a cosponsor of S. 601, a bill to establish the Weather Mitigation Research Office, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 694

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was withdrawn as a cosponsor of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 694, supra.

S. 714

At the request of Mr. WEBB, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 765

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to not impose a penalty for failure to disclose reportable transactions when there is reasonable cause for such failure, to modify such penalty, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 941

At the request of Mr. CRAPO, the names of the Senator from Utah (Mr. HATCH) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1071

At the request of Mr. CHAMBLISS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1071, a bill to protect the national security of the United States by limiting the immigration rights of individuals detained by the Department of Defense at Guantanamo Bay Naval Base.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1222

At the request of Mrs. LINCOLN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1222, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1321

At the request of Mr. UDALL of Colorado, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to provide a credit for property labeled under the Environmental Protection Agency Water Sense program.

S. 1379

At the request of Mr. WHITEHOUSE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1379, a bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities.

S. 1401

At the request of Mr. MARTINEZ, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Mississippi (Mr. WICKER), the Senator from North Carolina (Mr. BURR), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. THUNE), the Senator from Wyoming (Mr. BARRASSO) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1401, a bill 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.

S. 1422

At the request of Mrs. MURRAY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1535

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1535, a bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes.

S. CON. RES. 36

At the request of Mrs. LINCOLN, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Con. Res. 36, a concurrent resolution supporting the goals and ideals of ''National Purple Heart Recognition Day''.

S. RES. 71

At the request of Mr. WYDEN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 71, a resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Covenants on Human Rights.

AMENDMENT NO. 1907

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 1907 proposed to H.R. 3357, a bill to restore sums to the Highway Trust Fund, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORKER (for himself and Mr. WARNER):

S. 1540. A bill to provide for enhanced authority of the Federal Deposit Insurance Corporation to act as receiver for certain affiliates of depository institutions, and for other purposes; to the

Committee on Banking, Housing, and Urban Affairs.

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

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

S. 1540

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Resolution Reform Act of 2009''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to allow the Federal Deposit Insurance Corporation (in this Act referred to as the ''Corporation'') to resolve the holding companies, affiliates, and subsidiaries of failed or failing insured depository institutions, consistent with the statutory mission of the Corporation, recognizing that depository institution holding companies serve as a source of strength for their subsidiary institutions, and that their affiliates and subsidiaries may provide critical services for such institutions; and

(2) to provide a clear and cohesive set of rules to address the increasingly complex and interreliant business structures in which insured depository institutions operate in order to promote efficient and economical resolution.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) AFFILIATE.—The term ''affiliate'' has the same meaning as in section 2(k) of the Bank Holding Company Act of 1956.

(2) BRIDGE DEPOSITORY INSTITUTION HOLDING COMPANY.—The term ''bridge depository institution holding company'' means a new depository institution holding company organized by the Corporation pursuant to section 53(b) of the Federal Deposit Insurance Act.

(3) CORPORATION.—The terms ''Corporation'' and ''Board'' mean the Federal Deposit Insurance Corporation and the Board of Directors thereof, respectively.

(4) COVERED AFFILIATE OR SUBSIDIARY.—The term ''covered affiliate or subsidiary'' means any affiliate or subsidiary of a depository institution holding company, or any subsidiary of an insured depository institution that is a subsidiary of that depository institution holding company, as to which the Corporation is appointed receiver.

(5) COVERED DEPOSITORY INSTITUTION HOLDING COMPANY.—The term ''covered depository institution holding company'' means a depository institution holding company with one or more affiliated or subsidiary insured depository institutions for which grounds exist to appoint a receiver pursuant to section 11(c) of the Federal Deposit Insurance Act.

(6) FOREIGN.—The term ''foreign'' means any country other than the United States and includes any territory, dependency, or possession of any country other than the United States.

(7) INSURED DEPOSITORY INSTITUTION.—The term ''insured depository institution'' has the same meaning as section 3(c)(2) of the Federal Deposit Insurance Act.

SEC. 4. HOLDING COMPANY RESOLUTION AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following:

''SEC. 51. RESOLUTION OF COVERED DEPOSITORY INSTITUTION HOLDING COMPANIES, AFFILIATES, AND SUBSIDIARIES.

''(a) IN GENERAL.—Notwithstanding any other provision of Federal or State law, except section 52(c), it shall be the responsibility of the Corporation to resolve depository institution holding companies of failed or failing insured depository institutions and the affiliates and subsidiaries of a depository institution holding company, including any subsidiary of an insured depository institution that is a subsidiary of the depository institution holding company, using the powers and authorities conferred upon it by this Act.

''(b) DEFINITIONS.—For purposes of this section and sections 52 and 53, the following definitions shall apply:

''(1) BRIDGE DEPOSITORY INSTITUTION HOLDING COMPANY.—The term 'bridge depository institution holding company' means a new depository institution holding company organized by the Corporation pursuant to section 53(b).

''(2) COVERED AFFILIATE OR SUBSIDIARY.—The term 'covered affiliate or subsidiary' means any affiliate or subsidiary of a depository institution holding company, or any subsidiary of an insured depository institution that is a subsidiary of that depository institution holding company, as to which the Corporation is appointed receiver under section 52.

''(3) COVERED DEPOSITORY INSTITUTION HOLDING COMPANY.—The term 'covered depository institution holding company' means a depository institution holding company with one or more affiliated or subsidiary insured depository institutions for which grounds exist to appoint a receiver pursuant to section 11(c).

''(4) FUNCTIONALLY REGULATED AFFILIATE OR SUBSIDIARY.—The term 'functionally regulated affiliate or subsidiary' means any company—

''(A) that is not a depository institution holding company or a depository institution; and

''(B) that is—

''(i) a broker or dealer that is registered under the Securities Exchange Act of 1934;

''(ii) a registered investment adviser, properly registered by or on behalf of either the Securities and Exchange Commission in accordance with the Investment Advisers Act of 1940, or any State, with respect to the investment advisory activities of such investment adviser and activities incidental to such investment advisory activities;

''(iii) an investment company that is registered under the Investment Company Act of 1940;

''(iv) an insurance company that is subject to supervision by a State insurance regulator, with respect to the insurance activities of the insurance company and activities incidental to such insurance activities; or

''(v) an entity that is subject to regulation by the Commodity Futures Trading Commission, with respect to the commodities activities of such entity and activities incidental to such commodities activities.

''(5) FUNCTIONAL REGULATOR.—The term 'functional regulator' means the Federal or State regulator responsible for regulating the types of activities engaged in by the depository institution holding company, its subsidiary institutions, or other affiliates and subsidiaries. The 'functional regulators' are—

''(A) the Securities and Exchange Commission, if the depository institution holding company, any subsidiary institution, or other affiliate thereof, is a broker or dealer registered with the Commission under section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) in conjunction with the authorities granted to the Securities Investor Protection Corporation, as created by the Securities Investor Protection Act in resolution of brokers or dealers;

''(B) the Commodity Futures Trading Commission, if the depository institution holding company, its subsidiary institution, or other affiliate thereof, is a futures commission merchant or a commodity pool operator registered with the Commodity Futures Trading Commission under the Commodity Exchange Act; and

''(C) a State insurance commission or other board or authority, if the depository institution holding company, or an affiliate or subsidiary thereof, is an insurance company.

''SEC. 52. APPOINTMENT OF THE CORPORATION AS RECEIVER.

''(a) DEPOSITORY INSTITUTION HOLDING COMPANIES.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal law, the law of any State, or the constitution of any State, and subject to subsection (c), the Corporation shall accept appointment, and shall act as the receiver of a covered depository institution holding company upon such appointment, in the manner provided in paragraph (2) or (3), if the Corporation determines, in its sole discretion, that such appointment will reduce the cost to the Deposit Insurance Fund, and that grounds specified in subsection (f) exist. If the Corporation determines that such appointment will not reduce the cost to the Deposit Insurance Fund, the Corporation may decline the appointment, as provided in subsection (c).

''(2) APPOINTMENT BY THE APPROPRIATE FEDERAL BANKING AGENCY.—Whenever the appropriate Federal banking agency appoints a receiver for a depository institution holding company, the Federal banking agency shall tender the appointment to the Corporation, and the Corporation shall accept such appointment, unless the Corporation declines the appointment, as provided in subsection (c).

''(3) APPOINTMENT OF THE CORPORATION BY THE CORPORATION.—The Board of Directors may appoint the Corporation as receiver of a depository institution holding company, after consultation with the appropriate Federal banking agency, if the Board of Directors determines that, notwithstanding the existence of grounds specified in subsection (f), the appropriate Federal banking agency having supervision of a covered depository institution holding company has declined to appoint the Corporation as receiver.

''(4) FUNCTIONALLY REGULATED DEPOSITORY INSTITUTION HOLDING COMPANIES.—When the appropriate Federal banking agency appoints the Corporation as receiver of a covered depository institution holding company, or the Board of Directors appoints the Corporation as receiver of a covered depository institution holding company, the appropriate Federal banking agency or the Corporation shall consult with the covered depository institution holding company's functional regulator, if any.

''(b) AFFILIATES AND SUBSIDIARIES.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal law, the law of any State, or the constitution of any State, and subject to paragraph (2) and subsection (c), in any case in which the Corporation is appointed under this section as receiver for a depository institution holding company, the Corporation may appoint itself as the receiver of any affiliate or subsidiary of the insured depository institution or depository institution holding company that is incorporated or organized under the laws of any State, if the Corporation determines that such action would facilitate the orderly resolution of the insured depository institution or depository institution holding company, and is consistent with the purposes of this Act.

''(2) FUNCTIONALLY REGULATED SUBSIDIARIES.—The Corporation shall consult with the appropriate Federal or State functional

regulator when the Corporation appoints itself as the receiver of any functionally regulated affiliate or subsidiary.

''(c) BANKRUPTCY OR STATE INSURANCE RESOLUTION OPTION.—

''(1) BANKRUPTCY GROUNDS FOR DECLINING APPOINTMENT.—The Corporation may decline to accept appointment for a covered depository institution holding company, when, in its sole discretion, the Corporation determines that the resolution of that holding company would be better accomplished under title 11, of the United States Code, or under applicable State insurance law.

''(2) RULEMAKING REQUIRED.—The Corporation shall, not later than 180 days after the date of enactment of this section, adopt regulations that establish criteria pursuant to which the Corporation will make the determination described in paragraph (1).

''(d) SEPARATE ENTITIES.—

''(1) IN GENERAL.—Subject to paragraph (2), each separate legal entity for which the Corporation is appointed receiver shall constitute a separate receivership.

''(2) APPLICABILITY.—Paragraph (1) shall not apply to any insured depository institution subsidiary for which the Corporation has appointed itself as receiver.

''(e) CORPORATION NOT SUBJECT TO ANY OTHER AGENCY.—When acting as the receiver pursuant to an appointment described in subsection (a) or (b), the Corporation shall not be subject to the direction or supervision of any other agency or department of the United States or any State in the exercise of its rights, powers, and privileges.

''(f) GROUNDS FOR APPOINTMENT.—The grounds for appointing the Corporation as receiver of a depository institution holding company, affiliate, or subsidiary are that one or more grounds exist under section 11(c) to appoint a receiver for one or more affiliated insured depository institutions.

''(g) TERMINATION AND EXCLUSION OF OTHER ACTIONS.—The appointment of the Corporation as receiver for a depository institution holding company or an insured depository institution that is an affiliate or subsidiary of a depository institution holding company shall immediately, and by operation of law, terminate any case commenced with respect to the depository institution holding company or any affiliate or subsidiary under title 11, United States Code, or any proceeding under any State insolvency law with respect to the depository institution holding company or affiliate or subsidiary. No such case or proceeding may be commenced with respect to the depository institution holding company or any affiliate or subsidiary of the insured depository institution at any time while the Corporation acts as receiver of the depository institution holding company or any affiliate or subsidiary, without the written agreement of the Corporation.

''(h) JUDICIAL REVIEW.—

''(1) IN GENERAL.—If the Corporation is appointed (including the appointment of the Corporation by itself) as receiver of a depository institution holding company under subsection (a), the depository institution holding company may, not later than 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such depository institution holding company is located, or in the United States District Court for the District of Columbia, for an order requiring the Corporation to be removed as the receiver (regardless of how such appointment was made), and the court shall, upon the merits, dismiss such action or direct the Corporation to be removed as the receiver.

''(2) OTHER APPOINTMENT.—If the Corporation appoints itself as receiver of any affiliate or subsidiary of the insured depository institution or depository institution holding company under subsection (b), the affiliate or subsidiary of the insured depository institution or depository institution holding company may, not later than 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such any affiliate or subsidiary of the insured depository institution or depository institution holding company is located, or in the United States District Court for the District of Columbia, for an order requiring the Corporation to be removed as the receiver, and the court shall, upon the merits, dismiss such action or direct the Corporation to be removed as the receiver.

''SEC. 53. POWERS AND DUTIES OF CORPORATION AS RECEIVER.

''(a) RULEMAKING AUTHORITY OF CORPORATION.—The Corporation may prescribe such regulations as the Corporation determines appropriate regarding the orderly resolution and conduct of receiverships of covered depository institution holding companies or any affiliate or subsidiary, in accordance with section 52.

''(b) RECEIVERSHIP, BACK-UP EXAMINATION, AND ENFORCEMENT POWERS.—Except as provided in subsections (c) and (e), the Corporation shall have the same powers and rights to carry out its duties with respect to depository institution holding companies, or affiliates and subsidiaries, as the Corporation has under sections 8(t), 10(b), 11, 12, 13(d), 13(e), 15, and 38, with adaptations made, in the sole discretion of the Corporation, that are appropriate to the differences in form and function among depository institution holding companies, insured depository institutions, and their affiliates and subsidiaries.

''(c) AUTHORITY TO OBTAIN CREDIT.—

''(1) IN GENERAL.—A bridge depository institution holding company with respect to which the Corporation is the receiver may obtain unsecured credit and issue unsecured debt.

''(2) INABILITY TO OBTAIN CREDIT.—If a bridge depository institution holding company is unable to obtain unsecured credit or issue unsecured debt, the Corporation may authorize the obtaining of credit or the issuance of debt by the bridge depository holding company—

''(A) with priority over any or all of the obligations of the bridge depository holding company;

''(B) secured by a lien on property of the bridge depository holding company that is not otherwise subject to a lien; or

''(C) secured by a junior lien on property of the bridge depository holding company that is subject to a lien.

''(3) LIMITATION.—The Corporation may authorize the obtaining of credit or the issuance of debt by a bridge depository holding company that is secured by a senior or equal lien on property of the bridge depository holding company that is subject to a lien, only if—

''(A) the bridge depository holding company is unable to otherwise obtain such credit or issue such debt; and

''(B) there is adequate protection of the interest of the holder of the lien on the property with respect to which such senior or equal lien is proposed to be granted.

''(d) DISPOSITION OF CERTAIN DEPOSITORY INSTITUTION HOLDING COMPANIES, AFFILIATES, AND SUBSIDIARIES.—Notwithstanding any other provision of law (other than a conflicting provision of this Act), the Corporation, in connection with the resolution of any insured depository institution with respect to which the Corporation has been appointed as receiver, shall—

''(1) in the case of any depository institution holding company, or a covered affiliate or subsidiary for which the Corporation is appointed receiver, that is a member of the Securities Investor Protection Corporation (in this section referred to as 'SIPC'), coordinate with SIPC in the liquidation, if any, of the company, to facilitate the orderly and timely payment of claims under the Securities Investor Protection Act; and

''(2) in the case of any other depository institution holding company, or covered affiliate or subsidiary, that is functionally regulated, coordinate with the appropriate Federal or State functional regulator in the disposition of the company, to facilitate the orderly and timely payment of claims under applicable guaranty plans, including State insurance guaranty plans.

''(e) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

''(1) IN GENERAL.—Allowed claims (other than secured claims to the extent of any such security) against a covered depository institution holding company or any covered affiliate or subsidiary that are proven to the satisfaction of the receiver for such covered depository institution holding company, affiliate, or subsidiary shall have priority in the following order:

''(A) Administrative expenses of the receiver.

''(B) Any obligation of the covered depository institution holding company, or covered affiliate or subsidiary, to the Corporation.

''(C) Any general or senior liability of the covered depository institution holding company, or covered affiliate or subsidiary (which is not a liability described in subparagraph (D) or (E)).

''(D) Any obligation subordinated to general creditors which is not an obligation described in subparagraph (E).

''(E) Any obligation to shareholders, members, general partners, limited partners, or other persons with interests in the equity of the covered depository institution holding company, or covered affiliate or subsidiary, arising as a result of their status as shareholders, members, general partners, limited partners, or other persons with interests in the equity of the covered depository institution holding company, or covered affiliate or subsidiary.

''(2) CREDITORS SIMILARLY SITUATED.—All claimants of a covered depository institution holding company, or covered affiliate or subsidiary, that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the receiver may take any action (including making payments) that does not comply with this subsection, if—

''(A) the Corporation determines that such action is necessary to maximize the value of the assets of the covered depository institution holding company, or covered affiliate or subsidiary, to maximize the present value return from the sale or other disposition of the assets of the covered depository institution holding company, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the covered depository holding company, or covered affiliate or subsidiary; and

''(B) all claimants that are similarly situated under paragraph (1) receive not less than the amount provided in section 11(i)(2).

''(f) RULE OF CONSTRUCTION.—Nothing in the Resolution Reform Act is intended to supersede the administration of claims under applicable State laws governing insurance guaranty funds or the Securities Investor Protection Act of 1970.

''(g) RULEMAKING.—The Federal Deposit Insurance Corporation shall conduct a rulemaking to be completed within 180 days of enactment that will lay out specific guidelines and priority of all secured and unsecured claims as well as where the resources to satisfy those that will be satisfied will be derived.''.

SEC. 5. OTHER SPECIFIC MODIFICATIONS TO FEDERAL DEPOSIT INSURANCE CORPORATION AUTHORITY.

(a) RECORDKEEPING.—Section 11(e)(8)(H) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(H)) is amended to read as follows:

''(H) RECORDKEEPING.—The Corporation, after consultation with the appropriate Federal banking agencies, may prescribe regulations requiring that any insured depository institution or depository institution holding company maintain such records with respect to qualified financial contracts (including market valuations) as the Corporation determines to be necessary or appropriate to enable it to exercise its rights and fulfill its obligations under this Act.''.

(b) GOLDEN PARACHUTE PAYMENTS.—Section 18(k)(4)(A)(ii)(III) of the Federal Deposit Insurance Act (12 U.S.C. 1828(k)(4)(A)(ii)(III)) is amended—

(1) by striking ''institution's'';

(2) by inserting ''or covered company'' after ''insured depository institution''; and

(3) by inserting before the semicolon: '', except that the Corporation may define and make a determination of troubled condition for any covered company that does not have an appropriate Federal banking agency''.

SEC. 6. CROSS-BORDER CLAIMS.

(a) PURPOSE AND SCOPE.—

(1) PURPOSE.—The purpose of this section is to provide effective mechanisms for dealing with cases of cross-border insolvency, with the objectives of—

(A) facilitating cooperation between the Corporation, acting in its capacity as receiver of a covered depository institution holding company or covered affiliate or subsidiary of an insured depository institution and the courts and other authorities of foreign countries involved in cross-border insolvency cases; and

(B) facilitating the orderly resolution of insured depository institutions, covered depository institution holding companies, or covered affiliates or subsidiaries, in receivership.

(2) SCOPE.—This section applies in any case in which—

(A) the Corporation seeks assistance from a foreign court, foreign representative, or foreign regulatory or supervisory authority in connection with the resolution of a depository institution holding company, or covered affiliate or subsidiary thereof;

(B) the assistance of the Corporation is sought by a foreign court, foreign representative, or foreign regulatory or supervisory authority in connection with a foreign proceeding or with a resolution under this Act; or

(C) a foreign proceeding and a case under this Act with respect to the same covered depository institution holding company, or covered affiliate or subsidiary, are pending concurrently.

(b) COORDINATION AND COOPERATION.—In regard to matters of insolvency and insolvency proceedings, the Corporation may—

(1) cooperate and coordinate with foreign courts, foreign representatives, and foreign regulatory or supervisory authorities, either directly or through a designated representative, as the Corporation deems appropriate; and

(2) communicate directly with, or to request information or assistance directly from, foreign courts, foreign representatives, and foreign regulatory or supervisory authorities.

(c) CLAIMS BY FOREIGN REPRESENTATIVES.—The Corporation, in its capacity as receiver of a covered depository institution holding company, or covered affiliate or subsidiary, may allow a foreign administrator or representative to file claims.

(d) COORDINATION OF PAYMENTS.—

(1) LIMITATION.—Notwithstanding any other provision of Federal law, a creditor who has received payment with respect to a claim in a foreign insolvency proceeding may not receive a payment for the same claim brought in a United States insolvency proceeding under this Act against the same depository institution, depository institution holding company, or covered affiliate or subsidiary.

(2) SUBROGATION.—A claimant in an insolvency proceeding under this Act that has received payment on its claim shall agree to the subrogation of the Corporation, to the extent of such payment, to any claim or right of claim, arising from the same loss.

(e) PUBLIC POLICY EXEMPTION.—Nothing in this section prevents the Corporation from refusing to take an action governed by this section if the action would be contrary to the public policy of the United States or if it would increase losses to the Deposit Insurance Fund.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) BANKRUPTCY CODE AMENDMENTS.—Section 109(b)(2) of title 11, United States Code, is amended by inserting before ''homestead association'' the following: ''covered depository institution holding company and covered affiliate or subsidiary, as those terms are defined in section 51(b) of the Federal Deposit Insurance Act (except if the Federal Deposit Insurance Corporation exercises its authority under section 52(c) of that Act),''.

(b) AUTHORITY TO APPOINT RECEIVER.—

(1) FEDERAL RESERVE ACT.—Section 11(o) of the Federal Reserve Act (12 U.S.C. 248(o)) is amended—

(A) by striking ''The Board'' and inserting the following:

''(1) STATE MEMBER BANKS.—The Board''; and

(B) by adding at the end the following:

''(2) COVERED DEPOSITORY INSTITUTION HOLDING COMPANIES.—The Board may appoint the Federal Deposit Insurance Corporation as receiver for a covered depository institution holding company (as those terms are defined in section 51(b) of the Federal Deposit Insurance Act) under section 52 of the Federal Deposit Insurance Act.''.

(2) HOME OWNERS' LOAN ACT.—Section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a) is amended—

(A) by redesignating subsection (t) as subsection (u); and

(B) by inserting after subsection (s) the following:

''(t) APPOINTMENT OF FDIC AS RECEIVER.—The Director may appoint the Federal Deposit Insurance Corporation as receiver for a covered depository institution holding company (as those terms are defined in section 51(b) of the Federal Deposit Insurance Act) under section 52 of the Federal Deposit Insurance Act.''.

By Mr. DODD (for himself, Mr. KENNEDY, Mrs. MURRAY, and Mr. LIEBERMAN):

S. 1543. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to provide leave for family members of members of regular components of the Armed Forces, and leave to care for covered veterans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce The Supporting Military Families Act of 2009.

The sacrifices made by our soldiers, sailors, airmen, Marines, and Coast Guard are matched only by those made by their families. When a loved one is serving abroad, and in cases where he or she returns wounded, it can take an immense emotional toll on a family.

But it does not have to take an equally staggering economic toll.

The bill I introduce today clarifies and improves upon provisions included in the National Defense Authorization Act of 2008, which provided important benefits for family members of our brave service men and women.

More than 20 years ago, I began the effort to bring job protection to hard-working Americans so they wouldn't have to choose between the family they love and the job they need. This effort, after more than seven years, three presidents, and two vetoes, eventually led to the enactment of the Family Medical Leave Act, FMLA, which provides 12 weeks of unpaid leave for eligible employees so they may care for a newborn or adopted child, their own serious illness, or that of a loved one. Since its passage, I have worked to expand this Act to cover more workers and to provide for paid leave, so that more employees can afford to take leave when necessary.

We must also ensure that we care for the health and well-being of our war heroes, many of whom return from deployment with serious injuries and illnesses. Two years ago, I introduced legislation to provide up to 6 months of FMLA leave for primary caregivers of servicemembers who suffer from a combat-related injury or illness. The FMLA currently provides three months of unpaid leave to a spouse, parent, or child acting as a caregiver for a person with a serious illness. However, some of those injured in service to our country rely on other family members or friends to care for them as they recover, and many of these injuries take longer than 3 months to heal from. That is why, following a recommendation of the President's Commission on Care for America's Returning Wounded Warriors, headed by former Senator Bob Dole and former Secretary of Health and Human Services Donna Shalala, I offered this legislation. It was included in the 2008 National Defense Authorization Act, along with another provision providing exigency leave for servicemembers' families, which allows the families of deployed servicemembers to take leave to manage their family or personal affairs.

These two provisions were important steps toward giving our servicemembers and their families the support they need during extremely challenging times. The legislation I introduce today builds on those efforts and will accomplish three things. First, a number of service-related illnesses and injuries may not manifest themselves until after a servicemember has left the military, including traumatic brain injury and post traumatic stress disorder. This bill extends the annual 26 weeks of unpaid leave to family members of veterans for up to five years after a veteran leaves service, if the

veteran develops a service-related serious injury or illness that he or she needs time to recover from. Second, this legislation extends eligibility for exigency leave to those deployed to a foreign country, and not only in support of a contingency operation, in order to provide the benefit to all of those families who struggle with the challenges of a deployment. Finally, the DOL regulations limited access to exigency leave to Reserve and National Guard members only. This was not the intent of the initial legislation, and this bill extends exigency leave to cover all active duty members who are deployed to a foreign country.

I am pleased that my colleagues Senators KENNEDY, LIEBERMAN, and MURRAY are joining me in introducing the Supporting Military Families Act of 2009.

By Mr. REED (for himself, Mr. BOND, Mrs. MURRAY, Mr. JOHNSON, Mr. KERRY, and Mr. DURBIN):

S. 1547. A bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the Zero Tolerance for Veteran Homelessness Act. This comprehensive bill enhances and expands the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of becoming homeless.

It is one of our Nation's great tragedies that on any given night, 131,000 veterans are homeless. The Department of Veterans Affairs estimates that more than 200,000 veterans experience homelessness each year and that nearly 1/5 of all homeless people in the United States are veterans. These numbers are expected to climb as our servicemembers fighting in Iraq and Afghanistan return home to face tough economic conditions.

We know that veterans are often at greater risk of becoming homeless. Some return from deployments to discover that the skills they have honed in their military service can be difficult to transfer to jobs in the private sector. Others struggle with physical or mental wounds of war. Still others return to communities that lack safe, affordable housing.

Our veterans have made great sacrifices to serve our country, and it is especially important to honor our commitment to them. The Department of Veterans Affairs is certainly a part of that commitment, providing benefits, medical care, support, and a sense of community to homeless veterans. However, a number of other federal agencies provide service to veterans, including the Department of Housing and Urban Development, and this legislation builds on that existing infrastructure.

Many programs through HUD and the VA are already helping homeless veterans with transitional housing, health care and rehabilitation services, and employment assistance. However, a more comprehensive and coordinated approach would strengthen these programs and prevent more at-risk veterans from becoming homeless.

That is why I have joined with my colleagues Senators BOND, MURRAY, and JOHNSON to introduce this much-needed legislation. The Zero Tolerance for Veterans Homelessness Act seeks to merge housing programs and support services for veterans from the start so that there is an integrated approach to address their risk of homelessness.

First, this bill would create a new Homelessness Prevention program that would enable the VA to keep at-risk veterans in stable housing and offer increased assistance to veterans who have fallen into homelessness. Specifically, the VA could provide short-term rental assistance, housing relocation and stabilization services, services to resolve personal credit issues, payments for security deposits or utility costs, and assistance for moving costs. These up-front expenses can be the major obstacle that puts low-income or unemployed veterans at risk of becoming homeless. These homelessness prevention and rapid re-housing techniques have been successfully used in numerous communities to significantly reduce family homelessness, and this bill would give the VA resources to put these strategies into practice.

Second, this bill would authorize additional housing vouchers through the HUD-Veterans Affairs Supportive Housing, VASH, program. This collaborative program provides homeless veterans with vouchers to rent apartments in the private rental market, as well as case management and clinical services at local VA medical centers. In this way, veterans receive the supportive housing they need to recover and thrive.

The HUD–VASH program has grown in recent years. Twenty thousand vouchers were funded in the last two appropriations cycles, and 10,000 more will likely be funded–in Fiscal Year 2010. However, more homeless veterans could benefit from this important resource. As such, the Zero Tolerance for Veterans Homelessness bill authorizes up to 10,000 additional vouchers each year to reach a maximum of 60,000 vouchers by 2013.

Third, this legislation would make it easier for non-profits to apply for capital grants through the VA's grants and per diem program to build transitional housing and other facilities for veterans. This would streamline the process for non-profit organizations to be able to use financing from other sources to break ground on new housing construction. This is particularly important in the current economy, when non-profits are stretched and have to be more creative than ever to fund new capital projects.

The Zero Tolerance for Veterans Homelessness Act would also create a Special Assistant for Veterans Affairs within HUD. The Special Assistant would ensure that veterans have access to HUD's existing programs and work to remove any barriers. The Special Assistant would also serve as a liaison between HUD and the VA, helping to connect and coordinate the services the two departments provide.

Additionally, this legislation recognizes the need to measure progress of efforts to combat homelessness. It establishes a new Homeless Veterans Management Information System, to be developed by the VA, in consultation with HUD and the United States Interagency Council on Homelessness. This data collection system will be used to provide annual reports to Congress on the number of homeless veterans and they types of assistance they receive. This information will help illustrate how programs are performing and inform future policy.

Finally, the bill would require the Secretary of Veterans Affairs, in consultation with other agencies, to analyze existing programs and develop a comprehensive plan with recommendations on how to end homelessness among veterans. Establishing a plan with appropriate benchmarks will enable the VA to more easily track progress towards this important goal.

This bipartisan bill also complements a bill that I am cosponsoring with Senator MURRAY to enable programs at the VA and the Department of Labor to better serve homeless women veterans and homeless veterans with children.

Only by working together, across the federal government and in partnership with non-profits and local housing authorities, will we be able to comprehensively help homeless veterans and reach those in danger of becoming homeless. We owe it to our veterans to ensure that they and their families have safe, affordable places to live and to provide the services and benefits they have earned. The nation's brave veterans deserve nothing less.

I hope my colleagues will join in supporting this important, bipartisan legislation.

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

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

S. 1547

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Zero Tolerance for Veterans Homelessness Act of 2009''.

SEC. 2. FINDINGS.

Congress finds that—

(1) veterans are at a greater risk of becoming homeless than other people in the United States, because of characteristics that include—

(A) having employment-related skills that are unique to military service and that can be difficult to transfer to the civilian sector;

(B) combat-related health issues;

(C) earning minimal income or being unemployed; and

(D) a shortage of safe, affordable housing;

(2) the Department of Veterans Affairs estimates that—

(A) 131,000 veterans are homeless on any given night;

(B) more than 200,000 veterans experience homelessness each year; and

(C) veterans account for nearly ⅕ of all homeless people in the United States;

(3) approximately 1,500,000 veterans, nearly 6.3 percent of the veterans in the United States, have an income that falls below the Federal poverty level, and approximately 634,000 veterans have an income below 50 percent of the Federal poverty level;

(4) the Department of Veterans Affairs is only adequately funded to respond to the health, housing, and supportive services needs of approximately ⅓ of the veterans in the United States; and

(5) it is expected that significant increases in services will be needed to serve the aging veterans of the Vietnam war and members of the Armed Forces returning from Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 3. PROGRAM ON PREVENTION OF VETERAN HOMELESSNESS.

(a) PROGRAM ON PREVENTION OF VETERAN HOMELESSNESS.—

(1) IN GENERAL.—Subchapter VII of chapter 20 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 2067. Prevention of veteran homelessness

''(a) PREVENTION OF VETERAN HOMELESSNESS.—Not later than 180 days after the date of the enactment of this section, the Secretary shall establish a program within the Veterans Benefits Administration to prevent veteran homelessness by—

''(1) identifying in a timely fashion any veteran who is homeless or at imminent risk of becoming homeless; and

''(2) providing assistance sufficient to ensure that each veteran identified under paragraph (1) does not become or remain homeless.

''(b) TYPES OF ASSISTANCE.—The assistance provided under subsection (a)(2) may include the following:

''(1) The provision of short-term or medium-term rental assistance.

''(2) Housing relocation and stabilization services, including housing search, mediation, and outreach to property owners.

''(3) Services to resolve personal credit issues that have led to negative credit reports.

''(4) Assistance with paying security or utility deposits and utility payments.

''(5) Assistance with covering costs associated with moving.

''(6) A referral to a program of another department or agency of the Federal Government.

''(7) Such other activities as the Secretary considers appropriate to prevent veterans homelessness.

''(c) NO DUPLICATION OF SERVICES.—The Secretary may provide assistance under subsection (a)(2) to a veteran receiving supportive services from an eligible entity receiving financial assistance under section 2044 of this title only to the extent that the assistance provided under subsection (a)(2) does not duplicate the supportive services provided to such veteran by such entity.

''(d) STAFFING.—The Secretary shall assign such employees at such locations as the Secretary considers necessary to carry out this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2010 through 2014.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

''2067. Prevention of veteran homelessness.''.

(b) RESPONSIBILITIES OF HOMELESS VETERANS PROGRAM COORDINATORS.—Section 2003(a) of such title is amended—

(1) in paragraph (3), by striking ''The housing'' and inserting ''Any housing'';

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following new paragraph (7):

''(7) The program under section 2067 of this title.''.

(c) REPORT.—Not later than 180 days after the date of the establishment of the program required by section 2067 of title 38, United States Code, as added by paragraph (1), the Secretary of Veterans Affairs shall submit to Congress a report on the operation of such program.

SEC. 4. ENHANCEMENT OF COMPREHENSIVE SERVICE PROGRAMS.

(a) ENHANCEMENT OF GRANTS.—Section 2011 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''Subject to the availability of appropriations provided for such purpose, the'' and inserting ''The'';

(2) in subsection (b)(1)(A), by inserting ''new construction,'' before ''expansion''; and

(3) in subsection (c)—

(A) in the first sentence, by striking ''A grant'' and inserting ''(1) A grant'';

(B) in the second sentence of paragraph (1), as designated by subparagraph (A), by striking ''The amount'' and inserting the following:

''(2) The amount''; and

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

''(3)(A) The Secretary may not deny an application from an entity that seeks a grant under this section to carry out a project described in subsection (b)(1)(A) solely on the basis that the entity proposes to use funding from other private or public sources, if the entity demonstrates that a private nonprofit organization will provide oversight and site control for the project.

''(B) In this paragraph, the term 'private nonprofit organization' means the following:

''(i) An incorporated private institution, organization, or foundation—

''(I) that has received, or has temporary clearance to receive, tax-exempt status under paragraphs (2), (3), or (19) of section 501(c) of the Internal Revenue Code of 1986;

''(II) for which no part of the net earnings of the institution or foundation inures to the benefit of any member, founder, or contributor of the institution or foundation; and

''(III) that the Secretary determines is financially responsible.

''(ii) A for-profit limited partnership or limited liability company, the sole general partner of which is an organization that is described by subclauses (I) through (III) of clause (i).

''(iii) A corporation wholly owned and controlled by an organization that is described by subclauses (I) through (III) of clause (i).''.

(b) STUDY AND REPORT ON PER DIEM PAYMENTS.—

(1) STUDY AND DEVELOPMENT OF PAYMENT METHOD.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) complete a study of all matters relating to the method used by the Secretary to make per diem payments under section 2012(a) of title 38, United States Code; and

(B) develop an improved method for adequately reimbursing recipients of grants under section 2011 of such title for services furnished to homeless veterans.

(2) CONSIDERATION.—In developing the method required by paragraph (1)(B), the Secretary may consider payments and grants received by recipients of grants described in such paragraph from other departments and agencies of Federal and local governments and from private entities.

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on—

(A) the findings of the Secretary with respect to the study required by subparagraph (A) of paragraph (1);

(B) the method developed under subparagraph (B) of such paragraph; and

(C) any recommendations of the Secretary for revising the method described in subparagraph (A) of such paragraph and any legislative action the Secretary considers necessary to implement such method.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 2013 of such title is amended by striking ''subchapter $150,000,000'' and all that follows through the period and inserting the following: ''subchapter—

''(1) $200,000,000 for fiscal year 2010; and

''(2) such sums as may be necessary for each of fiscal years 2011 through 2014.''.

SEC. 5. HUD VETERANS AFFAIRS SUPPORTIVE HOUSING VOUCHERS.

Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended to read as follows:

''(19) RENTAL VOUCHERS FOR VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM.—

''(A) RENTAL VOUCHERS.—The Secretary shall make available to public housing agencies described in subparagraph (C) the amounts described in subparagraph (B), to provide rental assistance through a supported housing program administered in conjunction with the Department of Veterans Affairs.

''(B) AMOUNT.—The amounts specified in this subparagraph are the amounts necessary to ensure that—

''(i) not more than 30,000 vouchers for rental assistance under this paragraph are outstanding at any one time during fiscal year 2010;

''(ii) not more than 40,000 vouchers for rental assistance under this paragraph are outstanding at any one time during fiscal year 2011;

''(iii) not more than 50,000 vouchers for rental assistance under this paragraph are outstanding at any one time during fiscal year 2012; and

''(iv) not more than 60,000 vouchers for rental assistance under this paragraph are outstanding at any one time during fiscal year 2013 and each fiscal year thereafter.

''(C) PUBLIC HOUSING AGENCIES.—A public housing agency described in this subparagraph is a public housing agency that—

''(i) has a partnership with a Department of Veterans Affairs medical center or an entity determined to be appropriate by the Secretary of Veterans Affairs;

''(ii) is located in an area that the Secretary of Veterans Affairs determines has a high concentration of veterans in need of assistance;

''(iii) has demonstrated expertise in providing housing for homeless individuals; and

''(iv) meets any other criteria that the Secretary, in consultation with the Secretary of Veterans Affairs may prescribe.

''(D) CASE MANAGEMENT.—The Secretary of Veterans Affairs shall ensure that the case managers described in section 2003(b) of title 38, United States Code, provide appropriate case management for each veteran who receives rental assistance under this paragraph that—

''(i) assists the veteran in—

''(I) locating available housing;

''(II) working with the appropriate public housing agency;

''(III) accessing benefits and health services provided by the Department of Veterans Affairs and other departments and agencies of the Federal Government;

''(IV) negotiating with landlords; and

''(V) other areas, as the Secretary determines is necessary to help the veteran maintain housing or avoid homelessness; and

''(ii) ensures that a veteran with a severe disability, including a veteran that has been homeless for a substantial period of time, is referred to sufficient supportive services to provide the veteran with stable housing, including—

''(I) mental health services, including treatment and recovery support services;

''(II) substance abuse treatment and recovery support services, including counseling, treatment planning, recovery coaching, and relapse prevention;

''(III) integrated, coordinated treatment and recovery support services for co-occurring disorders;

''(IV) health education, including referrals for medical and dental care;

''(V) services designed to help individuals make progress toward self-sufficiency and recovery, including job training, assistance in seeking employment, benefits advocacy, money management, life-skills training, self-help programs, and engagement and motivational interventions;

''(VI) parental skills and family support; and

''(VII) other supportive services that promote an end to chronic homelessness.''.

SEC. 6. SPECIAL ASSISTANT FOR VETERANS AFFAIRS IN OFFICE OF SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

''(g) SPECIAL ASSISTANT FOR VETERANS AFFAIRS.—

''(1) ESTABLISHMENT.—There shall be in the Department a Special Assistant for Veterans Affairs, who shall be in the Office of the Secretary.

''(2) APPOINTMENT.—The Special Assistant for Veterans Affairs shall be appointed by the Secretary, based solely on merit and shall be covered under the provisions of title 5, United States Code, governing appointments in the competitive service.

''(3) RESPONSIBILITIES.—The Special Assistant for Veterans Affairs shall be responsible for—

''(A) ensuring that veterans have access to housing and homeless assistance under each program of the Department providing such assistance;

''(B) coordinating all programs and activities of the Department relating to veterans; and

''(C) carrying out such other duties as may be assigned to the Special Assistant by the Secretary or by law.''.

SEC. 7. HOMELESS VETERANS MANAGEMENT INFORMATION SYSTEM.

(a) IN GENERAL.—Subchapter VII of chapter 20 of title 38, United States Code, as amended by section 3(b), is further amended by adding at the end the following new section:

''§ 2068. Homeless Veterans Management Information System

''(a) METHOD FOR DATA COLLECTION AND AGGREGATION.—(1) Not later than one year after the date of the enactment of this section, the Secretary shall, in consultation with the Special Assistant for Veterans Affairs of the Department of Housing and Urban Development and the United States Interagency Council on Homelessness established under section 201 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311), establish a method for the collection and aggregation of data on homeless veterans participating in programs of the Department of Veterans Affairs and the Department of Housing and Urban Development, including the following:

''(A) The age, race, sex, disability status, marital status of the veteran, income, employment history, and whether the veteran is a parent.

''(B) If the veteran received housing assistance, the number of days that the veteran resided in such housing, and the type of housing in which the veteran resided.

''(C) If the veteran is no longer participating in a program, the reason the veteran left the program.

''(2) The method required by paragraph (1) shall be established in a manner that ensures that each veteran is counted only once.

''(b) ANNUAL DATA COLLECTION AND AGGREGATION.—Not later than one year after the method is established under subsection (a), and annually thereafter, the Secretary shall collect and aggregate data using the method established under subsection (a).

''(c) ANNUAL REPORTS.—Not later than two years after the date of enactment of this section and annually thereafter, the Secretary shall submit to Congress a report on the data collected and aggregated under subsection (b).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal year 2010; and

''(2) such sums as may be necessary for fiscal years 2011 through 2014.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

''2068. Homeless Veterans Management Information System.''.

SEC. 8. PLAN TO END VETERAN HOMELESSNESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a comprehensive plan to end homelessness among veterans that includes—

(1) an analysis of programs of the Department of Veterans Affairs and other departments and agencies of the Federal Government that are designed to prevent homelessness among veterans and assist veterans who are homeless;

(2) an evaluation of whether and how partnerships between the programs described in paragraph (1) would contribute to ending homelessness among veterans;

(3) recommendations for improving the programs described in paragraph (1), creating partnerships between such programs, or eliminating programs that are no longer effective;

(4) recommendations for new programs to prevent and end homelessness among veterans, including an estimation of the cost of such programs;

(5) a timeline for implementing the plan; and

(6) such other information as the Secretary determines necessary.

(b) CONSIDERATION OF VETERANS LOCATED IN RURAL AREAS.—The analysis, evaluation, and recommendations included in the report required by subsection (a) shall include consideration of the circumstances and requirements that are unique to veterans located in rural areas.

By Mr. SPECTER (for himself, Mr. REED, and Mr. KAUFMAN):

S. 1551. A bill to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such Act; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President. I have sought recognition to urge support for the legislation I just introduced, the Liability for Aiding and Abetting Securities Violations Act of 2009. My legislation would overturn two errant decisions of the Supreme Court—*Central Bank of Denver* v. *First Interstate Bank of Denver*, 511 U.S. 164, 1994, and *Stoneridge Investment Partners, LLC* v. *Scientific-Atlanta, Inc.*, 522 U.S. 148, 2008, by amending the Securities Exchange Act of 1934 to authorize a private right of action for aiding-and-abetting liability.

The Act's main anti-fraud provision, §10(b), makes it ''unlawful for any person, directly or indirectly,'' to commit acts of fraud ''in connection with the purchase or sale of any security.'' Nearly fifty years ago the Court implied a private right of action under §10(b). The result was that investors could recover financial losses caused by violations of 10(b) and the companion regulation issued by the SEC commonly known as ''Rule 10b–5.''

Until Central Bank, every circuit of the Federal Court of Appeals had concluded that §10(b)'s private right of action allowed recovery not only against the person who directly undertook a fraudulent act—the so-called primary violator—but also anyone who aided and abetted him. A five-Justice majority in Central Bank, intent on narrowing §10(b)'s scope, held that its private right of action extended only to primary violators.

When Congress debated the legislation that became the Private Securities Litigation Reform Act of 1995, PSLRA, then-SEC chairman Arthur Levitt and others urged Congress to overturn Central Bank. Congress declined to do so. The PSLRA authorized only the Securities and Exchange Commission, SEC, to bring aiding-and-abetting enforcement litigation.

It is time for us to revisit that judgment. The massive frauds involving Enron, Refco, Tyco, Worldcom, and countless other lesser-known companies during the last decade have taught us that a stock issuer's auditors, bankers, business affiliates, and lawyers—sometimes called ''secondary actors''—all too often actively participate in and enable the issuer's fraud. Federal Judge Gerald Lynch recently observed in a decision calling on Congress to reexamine Central Bank that secondary actors are sometimes ''deeply and indispensably implicated in wrongful conduct.'' In re Refco, Inc. Sec. Litig., 609 F. Supp. 2d. 304, 318 n.15, S.D.N.Y.

2009. Professor John Coffee of Columbia Law School, a renowned expert on the regulation of the securities markets, has even laid much of the blame for the major corporate frauds of this decade on the ''acquiescence'' of the ''outside professionals''—especially accountants, securities analysts, and corporate lawyers—responsible for ''preparing, verifying, or certifying corporate disclosures to the securities markets.'' Coffee, ''Gatekeeper Failure and Reform: The Challenge of Fashioning Relevant Reforms,'' 84 Boston University Law Review 301, 304, 2004.

The immunity from suit that Central Bank confers on secondary actors has removed much-needed incentives for them to avoid complicity in and even help prevent securities fraud, and all too often left the victims of fraud uncompensated for their losses. Enforcement actions by the SEC have proved to be no substitute for suits by private plaintiffs. The SEC's litigating resources are too limited for the SEC to bring suit except in a small number of cases, and even when the SEC does bring suit, it cannot recover damages for the victims of fraud.

Last year's decision in Stoneridge made matters still worse for defrauded investors. Central Bank had at least held open the possibility that secondary actors who themselves undertake fraudulent activities prescribed by §10(b) could be ''held liable as . . . primary violator[s].'' Stoneridge has largely foreclosed that possibility. A divided Court held that §10(b)'s private right of action did not ''reach'' two vendors of a cable company that entered into sham transactions with the company knowing that it would publicly report the transactions in order to inflate its stock price. The Court conceded that the suppliers engaged in fraudulent conduct prescribed by §10(b), but held that they were not liable in a private action because only the issuer, not they, communicated the transaction to the public. That remarkable conclusion put the Court at odds with even the Republican Chairman of the SEC.

My legislative response would take the limited, but important, step amending of the Exchange Act to authorize a private right of action under §10(b) (and other, less commonly invoked, provisions of the Act) against a secondary actor who provides ''substantial assistance'' to a person who violates §10(b). Any suit brought under my proposed amendment would, of course, be subject to the heightened pleading standards, discovery-stay procedures, and other defendant-protective features of the PSLRA.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. VOINOVICH, Mr. BYRD, and Mr. ENSIGN):

S. 1552. A bill to reauthorize the DC opportunity scholarship program, and for other purposes; read the first time.

Mr. LIEBERMAN. Mr. President, I rise along with my colleagues, Senators COLLINS, FEINSTEIN, VOINOVICH, BYRD and ENSIGN to introduce the Scholarships for Opportunity and Results Act, SOAR, which seeks to reauthorize the DC Opportunity Scholarship Program, OSP, also known as the DC voucher program. This important initiative offers scholarships to low-income students, especially those from failing schools, to attend better private schools. In doing so, the program gives parents of economically disadvantaged children a choice that's available to the more affluent, including many of us in Congress and in the White House. This program offers DC students a choice that has improved the quality of their education and lives; it is a program that works. I urge my colleagues in the Senate to support the reauthorization of this important program.

Since 2003, Congress has supported a tri-sector approach to improving education in the District of Columbia. This has included funding the DC Opportunity Scholarship Program, which provides low income students in the District with scholarships of up to $7,500 to attend private schools, as well as new funding for ongoing efforts to reform and improve public schools and public charter schools in the District.

Critics of this program argue that it takes away funds from public schools. This is simply not the case. I remind my colleagues that we intentionally designed the scholarship program to ensure that any funding for opportunity scholarships would not reduce funding for public schools. We provided additional new money for the DC Public Schools and for DC Public Charter Schools. We have not changed the three part-funding design of the initiative. The tri-partite funding is central to the compromise approach that originally brought Democrats and Republicans together in support of the Opportunity Scholarship Program. This bill preserves that important requirement. It is our intent that any funding for DC Opportunity Scholarships will result in continued additional new money in support of public charter and public schools.

This funding mechanism is an important point as it reflects the goal of the Opportunity Scholarship Program: to be supportive of the reforms that are helping to improve education in the District of Columbia. There is absolutely no intention to undermine the public schools—quite to the contrary. But as Ronald Holassie, one of the students receiving a scholarship, told us at a recent hearing on the program before the Homeland Security and Governmental Affairs Committee: ''public schools in the District did not go bad over night and they won't get better over night.'' That's the point: despite having amongst the highest per pupil expenditure for public school districts in the country, the public school students in the District score at the bottom on national tests. Ronald and others cannot wait for reforms to take effect in the worst of DC's public schools. They deserve a good education today and the Opportunity Scholarships respond to that need.

Much progress has been made in improving DC schools over the years but even school Chancellor Michelle Rhee admits that much remains to be done. According to the Washington Post, Chancellor Rhee was asked recently to give herself a grade for her efforts. She said she would give herself a failing grade as long as any children were in schools that were not providing a quality education. That's a modest answer that obscures the progress she has made. DC test scores are up in the most recent study of academic performance. Undoubtedly, we will see additional improvements in the years to come. Chancellor Rhee will continue to have my full support and I am confident that Ms. Rhee will soon be able to claim the ''A'' grade that I believe she already deserves. In the new bill, we have made the connection between the scholarship program and the ongoing reform effort more explicit. Our bill acknowledges an intent to reexamine the program when DC public school students are testing at the national average in reading and math.

The bill also responds to early criticisms of the Opportunity Scholarships with some important changes. It requires all participating schools to have a valid certificate of occupancy and to ensure that teachers in core subjects have an appropriate college degree. It continues to target students from lower income families who are attending those DC schools most in need of improvement but it increases the tuition amounts slightly to levels consistent with the tuition charged at a typical participating school, and adds an inflation adjustment. The new amounts are still well below the per pupil cost of educating a child in the DC public schools. While we have kept the income ceiling for entry into the program unchanged, we have increased slightly the income ceiling for those already participating in the program to ensure that parents are not forced to choose between a modest raise in their income and the scholarship, or marriage and the scholarship.

It is very important to recognize that the Opportunity Scholarship schools are producing impressive results. Opportunity Scholarship students attending private schools showed a five month advantage in reading levels compared to students attending public schools who applied but did not receive the scholarship, in the most recent study of the program conducted by the Department of Education's Institute of Education Sciences. The study showed significantly higher levels of parental satisfaction with regards to safety and the quality of the school for those in the program. The study has not yet even looked at the effect of the program on graduation rates and attrition though studies of other voucher programs indicate this impact could very well be significant. We will see those results in next year's study.

It is also imperative to put the results of the program in context. Rarely are there statistically significant results with any educational innovations, particularly those targeted at low income students. Of the eleven recent educational innovations studied under the auspices of the Department of Education using the same rigorous testing designs, only three showed any statistically significant achievement results. The Opportunity Scholarship was one of the three. Dr. Patrick Wolf, an education specialist and the lead researcher in the IES study, testified at a recent hearing on the scholarship program that in his professional opinion the results were exceptional and warranted continued study of the program. According to Dr. Wolf, ''by demonstrating statistically significant impacts overall in reading based on an experimental evaluation, the DC OSP has met a tough standard for efficacy in serving low-income inner-city students.''

Academic programs should be evaluated in terms of their impact on students' progress and achievement. In his speech before the Hispanic Chamber of Commerce earlier this year, President Obama laid down that marker as a guideline for considering which education programs should be funded. On that basis, it is clear that we should continue to fund the DC Opportunity Scholarship Program—a program that has been good for students, good for parents and even good for public and charter schools in the District. Let us do the right thing for kids in DC and reauthorize the DC Opportunity Scholarship Program.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senator LIEBERMAN and my Senate colleagues in introducing legislation to reauthorize the District of Columbia's pilot scholarship program for 5 more years.

This important program currently provides scholarships to 1,700 low-income children who attend 49 private schools in the District. The scholarships of up to $7,500 help these students pay for tuition and transportation expenses to school.

However, if the program is not extended soon, children will not be able to continue their education at the schools of their choice.

This legislation would:

Extend the life of the District of Columbia's pilot scholarship program for five more years.

Increase the program's funding to $20 million for fiscal year 2010 and as may be necessary the following four years to allow new students to participate in the program and provide a higher scholarship.

Increase the scholarship amount to $9,000 for children in kindergarten through 8th grade, and $11,000 for youngsters in high school—this amount is still lower than the $15,500 cost of educating a public school student in the District and will help low-income families afford the high cost of private school tuition.

Protect low-income families whose children are already in the program from ''earning out'' of it by setting the maximum income level for them at 300 percent of the Federal poverty level, about $63,000 for a family of four.

However, it maintains the current income eligibility requirement for students to enter the program of 185 percent of poverty, $41,000 for a family of four.

It would improve evaluation by assessing students' college admission rates, school safety, and the reasons why parents choose to participate in program to better learn about its impact on children's lives and their families.

It would give priority for awarding scholarships also to students whose household includes a sibling or other child already participating in the program.

When students entered the program 5 years ago, they were performing in the bottom third on reading and math tests.

Students are now improving academically—despite the many challenges that these children face outside the classroom living in some of the District's toughest neighborhoods.

The most recent evaluation from this past April by the Education Department's Institute of Education Sciences found that although math test scores have not increased so far, there are significant gains being made in reading test scores.

Specifically, pilot program students scored 4.5 points higher in reading on the SAT-9 national standardized test with a total score of 635.4 when compared to the District's public school students' score of 630.9.

This means students are making gains in reading test scores by the equivalent of 3 months of additional schooling, and moved to the 35th percentile on the SAT-9 from the 33rd percentile where they were before entering the program.

These youngsters still have much more catching up to do, but they are improving and this is important.

I believe the results of the more comprehensive evaluation of student performance that will be released next spring are critical.

Next year's evaluation will also include important data on the program's impact on students' college enrollment and how the District's public schools are changing in response to the pilot program.

I would like to share two examples of how the program has helped to change the lives of the District's most disadvantaged youngsters and give them a chance to succeed.

Shirley-Ann Tomdio is the 8th grade Valedictorian at Sacred Heart Middle School, located in the District's neighborhood of Columbia Heights.

The scholarship allowed Shirley-Ann to attend Sacred Heart School for the past four years since 5th grade.

She will be attending Georgetown Visitation in September for high school.

She wants to go to college and become a surgeon.

Shirley-Ann said at her 8th grade graduation speech this past June:

The D.C. OSP [Opportunity Scholarship Program] is important to me because without it I wouldn't be able to receive the best education possible. It should continue so that my brother, sister, and other students get the same chance. Every child should get the chance to go to a good school.

Oscar Machado is a graduate of Archbishop Carroll High School where he was on Honor Roll.

Oscar is attending Mount Saint Mary's University in Maryland in the fall and plans to major in biology. He received three college scholarships that will cover nearly all of this tuition.

He was in the pilot program for 4 years.

At Archbishop Carroll High, he was President of the Robotics Team where he used pre-engineering skills to build robots, and also played the saxophone in the school band.

When speaking of his experience as a D.C. Opportunity Scholarship recipient Oscar said:

The scholarship was great. It gave me the opportunity to attend a school I otherwise couldn't have attended.

Oscar hopes that the same opportunity should be available to other students.

We should listen to students like Oscar and Shirley-Ann, and continue to provide this important program to the District's neediest children.

I look forward to working with my Senate colleagues to pass this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 231—EXPRESSING THE SENSE OF THE SENATE THAT ANY HEALTH CARE REFORM PROPOSAL SHOULD SLOW THE LONG-TERM GROWTH OF HEALTH COSTS AND REDUCE THE GROWTH RATE OF FEDERAL HEALTH CARE SPENDING

Mr. BENNETT (for himself, Mr. WYDEN, Mr. WICKER, Mr. JOHANNS, Mr. COBURN, and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 231

Whereas health care spending has risen close to 2.4 percentage points faster than gross domestic product (GDP) since 1970; and

Whereas the Centers for Medicare & Medicaid Services projects health care spending to be 17.6 percent of GDP in 2009 and 20.4 percent of GDP by 2018: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) any health care reform proposal should reduce total spending on health care in the United States during the next decade to below current projections by the Centers for Medicare & Medicaid Services; and

(2) any health care reform proposal should reduce the growth rate of Federal health care spending.