

Algae fuel has the ability to consume and sequester massive amounts of CO₂, something that other fuels do not have the capability of doing along the line at the capability that they have here. And the drop-in capability and the capability is something we do not talk enough about.

Algae fuels have been tested. We have had one aircraft that flew with algae fuel and not only was compatible, but was 4 percent more efficient than fossil fuels of comparable weight and volume.

And the fact is, Madam Speaker, that we have the ability now to even the playing field when it comes to taxes. Why should Washington continue to choose winners and have alternatives that should be allowed to win hamstrung and punished because they weren't here with their lobbyists years ago when these laws were passed?

This bill helps to correct the mistakes made in the past in our tax laws where Washington was choosing some to be winners and cutting out other people from participating in the system. We should allow winners to earn the right to be called winners and not be anointed by Washington or the legislators here in Washington. We should allow the technology and the products to compete on an open market, but equal tax benefits for everyone to be able to prove that America allows people to be innovative, to be creative, and we will not punish them just because they went down one technological road rather than the other.

Our Tax Code should be equal. It should be neutral, and it should be outcome-based, not profit-based and, most importantly, not Washington lobbying-based. This bill now equalizes that to some degree; and that degree, I think is appropriate at this time.

So it may not be doing everything we would like to do this week. It is not going to accomplish what I know we all know the American people want us to get accomplished before January 1 of 2011, but it does take a step in the right direction, helps to correct the mistake.

And yes, Congressman, I will go back to talk to Arnold Schwarzenegger and say, damn it, we have got to change our regulation so we can produce this algae in California so you don't get all the jobs from this great technology breakthrough.

Mr. CAMP. I yield back the balance of my time.

Mr. VAN HOLLEN. Madam Speaker, again, I want to thank the gentleman from New Mexico (Mr. TEAGUE) for this initiative and just respond to a couple of the points raised by Mr. CAMP, the ranking member of the Ways and Means Committee.

First, this piece of the energy bill was brought to the floor for two reasons. Number one, it has strong bipartisan support, as you heard. In addition to Mr. BILBRAY, Mrs. BONO MACK and Mr. DREIER are cosponsors of the legislation.

And, secondly, this piece has no cost associated with it. And so those two as-

pects of the bill made it a good candidate for coming forward.

Secondly, given the other comments made by the gentleman with respect to the importance of moving forward on tax relief for small businesses and others around the country, I would just remind the gentleman that just last Thursday, on the floor of this House, we had a vote on a bill for small business lending to make sure that we increased credit to struggling small businesses around the country to make sure that they could make payroll, to make sure that they could take on the costs that they needed to expand. And part of that bill also contained significant tax relief for small businesses.

And it was ironic that many of our Republican colleagues were off-site at a small business venture, and then came back to the Hill to vote against that bill, a bill that the Republican Senator, retiring Republican Senator from Ohio, Senator VOINOVICH said was important to small businesses, and has said it is time to put aside politics and get this done.

□ 1730

I am very pleased that the result of the action taken in this House and the Senate was the President signed that bill yesterday so that small businesses can have access to credit and small businesses will get the tax relief they need.

We look forward in this body to being able to move on to make sure that middle class taxpayers, 98 percent of the American people, can get tax relief without being held hostage to the demand of the Senate Republican leader that we also provide budget-busting tax breaks to the folks at the very top, adding \$700 billion to the deficit over the next 10 years, which is fiscally reckless and which, in the long term, will crimp economic and job growth.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. VAN HOLLEN) that the House suspend the rules and pass the bill, H.R. 4168, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REDUNDANCY ELIMINATION AND ENHANCED PERFORMANCE FOR PREPAREDNESS GRANTS ACT

Mr. CUELLAR. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3980) to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Redundancy Elimination and Enhanced Performance for Preparedness Grants Act".

SEC. 2. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS FOR HOMELAND SECURITY PREPAREDNESS GRANT PROGRAMS.

(a) IN GENERAL.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

"SEC. 2023. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS.

"(a) DEFINITION.—In this section, the term 'covered grants' means grants awarded under section 2003, grants awarded under section 2004, and any other grants specified by the Administrator.

"(b) INITIAL REPORT.—Not later than 90 days after the date of enactment of the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, the Administrator shall submit to the appropriate committees of Congress a report that includes—

"(1) an assessment of redundant reporting requirements imposed by the Administrator on State, local, and tribal governments in connection with the awarding of grants, including—

"(A) a list of each discrete item of data requested by the Administrator from grant recipients as part of the process of administering covered grants;

"(B) identification of the items of data from the list described in subparagraph (A) that are required to be submitted by grant recipients on multiple occasions or to multiple systems; and

"(C) identification of the items of data from the list described in subparagraph (A) that are not necessary to be collected in order for the Administrator to effectively and efficiently administer the programs under which covered grants are awarded;

"(2) a plan, including a specific timetable, for eliminating any redundant and unnecessary reporting requirements identified under paragraph (1); and

"(3) a plan, including a specific timetable, for promptly developing a set of quantifiable performance measures and metrics to assess the effectiveness of the programs under which covered grants are awarded.

"(c) BIENNIAL REPORTS.—Not later than 1 year after the date on which the initial report is required to be submitted under subsection (b), and once every 2 years thereafter, the Administrator shall submit to the appropriate committees of Congress a grants management report that includes—

"(1) the status of efforts to eliminate redundant and unnecessary reporting requirements imposed on grant recipients, including—

"(A) progress made in implementing the plan required under subsection (b)(2);

"(B) a reassessment of the reporting requirements to identify and eliminate redundant and unnecessary requirements;

"(2) the status of efforts to develop quantifiable performance measures and metrics to assess the effectiveness of the programs under which the covered grants are awarded, including—

"(A) progress made in implementing the plan required under subsection (b)(3);

"(B) progress made in developing and implementing additional performance metrics and measures for grants, including as part of the comprehensive assessment system required under section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749); and

"(3) a performance assessment of each program under which the covered grants are awarded, including—

“(A) a description of the objectives and goals of the program;

“(B) an assessment of the extent to which the objectives and goals described in subparagraph (A) have been met, based on the quantifiable performance measures and metrics required under this section, section 2022(a)(4), and section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749);

“(C) recommendations for any program modifications to improve the effectiveness of the program, to address changed or emerging conditions; and

“(D) an assessment of the experience of recipients of covered grants, including the availability of clear and accurate information, the timeliness of reviews and awards, and the provision of technical assistance, and recommendations for improving that experience.

“(d) GRANTS PROGRAM MEASUREMENT STUDY.—

“(1) IN GENERAL.—Not later than 30 days after the enactment of Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, the Administrator shall enter into a contract with the National Academy of Public Administration under which the National Academy of Public Administration shall assist the Administrator in studying, developing, and implementing—

“(A) quantifiable performance measures and metrics to assess the effectiveness of grants administered by the Department, as required under this section and section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749); and

“(B) the plan required under subsection (b)(3).

“(2) REPORT.—Not later than 1 year after the date on which the contract described in paragraph (1) is awarded, the Administrator shall submit to the appropriate committees of Congress a report that describes the findings and recommendations of the study conducted under paragraph (1).

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this subsection.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

“Sec. 2023. Identification of reporting redundancies and development of performance metrics.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CUELLAR) and the gentleman from Georgia (Mr. BROUN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. CUELLAR. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials on the bill under consideration.

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

There was no objection.

Mr. CUELLAR. I rise in support of the motion to concur in the Senate amendment to H.R. 3980, and I yield myself such time as I may consume.

Madam Speaker, I introduced H.R. 3980, the Redundancy Elimination Enhanced Performance for Preparedness Grants Act, because I believe that we need greater accountability for the \$4

billion in grant funding provided annually by the Federal Emergency Management Agency.

I want to thank Chairman THOMPSON and Ranking Member KING of the committee, as well as Congresswoman RICHARDSON and Congressman ROGERS from Alabama, the chairman and the ranking member of the Subcommittee on Emergency Communications, Preparedness, and Response, as well as my good friend, Senator JOE LIEBERMAN, for the support in moving this bill, plus the staff who has worked very hard.

This bill passed unanimously, and I ask that we concur with the Senate amendment to H.R. 3980 that builds upon this legislation by directing FEMA to work with the National Academy of Public Administration to formulate performance measures for the grant programs.

This bill plus the amendment simply calls for greater accountability that we are able to measure and that we are able to see that we have results.

So I ask my colleagues to support this Senate amendment to H.R. 3980 and pass this piece of legislation.

I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 3980 as amended by the Senate. This bill was passed by the House on December 2, 2009, by a vote of 414-0. On September 22, 2010, the bill passed the Senate, with an amendment, by unanimous consent.

H.R. 3980 requires the Federal Emergency Management Agency, FEMA, to identify and eliminate any redundant requirements that place an undue burden on State and local governments to receive grant funds under the State Homeland Security Grant Program, the Urban Area Security Initiative, and other programs as determined by the FEMA administrator. This bill will help address the issue of grant recipients oftentimes having to report similar information under numerous grant programs.

In addition, H.R. 3980 builds on the requirements in the Post-Katrina Emergency Management Reform Act of 2006 and the 9/11 Act of 2007 by requiring FEMA to develop and implement performance measures for these vital programs and to report to Congress every 2 years on the status of these efforts.

The Post-Katrina Reform Act and the 9/11 Act both required FEMA to develop metrics to identify and close gaps in preparedness. Unfortunately, several years later, FEMA continues to struggle with integrating these requirements to produce meaningful results.

This bill also calls on FEMA to conduct an overall assessment of the State Homeland Security Grant Program, the Urban Area Security Initiatives, and other grants specified by the administrator.

Together, these requirements will help ensure that Congress is kept in-

formed of FEMA's progress in effectively administering these grants and addressing any deficiencies that may exist.

I urge my colleagues to support this bill, and I congratulate my good friend and colleague from Texas for the bill.

I yield back the balance of my time.

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

This Senate amendment is an amendment that just adds accountability to the grant dollars, and I think it is important, just as the gentleman from Georgia. And I certainly want to thank my friend from Georgia, because we understand, just as Mr. ROGERS, also, that we have got to make sure that we provide accountability. We are talking about \$4 billion a year. We just have got to have accountability.

I urge all my colleagues to support this measure.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of the Senate Amendment to H.R. 3980, the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act.

I would like to thank Representative CUELLAR for introducing this legislation and my colleagues on the Committee on Homeland Security for helping to make this a truly bipartisan effort.

For years, FEMA has struggled to establish a system for determining the effectiveness of the billions of dollars it gives to State, local, and tribal governments to help them prepare for natural disasters, acts of terrorism and other man-made disasters.

Such a system is essential to ensure that the taxpayers' money is being used wisely and effectively.

The Senate Amendment to H.R. 3980 would address this problem by requiring the FEMA Administrator to submit a plan to Congress for developing performance measures for its preparedness grants and streamlining the grant process by eliminating duplicative reporting requirements for grant recipients.

In October of 2009, the House Committee on Homeland Security's Subcommittee on Emergency Communications, Preparedness and Response, then chaired by Mr. CUELLAR of Texas, held an oversight hearing into whether FEMA had a plan in place for performance measures for the approximately \$29 billion in homeland security grants it had provided the nation.

At that hearing, it became evident that FEMA had not yet developed an effective system for measuring the effectiveness of its grants and that in administering them, it unnecessarily burdened State, local, and tribal governments by requiring grant recipients to submit duplicative information.

On November 2, 2009, Mr. CUELLAR translated the Committee's oversight findings into legislation—H.R. 3980.

Under this bill, FEMA is required to work with State, local, tribal and territorial stakeholders to develop a plan to:

Streamline homeland security grant reporting requirements, rules and regulations to eliminate redundant reporting;

Develop a strategy that includes a set timeline to provide much needed performance metrics for grant programs and ensure that the funds are going to the areas where they will be the most beneficial; and

Require an inventory of each homeland security grant program that incorporates the purpose, objectives and performance goals of each program.

The Redundancy Elimination and Enhanced Performance for Preparedness Grants Act would require FEMA to provide the Committee on Homeland Security with the plan required by the bill not later than 90 days after enactment of the bill.

This bill would also require biannual updates to maintain a careful and watchful eye on redundancies in the law that might hamper or confuse grant recipients.

The House unanimously passed H.R. 3980 on Dec. 2, 2009, and the Senate passed an amendment in the nature of a substitute for H.R. 3980 on September 22, 2010.

The Senate improved upon the House-passed bill by requiring FEMA to task the National Academy of Public Administration, NAPA, to study, develop and recommend performance measures for grants the Department of Homeland Security administers.

As you know, Mr. Speaker, NAPA is a congressionally-chartered nonprofit organization that has extensive experience working on performance measurement and they will provide valuable expertise to FEMA.

Mr. Speaker, this bill will ensure that FEMA takes steps to determine the Nation's overall preparedness and how homeland security grants have built the necessary capabilities to prepare for, protect against, and respond to an act of terrorism and other threats.

I urge all my colleagues to support the Senate Amendment to H.R. 3980.

Mr. CUELLAR. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MORAN of Virginia). The question is on the motion offered by the gentleman from Texas (Mr. CUELLAR) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3980.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

REDUCING OVER-CLASSIFICATION ACT

Ms. HARMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 553) to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reducing Over-Classification Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The National Commission on Terrorist Attacks Upon the United States (commonly known

as the "9/11 Commission") concluded that security requirements nurture over-classification and excessive compartmentation of information among agencies.

(2) The 9/11 Commission and others have observed that the over-classification of information interferes with accurate, actionable, and timely information sharing, increases the cost of information security, and needlessly limits stakeholder and public access to information.

(3) Over-classification of information causes considerable confusion regarding what information may be shared with whom, and negatively affects the dissemination of information within the Federal Government and with State, local, and tribal entities, and with the private sector.

(4) Over-classification of information is antithetical to the creation and operation of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

(5) Federal departments or agencies authorized to make original classification decisions or that perform derivative classification of information are responsible for developing, implementing, and administering policies, procedures, and programs that promote compliance with applicable laws, executive orders, and other authorities pertaining to the proper use of classification markings and the policies of the National Archives and Records Administration.

SEC. 3. DEFINITIONS.

In this Act:

(1) DERIVATIVE CLASSIFICATION AND ORIGINAL CLASSIFICATION.—The terms "derivative classification" and "original classification" have the meanings given those terms in Executive Order No. 13526.

(2) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code.

(3) EXECUTIVE ORDER NO. 13526.—The term "Executive Order No. 13526" means Executive Order No. 13526 (75 Fed. Reg. 707; relating to classified national security information) or any subsequent corresponding executive order.

SEC. 4. CLASSIFIED INFORMATION ADVISORY OFFICER.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

"SEC. 210F. CLASSIFIED INFORMATION ADVISORY OFFICER.

"(a) REQUIREMENT TO ESTABLISH.—The Secretary shall identify and designate within the Department a Classified Information Advisory Officer, as described in this section.

"(b) RESPONSIBILITIES.—The responsibilities of the Classified Information Advisory Officer shall be as follows:

"(1) To develop and disseminate educational materials and to develop and administer training programs to assist State, local, and tribal governments (including State, local, and tribal law enforcement agencies) and private sector entities—

"(A) in developing plans and policies to respond to requests related to classified information without communicating such information to individuals who lack appropriate security clearances;

"(B) regarding the appropriate procedures for challenging classification designations of information received by personnel of such entities; and

"(C) on the means by which such personnel may apply for security clearances.

"(2) To inform the Under Secretary for Intelligence and Analysis on policies and procedures that could facilitate the sharing of classified information with such personnel, as appropriate.

"(c) INITIAL DESIGNATION.—Not later than 90 days after the date of the enactment of the Reducing Over-Classification Act, the Secretary shall—

"(1) designate the initial Classified Information Advisory Officer; and

"(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a written notification of the designation."

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 210E the following:

"Sec. 210F. Classified Information Advisory Officer."

SEC. 5. INTELLIGENCE INFORMATION SHARING.

(a) DEVELOPMENT OF GUIDANCE FOR INTELLIGENCE PRODUCTS.—Paragraph (1) of section 102A(g) of the National Security Act of 1947 (50 U.S.C. 403-1(g)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting a semicolon and "and"; and

(3) by adding at the end the following:

"(G) in accordance with Executive Order No. 13526 (75 Fed. Reg. 707; relating to classified national security information) (or any subsequent corresponding executive order), and part 2001 of title 32, Code of Federal Regulations (or any subsequent corresponding regulation), establish—

"(i) guidance to standardize, in appropriate cases, the formats for classified and unclassified intelligence products created by elements of the intelligence community for purposes of promoting the sharing of intelligence products; and

"(ii) policies and procedures requiring the increased use, in appropriate cases, and including portion markings, of the classification of portions of information within one intelligence product."

(b) CREATION OF UNCLASSIFIED INTELLIGENCE PRODUCTS AS APPROPRIATE FOR STATE, LOCAL, TRIBAL, AND PRIVATE SECTOR STAKEHOLDERS.—

(1) RESPONSIBILITIES OF SECRETARY RELATING TO INTELLIGENCE AND ANALYSIS AND INFRASTRUCTURE PROTECTION.—Paragraph (3) of section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended to read as follows:

"(3) To integrate relevant information, analysis, and vulnerability assessments (regardless of whether such information, analysis or assessments are provided by or produced by the Department) in order to—

"(A) identify priorities for protective and support measures regarding terrorist and other threats to homeland security by the Department, other agencies of the Federal Government, State, and local government agencies and authorities, the private sector, and other entities; and

"(B) prepare finished intelligence and information products in both classified and unclassified formats, as appropriate, whenever reasonably expected to be of benefit to a State, local, or tribal government (including a State, local, or tribal law enforcement agency) or a private sector entity."

(2) ITACG DETAIL.—Section 210D(d) of the Homeland Security Act of 2002 (6 U.S.C. 124k(d)) is amended—

(A) in paragraph (5)—

(i) in subparagraph (D), by striking "and" at the end;

(ii) by redesignating subparagraph (E) as subparagraph (F); and

(iii) by inserting after subparagraph (D) the following:

"(E) make recommendations, as appropriate, to the Secretary or the Secretary's designee, for the further dissemination of intelligence products that could likely inform or improve the security of a State, local, or tribal government, (including a State, local, or tribal law enforcement agency) or a private sector entity; and";

(B) in paragraph (6)(C), by striking "and" at the end;