38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes.

S. 3570

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3570, a bill to improve hydropower, and for other purposes.

S. 3571

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3571, a bill to extend certain Federal benefits and income tax provisions to energy generated by hydropower resources.

S. 3583

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3583, a bill to amend title 38, United States Code, to increase flexibility in payments for State veterans homes, and for other purposes.

S. 3593

At the request of Mr. JOHANNS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3593, a bill to require the Federal Government to pay the costs incurred by a State or local government in defending a State or local immigration law that survives a constitutional challenge by the Federal Government in Federal court.

S. 3628

At the request of Mr. SCHUMER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3628, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

S. 3637

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3637, a bill to authorize appropriations for the Housing Assistance Council.

S. 3645

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3645, a bill to direct the Secretary of Education to establish and administer an awards program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

S. RES. 592

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 592, a resolution designating the week of September 13–19, 2010, as ''Polycystic Kidney Disease Awareness Week'', and supporting the goals and ideals of Polycystic Kidney Disease Awareness Week to raise awareness and understanding of polycystic kidney disease and the impact the disease has on patients now and for future generations until it can be cured.

S. RES. 597

At the request of Mr. SESSIONS, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 597, a resolution designating September 2010 as ''National Prostate Cancer Awareness Month''.

AMENDMENT NO. 4519

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 4519 proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4531

At the request of Mr. JOHANNS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 4531 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4532

At the request of Mr. CORNYN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4532 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4558

At the request of Mrs. HUTCHISON, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 4558 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself and Mr. KERRY):

S. 3665. A bill to promote the strengthening of the private sector in Pakistan; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce legislation that will lead to the establishment of the Pakistan-American Enterprise Fund on behalf of myself and Senator KERRY. The Pakistan-American Enterprise Fund bill authorizes the Administration to allocate, from existing funds granted under the Enhanced Partnership with Pakistan Act of 2009, such sums as required to create the Fund. The mission of the Fund will be to help empower Pakistan's private sector to create jobs, which will contribute towards achieving long-term social stability and economic growth.

The failed attack that occurred on May 1, 2010 in Times Square reinforces the need for our governments to work together to neutralize the imminent threats posed by terrorist waiting to strike, while simultaneously preventing the cancer of extremism from spreading and corrupting local communities in both our countries.

It was to help undergird such cooperation that President Obama last year signed the Kerry-Lugar-Berman Enhanced Partnership with Pakistan Act authorizing $7.5 billion over 5 years. This non-military aid package is intended to help reverse Pakistan's converging crises of a growing al-Qaeda sanctuary, an expanding Taliban insurgency, a failing economy and deteriorating human development indicators. These conditions were intensifying turmoil and violence in the country, helping to incubate extremism and putting in question the security of Pakistan's nuclear weapons arsenal, as well as our own domestic security.

In order to directly address Pakistan's troubling economic trajectory, the Pakistan-American Enterprise Fund will work with the private sector to catalyze indigenous job creation, which will empower the people of Pakistan to help themselves. Entrepreneurial innovation is the engine that fuels sustainable economic growth and development. Pakistan currently enjoys a vibrant private sector, especially among small and medium size enterprises, but more must be done to encourage business formation and expansion.

According to the World Bank, small and medium size enterprises, SMEs, in

Pakistan account for nearly 90 percent of all businesses, 80 percent of all non-agricultural employees, and 40 percent of annual GDP. If the country is to emerge as a commercial partner and regional leader, SMEs must receive a strong transfusion of investment capital so that gainful employment exists as an alternative to the financial incentives offered by radical groups in Pakistan.

In addition to providing much needed capital to aspiring and established Pakistani entrepreneurs, the Fund will provide a vehicle through which we might also export the entrepreneurial instincts and experience that are widely dispersed, but largely untapped, among US financial experts. Sustainable entrepreneurial activity requires a combination of financial and intellectual capital. Delivering both of these ingredients effectively is essential.

USAID has demonstrated a limited capacity to deliver this type of relevant, usable assistance when needed. Currently under-resourced for and over-stretched by the task of rebuilding the infrastructures and economies of Iraq, Afghanistan and now Haiti—while simultaneously rebuilding the agency itself—USAID's efforts would be enhanced by the expertise the Fund could bring to bear.

The creation of a Fund for Pakistan, like many of its predecessors, could couple financial and intellectual capital in a framework that is uniquely suited to addressing the financial and technical assistance needs in distressed economies like Pakistan. Appointed by the president, the Board of Directors, comprised of 4 private citizens of the United States and 3 private citizens of Pakistan who serve without compensation, will leverage their experience and expertise operating in international and emerging markets to oversee the Fund, which will be based in Pakistan. In turn, the Board would hire and direct a group of American and Pakistani bankers, who would be dispatched, using existing funds granted under the Enhanced Partnership with Pakistan Act of 2009, to provide technical assistance and traditional financial products, like working capital loans and 3 to 5 year cash flow term loans for expansion capital, to the private sector.

While the enterprise fund model is not perfect, it is a tested mechanism for promoting economic growth and reinvigorating fledgling economies. After the fall of the Berlin Wall, Congress, through enactment of the Support for East European Development Act, SEED, and the Freedom Support Act, FSA, authorized nearly $1.2 billion for USAID to establish ten new investment funds, collectively known as the ''Enterprise Funds'', throughout Central and Eastern Europe and the Former Soviet Union. These funds channeled funding into over 500 enterprises in 19 countries, leveraged an additional $5 billion in private investment capital from outside the U.S. Government, provided substantial development capital where supply was limited, created or sustained over 260,000 jobs through investment and development activities, funded $74 million in technical assistance to strengthen the private sector and is expected to recoup 137 percent of the original USAID funding.

Pakistan's economy has shown resilience in the face of many challenges since the 1960s. However, today the country stands at a crossroads. If Pakistan is to repress extremist voices and emerge as a more reliable partner in the 21st century, we must empower the private sector to create jobs and contribute towards a sustainable future. The creation of the Pakistan-American Enterprise Fund would help to achieve this positive outcome. I ask for your support on passage of this bill.

By Mr. CARDIN (for himself, Mrs. FEINSTEIN, and Mr. LIEBERMAN):

S. 3666. A bill to authorize certain Department of State personnel, who are responsible for examining and processing United States passport applications, to be able to access certain Federal, State, and other databases, for the purpose of verifying the identity of a passport applicant, to reduce the incidence of fraud, to require the authentication of identification documents submitted by passport applicants, and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, on May 5, 2009, over 14 months ago, I chaired a Terrorism Subcommittee hearing entitled the Passport Issuance Process: Closing the Door to Fraud. Today we are holding Part II of that hearing. During the hearing last year, we learned about a Government Accountability Office, GAO, undercover investigation that had been requested by Senators KYL and FEINSTEIN to test the effectiveness of the passport issuance process, and to determine whether malicious individuals such as terrorists, spies, or other criminals could use counterfeit documents to obtain a genuine U.S. passport. What we learned from GAO was that ''terrorists or criminals could steal an American citizen's identity, use basic counterfeiting skills to create fraudulent documents for that identity, and obtain a genuine U.S. passport.'' But that 2009 GAO report was not the first time that problems with the passport issuance process were identified. In 2005 and 2007, GAO also brought these issues to light.

Vulnerabilities in the passport issuance process are very serious because the U.S. passport is the gold standard for identification. A U.S. passport can be used for many purposes in this country, and it gives an individual the ability to travel internationally, which is an important tool for someone who wants to do us harm, including terrorists, spies, and other criminals. So the integrity and security of the passport issuance process is extremely important because it can have a profound impact on the national security of the United States.

A new GAO undercover investigation that I requested, along with Senators KYL, FEINSTEIN, LIEBERMAN and COLLINS, has revealed that while some improvements have been made by the State Department, the passport issuance process is still susceptible to fraud.

As a result, today I am introducing, along with Senators FEINSTEIN and LIEBERMAN, the Passport Identity Verification Act. This legislation is a common-sense solution that will give the State Department the legal authorities that it needs to access information contained in Federal, State, and other databases that can be used to verify the identity of every passport applicant, and to detect passport fraud, without extending the time that the State Department takes to approve passports. The legislation also requires the State Department to promulgate regulations, procedures, and policies to limit access to this information, and to ensure that personnel involved in the passport issuance process only access this information for authorized purposes. These are very important privacy and security protections in this legislation.

The legislation also requires the Secretary of State to conduct a formal study examining whether biometric information and technology can be used to enhance the ability to verify the identity of a passport applicant and to detect passport fraud.

I understand that the American people can become concerned when their travel plans, whether for leisure or business, are linked to their ability to obtain a passport in a timely fashion. But we have got to get this right, and it is not simply a question of process, techniques, and training. We need to make sure that the agencies that are responsible for processing passport application documents are concerned about national security as well as customer service, and we need to make sure they have the legal authorities, the resources, and the technology they need to verify the identity of a passport applicant and to detect passport fraud.

We simply cannot issue U.S. passports in this country on the basis of fraudulent documents. There is too much at stake. We have the technology and the information to prevent such issuance. The Passport Identity Verification Act will dramatically improve the State Department's ability to detect passport fraud.

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. 3666

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 ''Passport Identity Verification Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) A United States passport is an official government document issued by the Department of State, which can be obtained by United States nationals.

(2) A valid United States passport has many uses, including—

(A) certifying an individual's identity and verifying that a person is a United States national;

(B) allowing the passport holder to travel to foreign countries with an internationally recognized travel document;

(C) facilitating international travel;

(D) obtaining further identification documents; and

(E) setting up bank accounts.

(3) A United States national may obtain a United States passport for the first time by applying in person to a passport acceptance facility with 2 passport photographs, proof of United States nationality, and a valid form of photo identification, such as a driver's license. Passport acceptance facilities are located throughout the United States.

(4) Because United States passports issued under a false identity enable individuals to conceal their movements and activities, passport fraud could facilitate—

(A) acts of terrorism;

(B) espionage; and

(C) other crimes, such as illegal immigration, money laundering, drug trafficking, tax evasion, and alien smuggling.

(5) Since malicious individuals may seek to exploit potential vulnerabilities in the passport issuance process, it is important that personnel who are involved in the granting, refusal, revocation, or adjudication of United States passport applications have access to certain information contained in Federal, State, and other databases for the purpose of—

(A) verifying the identity of a passport applicant; or

(B) detecting passport fraud.

(6) In its final report, the National Commission on Terrorist Attacks Upon the United States (commonly known as the ''9/11 Commission'') concluded that funding and completing a ''biometric entry-exit screening system'' for travelers to and from the United States is essential to our national security.

(7) The use of biometrics and technology for foreign nationals who are visiting the country helps to make travel simple, easy, and convenient for legitimate visitors and dramatically improves the ability to detect the activities of those who wish to do harm or violate United States laws.

SEC. 3. ACCESS TO FEDERAL, STATE, AND OTHER DATABASES.

(a) POWERS AND DUTIES OF THE SECRETARY OF STATE.—Section 104 of the Immigration and Nationality Act (8 U.S.C. 1104) is amended by adding at the end the following:

''(f) LAW ENFORCEMENT ACTIVITIES.—Notwithstanding any other provision of law, the powers, duties, and functions conferred upon Department of State personnel relating to the granting, refusal, revocation, or adjudication of passports shall be considered law enforcement activities that involve the administration of criminal justice (as defined in section 20.3 of title 28, Code of Federal Regulations) when such personnel seek to—

''(1) verify the identity of a passport applicant; or

''(2) detect passport fraud.''.

(b) DATA EXCHANGE.—Section 105 of such Act (8 U.S.C. 1105) is amended—

(1) in subsection (b), by adding at the end the following:

''(5) The Attorney General and the Director of the Federal Bureau of Investigation, after consultation with the Secretary of State, shall promptly implement a system, consistent with applicable security and training protocols and requirements, that will enable Department of State personnel designated by the Secretary of State, or by the designee of the Secretary, who are responsible for the granting, refusal, revocation, or adjudication of United States passports, to have real-time access to the criminal history information contained in the National Crime Information Center's Interstate Identification Index (NCIC–III), including the corresponding automated criminal history records, Wanted Person Files, and other files maintained by the National Crime Information Center, for the purpose of verifying the identity of the United States passport applicant, or detecting passport fraud.

''(6) The Secretary of State, or the designee of the Secretary, shall designate Department of State personnel who, in accordance with this Act shall be authorized to have real-time access to the information contained in the files described in paragraph (5), without any fee or charge, to enable named-based and other searches to be conducted for the purpose of verifying the identity of a passport applicant or detecting passport fraud.'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

''(c) DATA SHARING.—Notwithstanding any other provision of law, the powers, duties, and functions conferred upon Department of State personnel relating to the granting, refusal, revocation, or adjudication of passports shall be considered law enforcement activities that involve the administration of criminal justice (as defined in section 20.3 of title 28, Code of Federal Regulations) when such personnel seek to verify the identity of a passport applicant, or seek to detect passport fraud by accessing or using information contained in databases maintained by any Federal, State, tribal, territory, or local government department or agency, or private entity or organization, that contains—

''(1) criminal history information or records;

''(2) driver's license information or records;

''(3) marriage, birth, or death information or records;

''(4) naturalization and immigration records; or

''(5) other information or records that can verify the identity of the passport applicant or can detect passport fraud.''; and

(4) by adding at the end the following:

''(f) DATA SHARING REGULATIONS, PROCEDURES, AND POLICIES.—Not later than 120 days after the date of the enactment of this subsection, the Secretary of State shall promulgate final regulations, procedures, and policies to govern the access by Department of State personnel to the information contained in databases described in subsection (c). Such regulations, procedures, and policies shall—

''(1) specify which Department of State personnel have a need to know and will be given access to the databases or the information contained in the databases described in subsection (c);

''(2) require Department of State personnel who will be given access to the databases or the information contained in the databases described in subsection (c) to successfully complete all ongoing training and certification requirements for such access;

''(3) require Department of State personnel to access such databases or the information contained in such databases—

''(A) to verify the identity of each passport applicant; and

''(B) to detect whether the applicant has committed or is committing passport fraud;

''(4) ensure that such databases, or the information contained in such databases, are only accessed for the purpose of verifying the identity of each passport applicant or detecting passport fraud, and prohibit access for any other purpose;

''(5) ensure that the Department of State personnel accessing such databases or the information contained in such databases—

''(A) do not violate the security, confidentiality, and privacy of such databases or the information contained in such databases; and

''(B) successfully complete all ongoing training and certification requirements for such access;

''(6) establish audit procedures and policies to verify that such databases or the information contained in such databases are only being accessed for the purposes set forth in the Passport Identity Verification Act;

''(7) require prompt reporting to appropriate Department of State officials after each instance of—

''(A) unauthorized access to such databases or the information contained in such databases; or

''(B) access to such databases or the information contained in such databases for unauthorized purposes; and

''(8) require the appropriate Department of State personnel to conduct a regular review of—

''(A) the audit and reporting procedures and policies to determine whether such procedures and policies are working properly; and

''(B) the ongoing training and certification requirements to determine whether there has been compliance with such requirements.''.

SEC. 4. CONSULTATION AND REPORT.

(a) CONSULTATION.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, the Attorney General, and the United States Postmaster General, shall conduct an analysis to determine—

(A) if persons applying for or renewing a United States passport should provide biometric information, including photographs that meet standards that enhance the ability of facial recognition technology to verify the identity of the passport applicant and user, and to detect passport fraud; and

(B) if technology should be employed to verify the authenticity of drivers' license and other identity documents that are presented to passport acceptance facilities.

(2) FACTORS.—In conducting the analysis under paragraph (1), the Secretary shall consider all relevant factors, including—

(A) how the biometric information and technology would be used and stored;

(B) the costs and benefits to be gained; and

(C) the effect on the individual's privacy and the economy.

(b) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of State shall submit a report to the congressional committees set forth in paragraph (2) that contains the results of the analysis carried out under subsection (a), including a recommendation with respect to the use of biometric information and technology to verify the identity of a passport applicant and user, and to detect passport fraud.

(2) CONGRESSIONAL COMMITTEES.—The congressional committees set forth in this paragraph are—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on the Judiciary of the House of Representatives;

(E) the Committee on Foreign Affairs of the House of Representatives;

(F) the Committee on Homeland Security of the House of Representatives; and

(G) the Committee on Oversight and Government Reform of the House of Representatives.

By Mr. KERRY (for himself, Mrs. LINCOLN, and Mr. FRANKEN):

S. 3667. A bill to amend part A of title IV of the Social Security Act to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, our Nation has suffered through the worst recession since the 1930s. As the economy begins to recover, the availability of affordable and safe child care is a necessary component of enabling parents to find and maintain employment to support their family.

The recession has caused States across the country to scale back funding for child care. The waiting lists for subsidized child care in some States are beginning to rise and a few states have stopped or are planning to stop providing child care assistance to families who are not receiving Temporary Assistance to Needy Families, TANF, altogether. Restrictions of the availability of child care assistance make it harder for parents to afford child care and force some parents to leave their jobs and turn to welfare programs for support. That is wrong and we can do better.

Child care consumes a large portion of family budgets, and can range from $4,560 to $15,895 annually for full-time care depending on where the family lives, the type of care, and the age of the child. Child care prices are higher than other household expenses and typically exceed the average amount families spend on food. In 39 States and the District of Columbia, the average annual price for child care for an infant in a child care center was higher than a year's tuition at many 4-year public colleges.

Without assistance, low-income families can find it impossible to secure child care. For example, in 2005, the median monthly income of families receiving child care assistance was just $15,396 a year. Nearly half of, 49 percent, of families receiving child care assistance live below the poverty line and 86 percent of these families were single parent households.

The Deficit Reduction Act of 2005 increased mandatory child care funding by $1 billion over 5 years, fiscal years 2006 to 2010. Without legislative action this funding will expire on September 30, 2010.

The President's fiscal year 2011 budget calls for mandatory child care to be reauthorized and provided an $800 million increase above the past 5 years. This increase is necessary because only about one in six children eligible for Federal child care assistance receives help.

Today I am introducing the Children First Act to address the growing unmet need for affordable and safe child care. I am pleased Senator LINCOLN is an original cosponsors of this important legislation.

The Children First Act would help states meet the significant demand for child care assistance by increasing funding for mandatory child care by $800 million annually for fiscal year 2011 through 2015. This legislation would also annually index mandatory child care funding to inflation beginning in fiscal year 2012. This increased funding would allow approximately 117,500 more children to have access to safe and affordable child care.

The Children First Act would exclude child care from the definition of TANF assistance so that unemployed families who receive child care assistance will not have it count towards the 5-year time limit for Federal TANF assistance. The legislation would also ensure that the minimum child care health and safety standards required for providers receiving Child Care Development Block Grant, CCDBG, funding also apply to providers who receive funding through TANF. In Massachusetts, all licensed providers are required to the same health and safety standards regardless of subsidy type received.

This legislation would increase the availability of child care for parents who are required to work. States are currently prohibited from withholding or reducing assistance to a single parent with children under 6 who does not meet work requirements for reasons related to the unavailability or unsuitability of appropriate, affordable child care arrangements. The Children First Act would prevent States from withholding to reducing child care assistance to parents of a child with children under age 13.

Enactment of this legislation is incredibly important for my home State of Massachusetts which currently has approximately 18,000 children on a waitlist for child care subsidies. Approximately half of the parents with at least one preschool age child in the household have been on the waitlist for 13 months or more.

The high cost of child care is the most significant issue facing families currently on the waitlist in Massachusetts. Massachusetts families pay more on average than families in any other state for most types of child care; the average price of full time care in center based settings is: $15,895 for an infant and $11,678 for a preschooler. This means a single parent at the State median income in Massachusetts, $26,680, would have to spend nearly 44 percent of their income to pay for the average full day pre-kindergarten program.

I would like to thank a number of organizations who have been integral to the development of the Children First Act and who have endorsed it today, including the American Federation of State, County, and Municipal Employees, AFSCME, the Children's Defense Fund, CLASP, the First Focus Campaign for Children, the National Women's Law Center, the Service Employees International Union, SEIU, and the YMCA of the USA.

These reforms would significantly increase access to stable and affordable child care to low-income families and would make our nation's children more prepared for school and success later in life. I look forward to working with my colleagues in the Senate to pass this legislation.

By Mr. HARKIN (for himself, Mr. BAYH, and Mr. BOND):

S. 3668. A bill to require the Secretary of Health and Human Services to establish a demonstration program to award grants to, and enter into contracts with, medical-legal partnerships to assist patients and their families to navigate health-related programs and activities; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I join Senator BAYH and Senator BOND to introduce the Medical-Legal Partnership for Health Act. This legislation builds upon the great work that medical-legal partnerships are doing every day, all across the United States.

Medical-legal partnerships bring legal aid services into medical settings, such as hospitals and community health centers, to provide patients with legal help to address conditions that lead to poor health, lengthy hospital stays, and repeated emergency room visits. Imagine, for example, that your child develops chronic ear infections. You repeatedly bring your sick child to the local emergency room, struggling each time to pay the high costs of medical care and prescription antibiotics. Imagine further that you are the head of a low-income family, you don't have health insurance or the money to pay for the ER visits, and the hospital or community bears the brunt of the costs.

Medical-legal partnerships can help break this expensive and avoidable cycle. If the emergency room doctor is trained in screening for families who could benefit from legal intervention, the doctor may learn, for example, that the family's landlord refuses to turn on the heat in their apartment building. The frigid temperatures in their home have made their child more susceptible to illness, which explains the chronic ear infections. By referring the patient to the hospital's medical-legal partnership program, the family receives legal aid to go after the slumlord and require the heat to be turned on, and the children's ear infections stop. As a consequence, the family is healthier, their home is warm, and both they and the hospital save on health costs. All of this is possible because of a low-cost, common-sense intervention.

The first medical-legal partnership was started in Boston in 1993, and since

then, 85 more have sprung up in 38 States. These centers can serve multiple hospitals and clinics within a community. Currently, medical-legal partnerships support more than 200 hospitals, clinics, and health centers. They help vulnerable patients resolve social conditions that lead to poor health outcomes, such as getting a landlord to change air filters to help minimize asthma and allergies, assisting victims of domestic violence with preventing future abuse, and helping terminally ill patients make custodial arrangements for their dependent children.

In many cases, patients aren't even aware that their health challenges are caused by their living environment, or that their problem can be addressed through the legal system.

After graduating from law school, I served as a Legal Services attorney in Iowa. I learned first-hand how crucial this assistance is to struggling families and individuals who have no place else to turn when they are taken advantage of or abused. I know the invaluable legal help provided to battered women trying to leave abusive relationships while fearing for their safety and the safety of their children. I know that, without access to the legal system, the poor are often powerless against the injustices they suffer.

I am very proud to say that my home State of Iowa has a particularly successful partnership. The Iowa Legal Aid Health and Law Project harnesses the talents of Iowa physicians and attorneys to improve the lives of vulnerable Iowans. Many times these situations involve substandard housing, discrimination, elder abuse, or problems accessing disability, Social Security, health, or veteran's benefits. By partnering with 17 hospitals and health centers across my State, the Iowa Legal Aid Health and Law Project is able to extend services from Sioux City to Dubuque, and from Council Bluffs to Fort Dodge. Last year, the program served 880 Iowans, and 94 percent of their cases had a positive outcome. The Iowa Legal Aid Health and Law Project does a remarkable job. They are just one example of the great work going on across the country.

You may be surprised to learn that when it comes to medical-legal partnerships, a little money can go a long way. Iowa's program was started with a Federal investment of less than $300,000. The program prevents hospital admissions and emergency room visits that cost hospitals and patients many thousands of dollars in health care costs and insurance premiums. A modest investment in these community programs can help people achieve healthier, safer lives and prevent future hospitalizations and health care costs. That sounds like common sense to me. And that's why, today, I am proud to introduce the Medical-Legal Partnership for Health Act along with Senators Bayh and Bond: to give health care providers and lawyers across the country the opportunity to start such programs.

The Act creates a Federal demonstration program to help create, strengthen, and evaluate medical-legal partnerships. Overall, this legislation will support 60 MLP sites in community health centers, the Veterans Administration, hospitals, and other health care settings.

In the spirit of compromise and bipartisanship, we have taken contentious issues off the table. For example, the bill excludes Federal money from being used toward class action law suits, medical malpractice cases, representation of undocumented individuals, and abortion or abortion-counseling services.

In addition to having bipartisan support, medical-legal partnerships have been praised by prominent organizations representing physicians and attorneys. They have received endorsement from the American Medical Association, the American Bar Association, the American Academy of Pediatrics, the American Hospital Association, and the Accreditation Council of Graduate Medical Education, to name just a few.

Through this community-based, common-sense investment in addressing the social effects of poverty, we will be able to help so many of our most at-risk citizens to avoid illness and hospitalization.

I extend my sincere thanks to Senator BAYH and Senator BOND for their hard work and commitment to this bill. And I urge our colleagues to join us in supporting this investment in medical-legal partnerships.

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. 3668

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 ''Medical-Legal Partnership for Health Act''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Numerous studies and reports, including the annual National Healthcare Disparities Report and Unequal Treatment, the 2002 Institute of Medicine Report, document the extensiveness to which vulnerable populations suffer from health disparities across the country.

(2) These studies have found that, on average, racial and ethnic minorities and low-income populations are disproportionately afflicted with chronic and acute conditions such as asthma, cancer, diabetes, and hypertension and suffer worse health outcomes, worse health status, and higher mortality rates.

(3) Several recent studies also show that health and healthcare quality are a function of not only access to healthcare, but also the social determinants of health, including the environment, the physical structure of communities, socio-economic status, nutrition, educational attainment, employment, race, ethnicity, geography, and language preference, that directly and indirectly affect the health, healthcare, and wellness of individuals and communities.

(4) Formally integrating medical and legal professionals in the health setting can more effectively address the health needs of vulnerable populations and ultimately reduce health disparities.

(5) All over the United States, healthcare providers who take care of low-income individuals and families are partnering with legal professionals to assist them in providing better quality of healthcare.

(6) Medical-legal partnerships integrate lawyers in a health setting to help patients navigate the complex government, legal, and service systems in addressing social determinants of health, such as income supports for food insecure families and mold removal from the home of asthmatics.

(b) PURPOSES.—The purposes of this Act are to—

(1) support and advance opportunity for medical-legal partnerships to be more fully integrated in healthcare settings nationwide;

(2) to improve the quality of care for vulnerable populations by reducing health disparities among health disparities populations and addressing the social determinants of health; and

(3) identify and develop cost-effective strategies that will improve patient outcomes and realize savings for healthcare systems.

SEC. 3. MEDICAL-LEGAL PARTNERSHIPS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a nationwide demonstration project consisting of—

(1) awarding grants to, and entering into contracts with, medical-legal partnerships to assist patients and their families to navigate programs and activities; and

(2) evaluating the effectiveness of such partnerships.

(b) TECHNICAL ASSISTANCE.—The Secretary may, directly or through grants or contracts, provide technical assistance to grantees under subsection (a)(1) to support the establishment and sustainability of medical-legal partnerships. Not to exceed 5 percent of the amount appropriated to carry out this section in a fiscal year may be used for purposes of this subsection.

(c) FUNDING.—

(1) USE OF FUNDS.—Amounts received as a grant or pursuant to a contract under this section shall be used to assist patients and their families to navigate health-related programs and activities for purposes of achieving one or more of the following goals:

(A) Enhancing access to healthcare services.

(B) Improving health outcomes for low-income individuals, as defined in subsection (g).

(C) Reducing health disparities among health disparities populations.

(D) Enhancing wellness and prevention of chronic conditions and other health problems.

(E) Reducing cost of care to the healthcare system.

(F) Addressing the social determinants of health.

(G) Addressing situational contributing factors.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary, but not to exceed $10,000,000, for each of the fiscal years 2011 through 2015.

(3) MATCHING REQUIREMENT.—For each fiscal year, the Secretary may not award a grant or contract under this section to a entity unless the entity agrees to make available non-Federal contributions (which may

include in-kind contributions) toward the costs of a grant or contract awarded under this section in an amount that is not less than $1 for each $10 of Federal funds provided under the grant or contract.

(4) ALLOCATION.—Of the amounts appropriated pursuant to paragraph (2) for a fiscal year, the Secretary may obligate not more than 5 percent for the administrative expenses of the Secretary in carrying out this section.

(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant or contract under this section, an entity shall—

(1) be an organization experienced in bridging the medical and legal professions on behalf of vulnerable populations nationally; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including information demonstrating that the applicant has experience in bridging the medical and legal professions or a strategy or plan for cultivating and building medical-legal partnerships.

(e) PROHIBITIONS.—No funds under this section may be used—

(1) for any medical malpractice action or proceeding;

(2) to provide any support to an alien who is not—

(A) a qualified alien (as defined in section 431 of the Immigration and Nationality Act);

(B) a nonimmigrant under the Immigration and Nationality Act; or

(C) an alien who is paroled into the United States under section 212(d)(5) of such Act for less than one year;

(3) to provide legal assistance with respect to any proceeding or litigation which seeks to procure an abortion or to compel any individual or institution to perform an abortion, or assist in the performance of an abortion; or

(4) to initiate or participate in a class action lawsuit.

(f) REPORTS.—

(1) FINAL REPORT BY SECRETARY.—Not later than 6 months after the date of the completion of the demonstration program under this section, the Secretary shall conduct a study of the results of the program and submit to the Congress a report on such results that includes the following:

(A) An evaluation of the program outcomes, including—

(i) a description of the extent to which medical-legal partnerships funded through this section achieved the goals described in subsection (b);

(ii) quantitative and qualitative analysis of baseline and benchmark measures; and

(iii) aggregate information about the individuals served and program activities.

(B) Recommendations on whether the programs funded under this section could be used to improve patient outcomes in other public health areas.

(2) INTERIM REPORTS BY SECRETARY.—The Secretary may provide interim reports to the Congress on the demonstration program under this section at such intervals as the Secretary determines to be appropriate.

(3) REPORTS BY GRANTEES.—The Secretary may require each recipient of a grant under this section to submit interim and final reports on the programs carried out by such recipient with such grant.

(g) DEFINITIONS.—In this section:

(1) The term ''health disparities populations'' has the meaning given such term in section 485E(d) of the Public Health Service Act.

(2) The term ''low-income individuals'' refers to the population of individuals and families who earn up to 200 percent of the Federal poverty level.

(3) The term ''medical-legal partnership'' means an entity—

(A) that is a partnership between—

(i) a community health center, public hospital, children's hospital, or other provider of health care services to a significant number of low-income beneficiaries; and

(ii) one or more legal professionals; and

(B) whose primary mission is to assist patients and their families navigate health-related programs, activities, and services through the provision of relevant civil legal assistance on-site in the healthcare setting involved, in conjunction with regular training for healthcare staff and providers regarding the connections between legal interventions, social determinants, and health of low-income individuals.

(4) The term ''Secretary'' means the Secretary of Health and Human Services.

By Mr. LEAHY (for himself and Mr. FRANKEN):

S. 3669. A bill to increase criminal penalties for certain knowing violations relating to food that is misbranded or adulterated; to the Committee on Health, Education, Labor, and Pensions.

Mr. LEAHY. Mr. President, today, I am pleased to introduce the Food Safety Enforcement Act, legislation that will hold criminals who poison our food supply accountable for their crimes. This common sense bill increases the sentences that prosecutors can seek for people who knowingly violate our food safety laws. If it is passed, those who knowingly contaminate our food supply and endanger Americans could receive up to 10 years in jail.

Last year, a mother from Vermont, Gabrielle Meunier, testified before the Senate Agriculture Committee about her 7-year-old son, Christopher, who became severely ill and was hospitalized for 6 days after he developed salmonella poisoning from peanut crackers. Thankfully, Christopher recovered, and Mrs. Meunier was able to share her story, which highlighted for the Committee and for the Senate improvements that are needed in our food safety system. No parent should have to go through what Mrs. Meunier experienced. The American people should be confident that the food they buy for their families is safe.

Current statutes do not provide sufficient criminal sanctions for those who knowingly violate our food safety laws. The fines and recalls that usually result from criminal violations under current law fall short in protecting the public from harmful products. Too often, those who are willing to endanger our children in pursuit of profits view such fines or recalls as just the cost of doing business. In order to protect the public and effectively deter this unacceptable conduct, we need to make sure that those who knowingly poison the food supply will go to jail.

After hearing Mrs. Meunier's account, I called on the Department of Justice to conduct a criminal investigation into the outbreak of salmonella that made Christopher and many others so sick. The outbreak was traced to the Peanut Corporation of America. The president of that company, Stewart Parnell, came before Congress and invoked his right against self-incrimination, refusing to answer questions about his role in distributing contaminated peanut products. These products have been linked to the deaths of nine people and have sickened more than 600 others. It appears that Parnell knew that peanut products from his company had tested positive for deadly salmonella, but rather than immediately disposing of the products, he sought ways to sell them anyway. The evidence suggests that he knowingly put profit above the public's safety.

The bill I introduce today would increase sentences for people who put profits above safety by knowingly contaminating the food supply. It makes such offenses felony violations and significantly increases the chances that those who commit them will face jail time, rather than a slap on the wrist, for their criminal conduct.

I hope Senators of both parties will act quickly to pass this bill. On behalf of Mrs. Meunier and her son, Christopher, as well as many like them across the country, we must repair our broken food safety system. The Justice Department must be given the tools it needs to investigate, prosecute, and truly deter crime involving food safety. This bill will be an important step toward making our food supply safer.

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. 3669

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 ''Food Safety Enforcement Act of 2010''.

SEC. 2. CRIMINAL PENALTIES.

Section 303(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(a)) is amended—

(1) in paragraph (1), by striking ''Any'' and inserting ''Except as provided in paragraph (2) or (3), any'';

(2) in paragraph (2), by striking ''Notwithstanding the provisions of paragraph (1) of this section, if'' and inserting ''If''; and

(3) by adding at the end the following:

''(3) Any person who knowingly violates subsection (a), (b), (c), (k), or (v) of section 301 with respect to any food that is misbranded or adulterated shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.''.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 3670. A bill to establish standards limiting the amounts of arsenic and lead contained in glass beads used in pavement markings; to the Committee on Environment and Public Works.

Mr. SPECTER. Mr. President, I seek recognition to introduce the Safe Highway Markings Act of 2010, a bill that would establish minimum standards limiting the amounts of arsenic and

lead contained in glass beads for reflective pavement markings. This bill will help protect surface and ground water from contamination and protect the health and safety of highway workers.

Each year, approximately 500 million pounds of glass beads are applied to create reflective markings on roads in the United States. The source materials for the manufacturing of these glass beads can vary widely. While most engineered glass beads use environmentally-friendly materials such as recycled flat glass, some of the glass beads contain arsenic, lead and other heavy metals. As the glass degrades from the pounding of traffic, snow plows, trucks and weather, toxic materials can leach out of the glass and mix into the ground and surface water. In addition, workers who apply the glass beads with high concentrations of heavy metals are at risk for exposure.

In response to environmental and health issues, several states have adopted regulations that require the use of environmentally-friendly, nontoxic glass materials. In particular, California, Iowa, Maine, New Jersey, Vermont, Washington and Wyoming have established procurement standards for the quality of glass beads used in highways markings in their States. Several other States are currently reviewing proposals. Additionally, the European Union, China, Australia, and several Canadian provinces have also set standards limiting heavy metal concentration.

It makes no sense to continue this piecemeal approach; it is time for a national standard. This legislation establishes a minimum standard for engineered glass beads used in reflective markings. The legislation ensures that States receiving Federal funds adhere to the Environmental Protection Agency's methods and standards for engineered glass beads, specifically that the beads may contain no more than 200 parts per million of arsenic.

Similar legislation has been introduced in the House and I look forward to advancing this important legislation in the Senate. As such, I urge my colleagues to support this bill that will help safeguard the lives of highway workers and help keep public roads free of high levels of arsenic and lead.

By Mr. ROCKEFELLER (for himself and Mr. GOODWIN):

S. 3671. A bill to improve compliance with mine and occupational safety and health law, empower workers to raise safety concerns, prevent future mine and other workplace tragedies, establish rights of families of victims of workplace accidents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELER. Mr. President, today I am proud to introduce with my colleague Senator GOODWIN the Robert C. Byrd Mine and Workplace Safety and Health Act of 2010. This legislation is a first step to making sure that every miner in West Virginia can go to work each and every day without fearing for their safety. It also serves as a tribute to all miners who have lost their lives, and also to my dear friend and colleague, the late Senator Byrd, who devoted his career to improving the working condition of West Virginia's miners and worked diligently with me to develop this bill.

It has been several months since the Upper Big Branch mine disaster, but for many of us, it feels like only yesterday that we were anxiously waiting to hear news about the missing miners. Shortly after that horrible accident I came to this floor and said that ''No words are adequate to describe the grief.'' I know that for the families of those 29 miners that remains the case.

Even as the investigation into the Upper Big Branch mine continues to move forward, we owe it to the victims' families and to the miners that still get up and go to work every day, to find real solutions to keep our miners safe.

The legislation Senator GOODWIN and I are introducing today has been a team effort—particularly with my colleague and friend Congressman NICK RAHALL, who has introduced similar legislation in the U.S. House of Representatives. I would like to acknowledge Senators HARKIN and MURRAY for their effort and their commitment to addressing mine and workplace safety.

It gives teeth to existing whistleblower protections so that miners can come forward to report safety concerns. Miners should not fear for their jobs—their livelihoods—simply because they are trying to keep themselves and their coworkers safe. We have a responsibility to give them every protection necessary. Our bill gives miners up to 180 days to file a whistleblower retaliation complaint, it allows punitive damages and criminal penalties for retaliating against a whistleblower, and it makes sure that miners do not lose pay if their mines are shut down for safety reasons. It also allows miners to give private interviews with MSHA and exclude the operator or union representative from the room. I know that the industry and unions do not like this, but it is important for miners to be allowed to speak freely without intimidation or influence from anyone.

Our legislation also gives MSHA additional tools to keep miners safe, including the ability to order additional safety training at mines where it is needed, expanded authority to seek injunctions to stop dangerous practices, and the ability to subpoena documents and testimony outside of the public hearing context. But this bill also takes a hard look at MSHA to make sure they are doing their job by creating an independent panel to investigate MSHA's role in serious accidents and it requires MSHA to conduct inspections during all hours and shifts so that every miner has the same level of protection.

Importantly, this bill also fixes the broken ''pattern of violations'' process—which was meant to give MSHA authority to crack down on mines that repeatedly violate our laws, but has never been effectively implemented. Rather than the punitive process that exists under current law, our legislation focuses on rehabilitating unsafe mines so that miners can go to work confident that they will safely return home to their families at the end of the shift. Mines will have to implement safety plans, will be subject to additional inspections, and will be required to show substantial improvement in their safety records before being removed from pattern status.

Our bill contains additional protections that will apply to workers across all industries under the jurisdiction of the Occupational Safety and Health Administration. These include expanded whistleblower protections for employees, the explicit right to refuse to perform unsafe work, greater rights for victims and their families to participate in the investigation process, updated civil and criminal penalties, and the requirement that hazardous conditions be abated immediately so that litigation does not delay safety. Deadly accidents occur in mines and throughout every industry. Everyone deserves to be safe on the job, and these provisions will go a long way toward achieving that goal.

But our bill also has additional provisions that are not included in the House version. It requires an evaluation of whether MSHA has the experts it needs to effectively enforce our laws. It requires the Government Accountability Office to conduct an independent evaluation of MSHA's new ''pattern of violations'' criteria to make sure it is effective in preventing repeated violations at our most unsafe mines. It promotes greater coordination between the Department of Justice and Department of Labor in investigating criminal violations of our mine safety laws. It requires MSHA to improve its online database so that the public can more easily find out the full safety records of operators not just individual mines, and compare the safety records of various mines and operators. It requires MSHA to routinely develop long-term safety goals and strategic plans to meet those goals. These provisions will improve transparency, increase accountability, and set us on a path toward safety.

We can never change what happened at the Upper Big Branch mine, but we can change the way we do business going forward. Americans deserve the peace of mind that comes from safe working conditions. Following the Upper Big Branch tragedy, this Senate chose to honor the fallen miners with a resolution—a gesture that Senator Byrd and I very much appreciated. I hope that my colleagues will work with Senator GOODWIN and I to pass meaningful mine safety legislation in their honor as well.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 601—TO AUTHORIZE TESTIMONY OF SENATE EMPLOYEES IN A GRAND JURY PROCEEDING IN THE DISTRICT OF COLUMBIA

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 601

Whereas, in a proceeding before a grand jury of the United States District Court for the District of Columbia testimony has been sought from employees of the office of Senator John Ensign;

Whereas, by the privileges of the Senate of the United States and Rule XI of the standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate; Now, therefore be it

Resolved, That current or former employees of Senator John Ensign's office are authorized to testify in the grand jury proceeding or any related proceeding, except concerning matters for which a privilege should be asserted.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4562. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4557 submitted by Mr. MENENDEZ and intended to be proposed to the amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4563. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4564. Mr. REED submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4565. Mr. REED submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4566. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4567. Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) proposed an amendment to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

SA 4568. Mr. REID proposed an amendment to amendment SA 4567 proposed by Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) to the bill H.R. 1586, supra.

SA 4569. Mr. REID proposed an amendment to the bill H.R. 1586, supra.

SA 4570. Mr. REID proposed an amendment to amendment SA 4569 proposed by Mr. REID to the bill H.R. 1586, supra.

SA 4571. Mr. REID proposed an amendment to amendment SA 4570 proposed by Mr. REID to the amendment SA 4569 proposed by Mr. REID to the bill H.R. 1586, supra.

SA 4572. Mr. MCCAIN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 5875, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4562. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4557 submitted by Mr. MENENDEZ and intended to be proposed to the amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, strike line 3 and all that follows through page 2, line 2, and insert the following:

(v) Nonowner-occupied commercial real estate loans.

(vi)(I) Loans secured by real estate—

(aa) that are made to finance—

(AA) land development that is preparatory to erecting new structures, including improving land, laying sewers, and laying water pipes; or

(BB) the on-site construction of industrial, commercial, residential, or farm buildings;

(bb) that is vacant land, except land known to be used or usable for agricultural purposes, such as crop and livestock production;

(cc) the proceeds of which are to be used to acquire and improve developed or undeveloped property; or

(dd) that are made under title I of the National Housing Act (12 U.S.C. 1702 et seq.).

(II) Subclause (I) shall only apply to loans that are extended to small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) in the construction industry, as such term is defined by the Secretary in consultation with the Administrator of the Small Business Administration.

(III) For purposes of this clause, the term ''construction'' includes the construction of new structures, additions or alterations to existing structures, and the demolition of existing structures to make way for new structures.

(B) LIMITATION.—Notwithstanding subparagraph (A), a loan shall constitute small business lending only if it is made to a small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)).

SA 4563. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B, add the following:

PART _____—TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

SEC. 4_____. TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM.

(a) FUNDING.—The matter under the heading ''TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM'' of title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 619) is amended, in the matter preceding the first proviso—

(1) by striking ''$47,000,000,000'' and inserting ''$56,000,000,000''; and

(2) by striking ''$18,500,000,000'' and inserting ''$27,500,000,000''.

(b) USE OF STIMULUS FUNDS TO OFFSET SPENDING.—

(1) IN GENERAL.—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) (other than under title X of division A of that Act) is rescinded, on a pro rata basis, by an aggregate amount that equals the amounts necessary to offset any net increase in spending or foregone revenues resulting from this section and the amendments made by this section.

(2) REPORT.—The Director of the Office of Management and Budget shall submit to each congressional committee the amounts rescinded under paragraph (1) that are within the jurisdiction of the committee.

SA 4564. Mr. REED submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 130 of the amendment, after line 25, insert the following:

SEC. 1705. COMMUNITY DEVELOPMENT FUNDS.

Chapter 11 of title I of the Supplemental Appropriations Act, 2010, is amended by striking the heading ''Community Development Fund'' and all the matter that follows through the ninth proviso under such heading and inserting the following:

''COMMUNITY DEVELOPMENT FUND

''For an additional amount for the 'Community Development Fund', for necessary