

Many years ago, leaders in the legal community across America determined that interest could be earned on such accounts and applied to finance legal services for those who otherwise might have no access to our justice system. They recognized, as we do today, the wisdom of Judge Learned Hand's writing: "If we are to keep our democracy, there must be one commandment—thou shall not ration justice."

For decades, revenue from these Interest on Lawyer's Trust Accounts, or IOLTAs as they are commonly referred to, have provided a key funding source for the disadvantaged in all 50 States. Before coming to Congress, I served as a justice on the Texas Supreme Court, which sets forth the rules and oversees the operation of such IOLTA accounts in my State.

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I saw firsthand the benefits of these programs in ensuring access to justice for those who otherwise might be unable to secure justice. Some of those who need legal assistance the most—veterans who have served honorably, domestic violence victims, and persons with disabilities—are too often the least able to obtain it. In some States, IOLTA funds are also used to reduce litigation by encouraging conflict resolution outside of the court system.

After hearing a few weeks ago from Terry Tottenham, who is the president of the State Bar of Texas, and after hearing from a number of other local leaders, I introduced this bill to assure continued full FDIC protection for these trust accounts. This protection, which exists today under existing law, would otherwise have expired for these accounts at the end of this year, when the existing law is to be fully replaced by the extensive new Wall Street reform law. Today's legislation simply extends existing Federal Deposit Insurance Corporation protection into the future.

At a time when interest rates are at an all-time low, it is particularly important that there be a complete government-backed guarantee against any loss on these trust accounts. Such protection also ensures that small, independent banks are on a level playing field with their larger competitors in securing these trust fund deposits. This bill is supported by a broad range of groups, including the Independent Community Bankers of America and the American Bar Association. I urge my colleagues to approve it.

I reserve the balance of my time.

Mrs. BIGGERT. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6398, which would extend the current Federal Deposit Insurance Corporation's, or FDIC's, guarantee of Interest on Lawyer Trust Accounts, also called IOLTAs, for another 2 years.

I would also like to thank my colleague from Texas (Mr. DOGGETT) for introducing this corrections bill to amend the Dodd-Frank Act.

The IOLTA program represents a significant source of financial support to civil legal aid programs for the poor. These programs operate in all 50 States. In 37 States, including my home State of Illinois, they are mandatory. IOLTAs contain client funds held by a lawyer for a short period of time. Interest generated from these accounts is paid to charitable organizations, not to the lawyer or the client.

In 1978, Florida was the first State to establish an IOLTA program. Illinois became the 11th State to establish IOLTAs, and in 1983, the Supreme Court of Illinois required that the interest from these accounts be collected and administered by the Lawyers Trust Fund, a not-for-profit corporation created in 1981 by the Illinois State Bar Association and the Chicago Bar Association. Since then, these funds have supported civil legal assistance to the impoverished in Illinois.

When State legislatures and State supreme courts created IOLTA, the FDIC carved out an exception to Regulation D that allowed the payment of interest on these demand accounts.

The current Term Asset Guarantee program, or TAG program, under which the FDIC guarantees the total amount of client funds maintained in IOLTAs, expires December 31, 2010. The Dodd-Frank Act creates an equivalent program, running for 2 years beginning January 1, 2011, but makes several changes, including a more narrow definition of a "covered account." In what appears to have been a drafting error, IOLTAs were not covered under the new program established by the Dodd-Frank Act. This bill corrects that inadvertent omission so that IOLTAs are fully insured.

If the current guarantee were allowed to lapse, attorneys in the 37 States with IOLTA mandates, acting in accordance with their fiduciary duties to maintain the security of the client funds, might be forced to transfer IOLTA accounts from local community banks to larger, safer institutions, and attorneys in the other jurisdictions might be forced to transfer funds from IOLTA accounts to non-interest-bearing accounts to qualify for unlimited FDIC coverage. If the coverage for these accounts is not extended, a critical source of civil legal aid might unnecessarily and inappropriately shrink. In addition, according to the Independent Community Bankers of America, the ICBA, "without this coverage, potentially hundreds of millions of dollars will be withdrawn from IOLTAs, adversely impacting liquidity in the banking system with a disproportionate impact on community banks."

This bill is supported by the ICBA and the American Bar Association. The Congressional Budget Office has determined that, although the bill costs \$15 million over a period of 5 years, the bill would raise \$2 million over a 10-year period.

I again urge support for the legislation, and I yield back the balance of my time.

Mr. DOGGETT. Mr. Speaker, our colleague from Illinois has provided further explanation of the nature of this bill. It is a clean proposal. If we do not get this into law before the end of December, there will be some problems presented. So I would hope not only that we would approve it here but that the Senate would act promptly to approve this narrow bill without attaching any other extraneous matter to it.

In closing, I would also extend my thanks to both the Democrat and Republican staffs on the Financial Services Committee for working with us to see that this measure is promptly approved.

I would move adoption of the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. DOGGETT) that the House suspend the rules and pass the bill, H.R. 6398, 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.

SUPPORTING NATIONAL HOMELESS PERSONS' MEMORIAL DAY

Mr. PETERS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 325) supporting the goals and ideals of National Homeless Persons' Memorial Day.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 325

Whereas more than 500,000 people in the United States do not have a place to call home each night and half of them are without shelter;

Whereas nationwide each year, an estimated 2,000,000 people experience homelessness;

Whereas adequate housing is essential for healthy families and communities;

Whereas housing has become increasingly inaccessible due to rising costs and a shortage of rental and single-family housing;

Whereas a recent study published in the May 13, 2010, American Journal of Public Health has shown that over 70 percent of people experiencing homelessness have at least one unmet health need and almost half report two or more;

Whereas the mortality rate among homeless populations has been shown to be almost four times that of the general population;

Whereas every member of society, including individuals experiencing homelessness, deserves the dignity of safe, decent, accessible, and affordable housing;

Whereas the President and Congress were presented on June 22, 2010, "Opening Doors: Federal Strategic Plan to Prevent and End Homelessness" which describes how the Federal Government will partner with States, local communities, nonprofit organizations, and the private sector;

Whereas remembering that winter poses extreme hardships for inadequately housed low-income men, women, and children across

the United States, the National Coalition for the Homeless and the National Healthcare for the Homeless Council will hold memorial services on December 21, 2010, for those who die each year because of conditions associated with homelessness;

Whereas December 21, 2010, is the first day of winter and the longest night of the year;

Whereas the spirit of the holiday season provides an opportunity for affirmation and renewal regarding the commitment to ending homelessness and promoting compassion and concern for all, especially the homeless;

Whereas in remembering those who died on the streets, the cause of ending homelessness is kept urgent as is the Nation's collective commitment to preventing such deaths in the future; and

Whereas National Homeless Persons' Memorial Day is recognized on December 21, 2010: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of National Homeless Persons' Memorial Day, in recognition of the people who have died on the streets, in emergency shelters, condemned or abandoned properties, and from elements directly related to homelessness;

(2) encourages the President to issue a proclamation in support of the goals and ideals of National Homeless Persons' Memorial Day;

(3) encourages States, territories, possessions of the United States, and localities to support the goals and ideals of National Homeless Persons' Memorial Day by issuing proclamations designating National Homeless Persons' Memorial Day;

(4) encourages media organizations to participate in National Homeless Persons' Memorial Day to help educate the public about homelessness in the United States;

(5) commends the efforts of the States, territories, and possessions of the United States who support the goals and ideals of National Homeless Persons' Memorial Day;

(6) recognizes and reaffirms the Nation's commitment to ending homelessness by promoting a comprehensive national response that addresses the housing, health care, income, and civil rights causal factors and consequences of extreme poverty; and

(7) acknowledges all of the people in the United States living on the streets who have paid the ultimate price for the Nation's failure to end homelessness and salutes the dedicated professionals and organizations who provide assistance to people in need.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. PETERS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. PETERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of House Concurrent Resolution 325, which supports the goals and ideals of National Homeless Persons' Memorial Day.

I want to thank Congressman ALCEE HASTINGS for introducing this important resolution.

An estimated 2 million people experience homelessness in the United States each year, and every night, more than a half a million people are homeless. These individuals are at a high risk for mortality, sickness, and mental illness. The mortality rate among homeless persons is four times greater than that of the general population.

Furthermore, according to a 2010 study published in the American Journal of Public Health, over 70 percent of the homeless population has at least one unmet health need, and almost half report two or more. In particular, approximately 2 million youth experience homelessness over the course of a year, and nearly 200,000 children in families were homeless, which is according to a recent one-night count of homelessness by the Urban Institute.

The problem facing the homeless is also why House Concurrent Resolution 325 is so important. It will recognize December 21, 2010, as National Homeless Persons' Memorial Day, and it will reaffirm the commitment of Congress to end homelessness by promoting a comprehensive national response to address the housing, health, and economic causes and consequences of extreme poverty.

Preventing homelessness has been a longtime priority for Congress and this administration. On May 20, 2009, President Obama signed into law S. 896, the Helping Families Save Their Homes Act, which included the Homeless Emergency Assistance and Rapid Transition to Housing Act.

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House Concurrent Resolution 325 furthers the mission of Congress to help prevent and end homelessness in the United States. I commend Congressman HASTINGS for introducing this very important legislation and urge my colleagues to vote in support of House Concurrent Resolution 325.

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

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

Mr. Speaker, I rise today as an original cosponsor of House Concurrent Resolution 325, supporting the goals and ideals of National Homeless Persons' Memorial Day on December 21, 2010.

I thank Mr. PETERS of Michigan for managing this bill. I would also like to thank my colleagues, Mr. HASTINGS of Florida, Mr. DAVIS of Kentucky and Ms. BERNICE JOHNSON of Texas, who all worked to bring this important measure to the floor.

As many of you know, the four of us joined together this May to form the bipartisan Congressional Caucus on Homelessness. As part of that effort, we aim to raise awareness about the importance of preventing and ending homelessness in our country through efforts such as the resolution before us today. I would strongly encourage any

Member who hasn't already done so to consider joining this important new caucus. Following our initial launch, we held a successful briefing in October to discuss ending veterans' homelessness. During the 112th Congress, we hope to hold similar forums to facilitate exchanges among interested stakeholders to raise national attention and discuss solutions to the challenges facing homeless families, veterans, and especially children and youth.

Today, with this concurrent resolution, we bring to the attention of our colleagues one of the most tragic realities that too often goes unnoticed among homeless Americans, the loss of life. Each year, the National Coalition for the Homeless organizes memorial events on the first day of winter to recognize those Americans who have passed away. Last year, over 150 cities held events to honor those homeless children and adults who died, many without any family, friends or loved ones being given a chance to bear witness to their final moments or to mourn their loss. While homeless individuals too often die in anonymity, their lives each held meaning, purpose and value. This resolution is an opportunity to recognize that fact and reflect on the lives that have been lost.

This winter in the Chicago area, church officials and members, homeless providers, volunteers, government officials, and others will gather on National Homeless Persons' Memorial Day. In my home district, DuPage Public Action to Deliver Shelter, or DuPage PADS, will host an event to recognize the lives of six homeless people in DuPage County who passed away in 2010. In the City of Chicago, where an estimated 25 homeless people have passed away this year, the Ignatian Spirituality Project will sponsor a memorial service at St. Patrick's Church.

Whether in public or in prayer, I encourage my colleagues in Congress as well as Americans across our great country to take a moment during this holiday season to remember our homeless neighbors who have passed on. I also encourage every American to join together at local events this winter as we continue our national campaign to prevent and end homelessness.

I ask my colleagues to support this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to offer my strong support of House Concurrent Resolution 325, a concurrent resolution to support the goals and ideals of a National Homeless Persons' Memorial Day, in recognition of the people who have died on our streets, in emergency shelters, condemned or abandoned properties, and from elements directly related to homelessness.

On or near the first day of winter and the longest night of the year, National Homeless Persons' Memorial Day events have been held nationwide every year since 1990 to remember the homeless persons whose lives and deaths might otherwise go without any recognition.

Throughout my home state of Florida, this important day is recognized, along with over

200 other local municipalities, organizations, and statewide organizations throughout the United States holding communitywide vigils, memorials, and service events. With the support of more than twelve national organizations, including the National Coalition for the Homeless, the National Consumer Advisory Board, and the National Health Care for the Homeless Council, National Homeless Persons' Memorial Day brings attention to the tragedy of homelessness and memorializes our homeless neighbors and friends who have lost their lives because of our collective failure to end homelessness.

More than half a million people in the United States do not have a place to call home each night and half of them are without shelter. Nationwide each year, an estimated 2,000,000 people experience homelessness. Furthermore, the mortality rate among homeless populations has been shown to be almost four times that of the general population. Homelessness is expensive and can be prevented.

This resolution provides us with the opportunity to commend the efforts of the States, territories, and possessions of the United States who support the goals and ideals of National Homeless Persons' Memorial Day, to encouraged those not already doing so, and to salute the dedicated professionals and organizations who provide assistance 365 days a year to people in need.

Most importantly, a national memorial day will ensure that we keep the problem in perspective. Through all the statistics on homelessness, all too often, we forget that numbers correspond to actual individuals with actual lives and families.

As the 2010 Federal Strategic Plan to Prevent and End Homelessness declares: "There are no 'homeless people,' but rather people who have lost their homes who deserve to be treated with dignity and respect." In remembering those who died on the streets, the cause of ending homelessness is kept urgent as is the Nation's collective commitment to preventing such deaths in the future.

Mr. Speaker, we must remember their lives—men, women, and children—and we must remember why they died.

I urge my colleagues to support this resolution and reaffirm Congress' commitment to ending homelessness by promoting a comprehensive national response that addresses the housing, health care, income, and civil rights causal factors and consequences of extreme poverty. Let us make this year's first night of winter and longest night of the year, December 21, 2010, a true National Memorial Day.

Mrs. BIGGERT. Mr. Speaker, I yield back the balance of my time.

Mr. PETERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. PETERS) that the House suspend the rules and agree to the resolution, H. Con. Res. 325.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. BIGGERT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NUCLEAR ENERGY RESEARCH AND DEVELOPMENT ACT OF 2010

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5866) to amend the Energy Policy Act of 2005 requiring the Secretary of Energy to carry out initiatives to advance innovation in nuclear energy technologies, to make nuclear energy systems more competitive, to increase efficiency and safety of civilian nuclear power, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5866

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 "Nuclear Energy Research and Development Act of 2010".

SEC. 2. OBJECTIVES.

Section 951(a) of the Energy Policy Act of 2005 (42 U.S.C. 16271(a)) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (5) through (11), respectively;

(2) by inserting after paragraph (1) the following new paragraphs:

"(2) Reducing the costs of nuclear reactor systems.

"(3) Reducing used nuclear fuel and nuclear waste products generated by civilian nuclear energy.

"(4) Supporting technological advances in areas that industry by itself is not likely to undertake because of technical and financial uncertainty."; and

(3) by inserting after paragraph (11), as so redesignated, the following new paragraph:

"(12) Researching and developing technologies and processes so as to improve and streamline the process by which nuclear power systems meet Federal and State requirements and standards.".

SEC. 3. FUNDING.

Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is further amended—

(1) in subsection (b), by striking paragraphs (1) through (3) and inserting the following:

"(1) \$419,000,000 for fiscal year 2011;

"(2) \$429,000,000 for fiscal year 2012; and

"(3) \$439,000,000 for fiscal year 2013."; and

(2) in subsection (d)—

(A) by striking "under subsection (a)" and inserting "under subsection (b)";

(B) by amending paragraph (1) to read as follows:

"(1) For activities under section 953—

"(A) \$201,000,000 for fiscal year 2011;

"(B) \$201,000,000 for fiscal year 2012; and

"(C) \$201,000,000 for fiscal year 2013."; and

(C) by inserting after paragraph (3) the following new paragraphs:

"(4) For activities under section 952, other than those described in section 952(d)—

"(A) \$64,000,000 for fiscal year 2011;

"(B) \$64,000,000 for fiscal year 2012; and

"(C) \$64,000,000 for fiscal year 2013.

"(5) For activities under section 952(d)—

"(A) \$55,000,000 for fiscal year 2011;

"(B) \$65,000,000 for fiscal year 2012; and

"(C) \$75,000,000 for fiscal year 2013.

"(6) For activities under section 958—

"(A) \$99,000,000 for fiscal year 2011;

"(B) \$99,000,000 for fiscal year 2012; and

"(C) \$99,000,000 for fiscal year 2013.".

SEC. 4. PROGRAM OBJECTIVES STUDY.

Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is amended by adding at the end the following new subsection:

"(f) PROGRAM OBJECTIVES STUDY.—In furtherance of the program objectives listed in subsection (a) of this section, the Secretary shall, within one year after the date of enactment of this subsection, transmit to the Congress a report on the results of a study on the scientific and technical merit of major State requirements and standards, including moratoria, that delay or impede the further development and commercialization of nuclear power, and how the Department in implementing the programs can assist in overcoming such delays or impediments.".

SEC. 5. NUCLEAR ENERGY RESEARCH AND DEVELOPMENT PROGRAMS.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is amended by striking subsections (c) through (e) and inserting the following:

"(c) REACTOR CONCEPTS.—

"(1) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application to advance nuclear power systems as well as technologies to sustain currently deployed systems.

"(2) DESIGNS AND TECHNOLOGIES.—In conducting the program under this subsection, the Secretary shall examine advanced reactor designs and nuclear technologies, including those that—

"(A) are economically competitive with other electric power generation plants;

"(B) have higher efficiency, lower cost, and improved safety compared to reactors in operation as of the date of enactment of the Nuclear Energy Research and Development Act of 2010;

"(C) utilize passive safety features;

"(D) minimize proliferation risks;

"(E) substantially reduce production of high-level waste per unit of output;

"(F) increase the life and sustainability of reactor systems currently deployed;

"(G) use improved instrumentation;

"(H) are capable of producing large-scale quantities of hydrogen or process heat; or

"(I) minimize water usage or use alternatives to water as a cooling mechanism.

"(3) INTERNATIONAL COOPERATION.—In carrying out the program under this subsection, the Secretary shall seek opportunities to enhance the progress of the program through international cooperation through such organizations as the Generation IV International Forum, or any other international collaboration the Secretary considers appropriate.

"(4) EXCEPTIONS.—No funds authorized to be appropriated to carry out the activities described in this subsection shall be used to fund the activities authorized under sections 641 through 645.".

SEC. 6. SMALL MODULAR REACTOR PROGRAM.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is further amended by adding at the end the following new subsection:

"(d) SMALL MODULAR REACTOR PROGRAM.—

"(1) IN GENERAL.—

"(A) The Secretary shall carry out a small modular reactor program to promote research, development, demonstration, and commercial application of small modular reactors, including through cost-shared projects for commercial application of reactor systems designs.

"(B) The Secretary shall consult with and utilize the expertise of the Secretary of the Navy in establishing and carrying out such program.

"(C) Activities may also include development of advanced computer modeling and simulation tools, by Federal and non-Federal entities, which demonstrate and validate new design capabilities of innovative small modular reactor designs.