service; and

(B) flexibility in the duration of volunteering opportunities would reduce another barrier, helping to expand the number of Americans able to participate in international volunteering opportunities.

(3) The Volunteers for Prosperity Program has successfully promoted international volunteer service by skilled American professionals.

(4) In its first 4 years, the VfP Program helped to mobilize thousands of skilled Americans, including doctors, nurses, engineers, businesspeople, and teachers, through a network of 250 nonprofit organizations and companies in the United States, to carry out development and humanitarian efforts for those affected by great global challenges in health, the environment, poverty, illiteracy, financial literacy, disaster relief, and other challenges.

(5) The VfP Program has undertaken activities, including—

(A) direct outreach to leading nonprofit organizations and companies in the United States;

(B) promotion of the work of skilled Americans and nonprofit organizations and companies in the United States as it relates to international volunteer service;

(C) public recognition of skilled American volunteers;

(D) support for organizations that utilize skilled Americans as volunteers;

(E) participation in the development of special initiatives to further opportunities for skilled Americans; and

(F) leadership of an innovative public-private partnership to provide eligible skilled Americans with financial assistance for volunteer assignments.

**SEC. 5102. DEFINITIONS.**

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(2) **VFP OFFICE.**—The term “VfP Office” means the Office of Volunteers for Prosperity of the United States Agency for International Development.

(3) **VFP PROGRAM.**—The term “VfP Program” means the Volunteers for Prosperity Program established through Executive Order 13317.

(4) **VFP SERVE.**—The term “VfPServe” means a program established by the VfP Office, in cooperation with the USA Freedom Corps, to provide eligible skilled professionals with grants to offset the travel, living, and other related costs of volunteering abroad.

(5) **VFP LEADERS.**—The term “VfP Leaders” means a program established by the VfP Office created for those who wish to apply for grants of up to 80 percent of volunteers’ expenses to offset travel, living, and other related costs of volunteering abroad and who commit to sharing their volunteer experiences with their communities when they return. VfP Leaders shall be selected from applicants by the Administrator of the United States Agency for International Development based on criteria developed by the Administrator.

**SEC. 5103. VOLUNTEERS FOR PROSPERITY PROGRAM.**

(a) **ESTABLISHMENT.**—The President is authorized to establish, under the auspices of the United States International Agency for Development, the Volunteers for Prosperity Program, to promote long-term, sustainable, and broad based development by addressing the needs of those living in the poorest areas of the world.

(b) **OFFICE OF VOLUNTEERS FOR PROSPERITY.**—The President may establish an Office of Volunteers for Prosperity to carry out the purpose of subsection (a).

(c) **FUNCTIONS.**—The VfP Office shall pursue the objectives of the VfP Program described in subsection (d) by—

(1) implementing the VfPServe Program to provide eligible skilled professionals with matching grants to offset the travel, living, and other related costs of volunteering abroad with nonprofit organizations;

(2) implementing the VfP Leaders Program to provide those Americans who are accepted into the program with grants of up to 80 percent of volunteer’s expenses to offset travel, living, and other related costs of volunteering abroad;

(3) otherwise encouraging participating nonprofit organizations to promote short- and long-term international volunteer service by skilled American professionals, including connecting such professionals with nonprofit organizations, to achieve such objectives;

(4) helping nonprofit organizations in the United States recruit and effectively manage additional skilled American professionals for volunteer assignments throughout the developing world;

(5) providing recognition for skilled American volunteers and the nonprofit organizations deploying them;

(6) helping nonprofit organizations and corporations in the United States to identify resources and opportunities in international volunteer service utilizing skilled Americans;

(7) encouraging the establishment of international volunteer programs for employees of United States corporations; and

(8) encouraging international voluntary service by highly skilled Americans to further the objectives set forth in subsection (d).

(d) **VFP PROGRAM OBJECTIVES.**—The objectives of the VfP Program should include—

(1) eliminating extreme poverty;

(2) reducing world hunger and malnutrition;

(3) increasing access to safe potable water;

(4) enacting universal education;

(5) reducing child mortality and childhood disease;

(6) combating the spread of preventable diseases, including HIV, malaria, and tuberculosis, as well as providing general medical and dental healthcare and prevention;

(7) providing educational and work skill support for girls and empowering women to achieve independence;

(8) creating sustainable business and entrepreneurial opportunities, including developing global partnerships in the areas of economic growth, microenterprise, asset development, and agricultural and rural development;

(9) increasing access to information technology;

(10) contributing to disaster and humanitarian response efforts; and

(11) promoting cross-cultural exchange, including citizen diplomacy and improving international and intercultural understanding, language education, and conflict management and resolution.

(e) **VOLUNTEERS FOR PROSPERITY SERVE PROGRAM.**—To further carry out the purpose of subsection (a), the President may establish the Volunteers for Prosperity Serve (VfPServe) Program to provide eligible skilled professionals with grants to offset the travel, living, and other related costs while volunteering abroad.

(f) **VOLUNTEER LEADERS PROGRAM.**—To further carry out the purpose of subsection (a), the President may establish the Volunteers for Prosperity Leaders (VfP Leaders) Program to provide eligible individuals who commit to sharing their volunteer experiences with their communities when they return and are selected by the Administrator of the United States Agency for International Development with grants of up to 80 percent of the travel, living, and other related costs while volunteering abroad.

(g) **MANAGEMENT.**—The VfP Program shall be managed by the Administrator of the United States Agency for International Development and shall be operated by employees of the Office of Volunteers for Prosperity and may not be managed on a contracting basis by a nongovernmental entity.

(h) **USE OF FUNDS.**—

(1) **IN GENERAL.**—The VfP Office may provide grants to offset the travel, living, and other related costs of volunteering abroad to any participating nonprofit organization that has members who possess skills relevant to addressing any objective described in subsection (d) and—

(A) provides a dollar-for-dollar match for VfPServe grants —

(i) through the nonprofit organization with which the individual is serving; or

(ii) by raising or providing private funds; or

(B) has been selected to participate in the VfP Leaders Program.

(2) **NONDISCRIMINATION REQUIREMENT.**—The VfP Office may not provide a stipend to an individual under paragraph (1) unless the nonprofit organization to which the individual is assigned has certified to the VfP Office that it does not discriminate with respect to any project or activity receiving Federal financial assistance, including a stipend under this title, because of race, religion, color, national origin, sex, political affiliation, or beliefs.

(3) **COMPLIANCE WITH INELIGIBLE SERVICE CATEGORIES.**—Service carried out by a volunteer receiving funds under this section may not provide a direct benefit to any—

(A) business organized for profit;

(B) labor union;

(C) partisan political organization; or

(D) religious or faith-based organization for the purpose of proselytization, worship or any other explicitly religious activity.

**SEC. 5104. COORDINATION AND REPORT.**

(a) **COORDINATION.**—The VfP Office shall coordinate its efforts with other United States Government and private efforts that aim to send skilled professionals to serve in developing countries.

## (b) REPORTS.—

(1) FISCAL YEAR 2010.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees a report detailing plans to establish the VfP Program as a program operated under the United States Agency for International Development for the first year of operations in fiscal year 2010.

(2) FISCAL YEARS 2011 THROUGH 2014.—Not later than one year after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees a report detailing plans to implement the VfP Program for fiscal years 2011 through 2014 and ongoing activities of the program.

(3) CONTENT OF PLANNING REPORTS.—The reports required under this subsection shall describe—

(A) the budget needs and expectations for the VfP Program;

(B) the annual objectives for the VfP Program;

(C) the number of volunteers to receive programming services from the VfP Program or grants from VIPServe and VfP Leaders;

(D) a system of financial accountability to ensure that grants provided under VIPServe and VfP Leaders are provided to volunteers to enable individual volunteer service;

(E) the creation of systems to ensure that each volunteer's activities meet the objectives of the VfP Program identified in section 5103;

(F) the systems of coordination with other Federal agencies; and

(G) the personnel and staff needs for the following fiscal year.

**SEC. 5105. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title \$10,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

(b) ALLOCATION OF FUNDS.—Not more than 10 percent of the amounts appropriated pursuant to subsection (a) may be expended for the administrative costs of the United States Agency for International Development to manage the VfP Program, and the remainder shall be divided evenly between VIPServe and VfP Leaders grants.

On page 26, line 25, strike “for this part” and insert “for this subtitle”.

On page 60, line 11, strike “the report” and insert “the report described in subsection (c)”.

On page 67, line 15, strike “places” and insert “place”.

On page 81, line 4, insert before the semicolon the following: “, and sending care packages to Members of the Armed Forces who are deployed”.

On page 92, line 25, strike “heath” and insert “health”.

On page 103, lines 16 and 17, strike “subtitles B and C” and insert “subtitle B”.

On page 272, line 17, strike “be focused” and insert “propose to focus”.

On page 272, line 21, strike “be focused” and insert “propose to focus”.

On page 276, line 6, strike “the highest” and insert “high”.

**SA 724.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1388, entitled “The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.”; which was ordered to lie on the table; as follows:

**TITLE VII—MILLIONAIRE EXEMPTION****SEC. 701. EXEMPTION FOR MILLIONAIRES.**

(a) IN GENERAL.—Notwithstanding any other provision of this Act, no wealthy individual who participates in a program under this Act may receive stipend, living allowance, education award, or other compensation by virtue of such participation.

(b) WEALTHY INDIVIDUAL.—In this section, the term “wealthy individual” means an individual who is from a family with a taxable annual income of more than \$1,000,000.

**SA 725.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 1388, entitled “The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.”; which was ordered to lie on the table; as follows:

Subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12631 et seq.), as amended by section 1612, is further amended by adding at the end the following:

**“SEC. 189E. SEX EDUCATION PROGRAMS AND DISTRIBUTION OF MATERIALS.**

“(a) SEX EDUCATION PROGRAMS.—Assistance made available under the national service laws to develop or distribute materials, or operate programs or courses of instruction, related to sex education for young people shall be used for materials, programs, or courses that—

“(1) include education on both abstinence and contraception for the prevention of teenage pregnancy and sexually transmitted infections, including HIV and AIDS; and

“(2)(A) are age appropriate and medically accurate;

“(B) stress the value of abstinence while not ignoring those young people who have had or are having sexual intercourse;

“(C) provide information about the health benefits and side effects of all contraceptive methods (including barrier methods) used—

“(i) as a means to prevent pregnancy; and

“(ii) to reduce the risk of contracting sexually transmitted infections, including HIV and AIDS;

“(D) encourage family communication between a parent and a child about sexuality;

“(E) teach young people the skills to make responsible decisions about sexuality, including how to avoid unwanted verbal, physical, and sexual advances and how to avoid making verbal, physical, and sexual advances that are not wanted by the other party;

“(F) teach young people the skills to develop healthy relationships, including skills to prevent dating violence and sexual violence;

“(G) teach young people how alcohol and drug use can affect responsible decision-making; and

“(H) not teach or promote religion.

“(b) DISTRIBUTION OF MATERIALS.—No assistance made available under the national service laws shall be used to distribute, or aid in the distribution by any organization of, obscene materials to minors on school grounds.”.

**SA 726.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled “The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.”; which was ordered to lie on the table; as follows:

On page 1, line 5, strike “Serve America Act” and insert “Edward M. Kennedy Serve America Act”.

On page 57, line 20, insert “Edward M. Kennedy” before “Serve America Act”.

On page 65, line 10, insert “Edward M. Kennedy” before “Serve America Act”.

On page 116, line 14, insert “Edward M. Kennedy” before “Serve America Act”.

On page 196, line 16, insert “Edward M. Kennedy” before “Serve America Act”.

On page 206, line 20, insert “Edward M. Kennedy” before “Serve America Act”.

On page 223, line 9, insert “Edward M. Kennedy” before “Serve”.

On page 227, line 4, insert “Edward M. Kennedy” before “Serve America Act”.

On page 227, line 17, insert “Edward M. Kennedy” before “Serve America Act”.

On page 237, line 24, insert “Edward M. Kennedy” before “Serve America”.

On page 319, line 3, insert “Edward M. Kennedy” before “Serve America Act”.

On page 320, line 16, insert “Edward M. Kennedy” before “Serve America Act”.

On page 321, line 1, insert “Edward M. Kennedy” before “Serve America Act”.

On page 325, line 19, insert “Edward M. Kennedy” before “Serve America Act”.

On page 334, line 24, insert “Edward M. Kennedy” before “Serve America Act”.

On page 335, line 3, insert “Edward M. Kennedy” before “Serve America Act”.

**SA 727.** Mr. BURR (for himself and Ms. MIKULSKI) proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled “The Edward M. Kennedy Serve America Act, and Act to reauthorize and reform the national service laws.”; as follows:

On page 213, after line 21, insert the following:

**SEC. 1613. CRIMINAL HISTORY CHECKS FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.**

(a) AMENDMENT.—Section 189D, as added by section 1612, is further amended by adding at the end the following:

“(d) SPECIAL RULE FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.—

“(1) IN GENERAL.—Notwithstanding subsection (b), on and after the date that is 2 years after the date of enactment of the Serve America Act, a criminal history check under subsection (a) for each individual described in paragraph (2) shall, except for an entity described in paragraph (3), include—

“(A) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

“(B) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; and

“(C) submitting fingerprints to the Federal Bureau of Investigation for a national criminal history background check.

“(2) INDIVIDUALS WITH ACCESS TO VULNERABLE POPULATIONS.—An individual described in this paragraph is an individual age 18 or older who—

“(A) serves in a position in which the individual receives a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws; and

“(B) as a result of such individual's service in such position, has or will have access, on a recurring basis, to—

“(i) children age 17 years or younger;

“(ii) individuals age 60 years or older; or

“(iii) individuals with disabilities.

“(3) EXCEPTIONS.—The provisions of this subsection shall not apply to an entity—

“(A) where the service provided by individuals serving with the entity to a vulnerable population described in paragraph (2)(B) is episodic in nature or for a 1-day period;

“(B) where the cost to the entity of complying with this subsection is prohibitive;

“(C) where the entity is not authorized, or is otherwise unable, under State law, to access the national criminal history background check system of the Federal Bureau of Investigation;

“(D) where the entity is not authorized, or is otherwise unable, under Federal law, to access the national criminal history background check system of the Federal Bureau of Investigation; or

“(E) to which the Corporation otherwise provides an exemption from this subsection for good cause.”

(b) **FEASIBILITY STUDY FOR A SYSTEM OF CRIMINAL HISTORY CHECKS FOR EMPLOYEES AND VOLUNTEERS.**—

(1) **FEASIBILITY STUDY ON EFFICIENCY AND EFFECTIVENESS REGARDING CRIMINAL HISTORY CHECK.**—The Attorney General of the United States shall conduct a study that shall examine, to the extent discernible and as of the date of the study, the following:

(A) The state of criminal history checks (including the use of fingerprint collection) at the State and local level, including—

(i) the available infrastructure for conducting criminal history checks;

(ii) the State system capacities to conduct such criminal history checks; and

(iii) the time required for each State to process an individual's fingerprints for a national criminal history background check through the Federal Bureau of Investigation, from the time of fingerprint collection to the submission to the Federal Bureau of Investigation.

(B) The likelihood that each State would participate in a nationwide system of criminal history checks to provide information regarding participants to entities receiving assistance under the national service laws.

(C) The number of participants that would require a fingerprint-based national criminal history background check under the national service laws.

(D) The impact of the national service laws on the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation in terms of capacity and impact on other users of the system, including the effect on the work practices and staffing levels of the Federal Bureau of Investigation.

(E) The fees charged by the Federal Bureau of Investigation, States, local agencies, and private companies to collect and process fingerprints and conduct criminal history checks.

(F) The existence of model or best practice programs regarding conducting criminal history checks that could easily be expanded and duplicated in other States.

(G) The extent to which private companies are currently performing criminal history checks, and the possibility of using private companies in the future to perform any of the criminal history check process, including the collection and transmission of fingerprints and fitness determinations.

(H) The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint-based and other criminal background check system.

(I) The extent of State participation in the procedures for background checks under the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.).

(J) The extent to which States provide access to nationwide criminal history checks to organizations that serve children.

(K) The extent to which States permit volunteers and other individuals to appeal ad-

verse fitness determinations, and whether similar procedures are required at the Federal level.

(L) Any privacy concerns that may arise from nationwide criminal background checks for participants.

(M) Any other information determined relevant by the Attorney General.

(2) **INTERIM REPORT.**—Based on the findings of the study under paragraph (1), the Attorney General shall, not later than 6 months after the date of the enactment of this Act, submit to the appropriate committees of Congress an interim report, which may include recommendations regarding criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities.

(3) **FINAL REPORT.**—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on the Judiciary and the Committee on Education and Labor of the House of Representatives, a final report including recommendations regarding criminal history checks for participants under the national service laws, which may include—

(A) a proposal for grants to States to develop or improve programs to collect fingerprints and perform criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities; and

(B) recommendations for amendments to the National Child Protection Act of 1993 and the Volunteers for Children Act so that entities receiving assistance under the national service laws can promptly and affordably conduct nationwide criminal history background checks on their employees and volunteers.

(4) **DEFINITIONS.**—In this subsection, the terms “authorizing committees”, “participants”, and “national service laws” have the meanings given such terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(c) **EFFECTIVE DATE.**—Notwithstanding section 6101, subsection (b) shall take effect on the date of enactment of this Act.

**SA 728.** Ms. MIKULSKI (for herself and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled “The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service law.”; as follows:

On page 26, line 25, strike “for this part” and insert “for this subtitle”.

On page 60, line 11, strike “the report” and insert “the report described in subsection (c)”.

On page 67, line 15, strike “places” and insert “place”.

On page 81, line 4, insert before the semicolon the following: “, and sending care packages to Members of the Armed Forces who are deployed”.

On page 92, line 25, strike “heath” and insert “health”.

On page 103, lines 16 and 17, strike “subtitles B and C” and insert “subtitle B”.

On page 272, line 17, strike “be focused” and insert “propose to focus”.

On page 272, line 21, strike “be focused” and insert “propose to focus”.

On page 276, line 6, strike “the highest” and insert “high”.

**SA 729.** Mr. HATCH proposed an amendment to the bill H.R. 1388, “Enti-

led The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service law.”; as follows:

Amend the title so as to read: Entitled The Edward M. Kennedy Serve America Act, and Act to reauthorize and reform and national service laws.”

#### NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce that the Senate Committee on Energy and Natural Resources will hold a business meeting on Tuesday, March 31, 2009 at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider pending legislation and the nomination of Thomas L. Strickland to be Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 26, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 26, 2009 at 9:30 a.m., to conduct a hearing entitled “Enhancing Investor Protection and the Regulation of Securities Markets—Part II.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, March 26, 2009, at 10:30 a.m., in room 50 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, March 26, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.