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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. OBEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
May 28, 2010.

I hereby appoint the Honorable DAVID R. OBEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin offered the following prayer:

We believe in One God, Father of all, Creator and source of life for all.

To say You are one is to hint at Your perfection. To call You a trinity of persons is to bless You in Your oneness of relationship. Yours is continual communication and relating.

We beg for Your grace and power that we may be one. Remove all division and discord which cause dysfunction and confusion in our souls.

Make of our diversity a new strength; that will bind us to one another in purpose.

Heal our understandable wounds of the past and all paralyzing fears of the future. Help us to develop better skills in relating to others.

Shape our differing perspectives by respectful dialogue so we may be unified in serving the common good of this nation and be a light to the world.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. TSONGAS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. TSONGAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. WALZ) come forward and lead the House in the Pledge of Allegiance.

Mr. WALZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

A TRIBUTE TO ALL OUR VETERANS

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, I rise today to pay tribute to all those who wear and who have worn the uniform of the United States of America.

As a member of the House Armed Services Committee, it has been my honor to work with my colleagues to provide our veterans with the resources and care they so justly deserve.

To that end, I would like to highlight just two of the many programs this Congress has enacted in its efforts to provide better support to our veterans.

Since the post-9/11 GI bill went into effect in August 2009, $1.2 billion in education benefits have been paid to veterans students, including members of the Guard and Reserve and, in some instances, their wives and children, providing them with the skills they need in a global economy.

Through provisions in the End Veteran Homelessness Act of 2010, we are working toward a goal of ending veteran homelessness in 5 years.

To all our veterans, it is you and those who came before you who have made our freedoms possible. Thank you for your courage, commitment, and sacrifice, knowing that service in war is a life-changing event that we must ever honor.

HONORING ELIZABETH LUKES

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today to honor an educator and former student from my district, Elizabeth Lukes.

On March 10, 2010, Elizabeth Lukes was named Illinois High School Boys Diving Coach of the Year by the Illinois Swimming Association. For the last 8 years she has been coaching boys and girls at Hinsdale South High School in Darien, Illinois. One of her divers at Hinsdale South High School, Jordan Dyson, has placed in the top three spots for all 4 years of his high school diving career, capping this accomplishment with a first place finish

at the Illinois State Swimming and Diving Championships this February.

Elizabeth Lukes graduated from Eastern Illinois University in 2001 with a degree in Art Education. Besides coaching, she teaches art in the Downers Grove Elementary School, District 58.

Elizabeth lives in Warrenville with her husband, Ken; and daughter, Maggie. I am proud to honor Elizabeth Lukes for this great award and recognition, and I congratulate her again for an outstanding job at the school.

MEMORIAL DAY

(Mr. WALZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ. Mr. Speaker, this Monday, Memorial Day, gives citizens from around the country the opportunity to pause, come together, and remember those who have laid down their lives in protection of freedom. The debt we owe our Nation's members of the armed services, our veterans and their families can never be fully repaid.

Today we continue to be engaged in hostilities in Iraq and Afghanistan, and young men and women will continue to pay the ultimate price for this Nation.

As a 24-year veteran of the Army National Guard, I'm proud of the work we have done together in this Congress to support our veterans and military families. Although we have come a long way concerning care for our veterans, there's always more work to be done. We must ensure that our veterans do not fall through the cracks as they transition from the military to civilian life.

Back in Minnesota, as the 34th Infantry Division of the Minnesota National Guard prepare to deploy again to the Middle East, it's more critical than ever we back up those words with actions. We do so because it's the right thing to do for our veterans and the moral health of this Nation.

On behalf of a grateful Nation, we thank our current servicemembers, veterans, and their families for their service.

THE WARRIOR

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Memorial Day is the day we remember Americans that served and did not return. Their blood has stained and sanctified the soil of every continent on Earth. They are buried in unmarked graves in far-off fields, mountains, deserts, and oceans. They brought freedom to peoples they did not know in lands they had never been.

The warrior, not the preacher, has given us freedom of religion.

The warrior, not the reporter, has given us freedom of press.

The warrior, not the lawyer, has given us the right to a fair trial.

The warrior, not the politician, has given us the right to vote.

The warrior, not the critic, has given us freedom of speech.

The warrior, not the movie personality, has given us freedom to assemble.

And the warrior, not the college professor, has given us liberty.

It is the warrior that gave his youth so we could have a future. It is the warrior who salutes the flag and serves the flag. And it's the warrior that is buried under the flag that we honor this Memorial Day, 2010.

And that's just the way it is.

CONSUMER FINANCIAL PROTECTION AGENCY

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, the 2008 economic meltdown had some roots in consumer finance. Financial lenders steered families into mortgages they could not afford to repay, steered them into subprime loans, then packaged those loans and sold them to investors in the securities market. Credit card companies used unfair and deceptive practices to exacerbate nearly $1 trillion in nationwide credit card debt.

So it is important that we have a strong, independent Consumer Financial Protection Agency, such as we passed in the House last year. Putting this under or in another agency won't really protect the consumers.

The new CFPA must have the independence both to write and enforce regulations that will truly protect American families from abuses. This is our chance to reform Wall Street and stand up for ordinary Americans. And this is our chance to get it right.

I urge House leaders to insist on the stronger, more independent House-passed version of the Consumer Financial Protection Agency. Our constituents deserve no less.

THOROUGH STUDY ON YUCCA MOUNTAIN WASTE REPOSITORY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I want to thank my colleagues on the House Armed Services Committee for including an amendment to the National Defense Authorization Act to require a detailed report on the ramifications of closing the Yucca Mountain Waste Repository.

Before the administration irresponsibly walks away from a $10 billion investment and a 23-year bipartisan agreement, we need to provide America's taxpayers and decisionmakers with adequate information.

To lessen our dependence on foreign oil, we must remain committed to investing in developing technologies. Nuclear energy is a clean, safe, and cost-effective energy source that has provided over half of the electricity generated in South Carolina for over 30 years. But in order to keep it safe, we must have a permanent site for disposal.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism during Memorial Day activities.

CREATING NEW OPPORTUNITIES IN THE TOURISM INDUSTRY

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, it seems, at times, that Washington has forgotten that Americans don't need millions of dollars to create jobs. They can do plenty if the government just gives them a chance to succeed.

In my district, we are set to create new opportunities in the tourism industry with Federal action, not Federal dollars. Millions of people already visit greater Arizona to see our natural wonders, with a tremendous economic impact. We can grow our economy by preserving these sites for future generations.

I am getting the ball rolling with legislation to designate the Sedona Red Rocks as a national scenic area and to expand the Casa Grande Ruins National Monument. These bills will protect these magnificent attractions, bringing new visitors to Arizona, and help us get folks to work with almost no cost.

The Natural Resources Committee has scheduled a hearing on these measures. I appreciate their willingness to help us make progress. Congress needs to pass these job-creating provisions as soon as possible.

□ 0915

PASS A BUDGET

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, House Democrats are refusing to do one of the most basic jobs that the American people have sent their Representatives to Washington to do: Make a budget. We are in the midst of a spending crisis. Seven months into this fiscal year, and the Federal Government has already spent $800 billion that it doesn't have, and that number is skyrocketing. House Democrats are ready to add another $134 billion to the deficit this week.

So how do we fix this problem? How do we stop taxing and borrowing and spending without restraint? One of the most obvious ways is by having a budget. That's our job, to pass a budget that makes hard choices and sets priorities and brings government spending under control.

But the Democrat majority in this House is afraid to let the American people see more of its deficit spending. They don't want to put a budget on paper because then they'll have to debate it, and they'll have to explain to the American people why they want to keep spending hundreds of billions of dollars that we don't have.

THANKING OUR VETERANS

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, I stand to honor those who have died and have given their lives so that we might have a better life. But it's not enough to simply thank them with words. This is why the 111th Congress has passed Homes for Heroes, to help with the homelessness among our veterans. This is why we provided college benefits for the children of our veterans. This is why we produced a $2,400 tax credit for employers who hire our veterans. This is why we provided a $250 economic recovery benefit to our veterans. This is why we produced $23 billion in health care and other services for our veterans.

They have been there for us. I thank God for them. It's time for us to continue to be there for them.

PASS THE SOUTH KOREA FREE TRADE AGREEMENT

(Mr. DJOU asked and was given permission to address the House for 1 minute.)

Mr. DJOU. Mr. Speaker, I stand here today to encourage and request the United States Congress to immediately pass the free trade agreement with South Korea. This is an important measure that has languished too long before this Congress.

First and foremost, we need to pass this because it is important for our economy. Expanding free trade and opportunities for commerce for our Nation is critical in this time of an economic recession.

For my district in Hawaii, expanding free trade will directly help the tourist industry, the number one sector of my district. Second, South Korea has been a strong ally of the United States. It's important right now we stand alongside our important allies in the foreign fields. And third and finally, Mr. Speaker, given the recent instability in the Korean Peninsula and the aggression taken by North Korea, and as a Congressman who represents the first Congressional District in the flight arc of North Korea's missiles, it is important that we right now stand beside South Korea and pass this free trade agreement and pass it now.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 4213, TAX EXTENDERS ACT OF 2009

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1403 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1403

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment with the amendment printed in part A of the report of the Committee on Rules accompanying this resolution as modified by the amendment printed in part B of the report of the Committee on Rules. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

SEC. 2. House Resolution 1392 is laid on the table.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1403 provides for consideration of the Senate amendment to H.R. 4213. Mr. Speaker, the legislation is like many of the bills that we do. It's the product of many hours of hard work. It's also an effort to strike a balance between extending important life-saving assistance to laid-off workers and investing in smart spending that will help our economy.

A significant portion of the bill would go directly to helping our citizens. We extend unemployment insurance, we invest in summer jobs, fund loans for small businesses, and make bonds available to States. But I am pleased that the bill also cracks down on corporations, closing tax loopholes that have encouraged companies to ship jobs overseas, a thing I have devoutly desired for a number of years.

Unlike the previous administration, we use PAYGO rules here to make sure that new spending, other than emergency spending, is fully paid for. In fact, it's worthy to remind my colleagues that the deficit facing the country was created by the last administration, which financed two wars, a prescription drug plan, and a huge tax cut, all of which was unpaid for, and consequently is responsible for two-thirds of the deficit.

In the recent frenzied back and forth over this bill, it is easy to lose sight of the important steps that Congress has taken up to this point to help right the economy. We passed small business tax relief, expanded the first-time home buyer tax credit, changed the way students apply for loans, funded a Cash for Clunkers program, injected money into the economy, and helped to protect domestic jobs at a critical juncture.

With this vote, we can help families across the country continue the path we set out on last year to help dig the country out of a terrible recession. For small businesses, the backbone of the Nation's economy, and the place where most American workers are employed, we use this bill to ensure them an easier time getting loans. The bill also continues the very successful research and development tax credit, a powerful incentive to creating well-paying jobs.

The measure extends the ongoing recovery by investing in Build America Bonds and Recovery Zone Bonds, making it less expensive for cash-strapped State and local governments to finance the rebuilding of schools and sewers and hospitals and transit projects.

The legislation helps American families with sales tax relief, property tax relief, disaster area tax relief, and college tuition deductions. The bill wisely invests in important energy provisions such as the biodiesel tax credit, while making good on our obligations to black and Native American farmers. Finally, the measure also strengthens the Oil Spill Liability Trust Fund by increasing the amount the oil industry must pay to clean up its disasters.

I also want to pause for a moment to talk about two pieces of legislation that I personally am happy to see in the bill, because I think they'll pay enormous benefits. This bill closes a loophole in the Tax Code that has been used by huge corporations, including publicly regulated utilities. Companies use this loophole to avoid paying millions of dollars in taxes when they spin off a subsidiary. These deals cost taxpayers and they hurt consumers, especially when the company using the loophole is a phone company that wants to get rid of the older telephone lines in small towns and rural areas. With this bill we close that loophole, and we will save taxpayers $260 million over the next 10 years.

On another front, the bill also extends funding for the wool trust fund, which helps to keep thousands of textile and apparel workers around the country employed. I was proud to work on this issue because of the relevance it has to Hickey Freeman, a 100-year-

old company and maker of fine men's suits located in Rochester, New York.

The fund provides funds to makers of wool fabric and yarn producers, as well as sheep growers, to help maintain the domestic production of wool fabric. Too many of our industries in the United States have closed up and moved overseas. I frequently say that we can't be a great power if our entire manufacturing sector moves to other countries and we are obligated to buy from other countries for our very livelihood.

Mr. Speaker, Congress can rightly take great pride in some very historic work on behalf of our constituents this year; but we must remind ourselves that many people are still struggling, and we must do everything in our power to fund the necessary programs that protect the unemployed Americans, help small business, enhance job creation efforts, and keep America on the road to economic recovery.

I urge my colleagues to join me today in voting ''yes'' on the rule and ''yes'' on this bill.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I thank the gentlewoman from New York for yielding me the time, and I yield myself such time as I may consume.

It seems like every time I come to the House floor, I point out that my Democratic colleagues are using an unprecedented, restrictive, and closed process on the House floor, and here I go again to tell the exact same story. In fact, I am not even sure anyone on the House floor knows what we are debating or getting ready to vote on right now. It's amazing. Bill after bill, day after day. We were provided with a copy of the final bill at 9:06. I guess that beats 3:15 in the morning.

Mr. Speaker, Nancy PELOSI and the Democratic majority promised the American people that they would run the most open, honest, and ethical Congress. To date, this Congress and I think the last one has seen more backroom deals, arm twisting, and more partisan negotiations than ever before. I think the American people are fed up with it. They want transparency, they want accountability, and I think what they are looking for is solutions. Standing up and touting this bill when nobody even knows what's in it and how great it is, I think, a sham.

Mr. Speaker, it's my understanding that the Democrats, and I repeat that, it is my understanding that the Democrats are planning to amend the rule to change the text of the underlying legislation that we are discussing here right now. Are they planning changes to the $100 billion in spending? I don't know. What are they going to do? I don't know. What's in the amendment? More spending? I betcha. More taxes? I'm sure. Are they gutting the State Medicare funding portion? Are they eliminating the COBRA extension? Will doctors see a 21 percent cut in reimbursement next week? I don't know, nor does anybody who is going to vote on this bill.

□ 0930

Unfortunately, the answers to all of those questions, regardless to what's in their amendment, is yes. The Senate has already made it clear to this House and my Democratic colleagues, the press, and the American people that they will be going home—as a matter of fact, they've already done that—before acting on the extenders package that we are doing right now.

So, Mr. Speaker, what is the point? Why is the Speaker having this bill today on the floor? This isn't about jobs. It's not about the unemployed. It's not about those without insurance or it's not even about physicians. It's about a political agenda. It's about taxing and spending and a message on this floor that tries to make it seem like it's the reverse.

I would submit to you that if this Democratic majority were trying to help small business, they'd start with any one of the top five issues that small business has and that they present through the National Association of Manufacturers, and they've done this for years. That list is ignored.

Yesterday in CQ Today, the chairwoman of the Rules Committee was asked whether the Democrats' backroom deals were going to hold up on the House floor, and her response, and I quote, Are you kidding me? We're Democrats.

Mr. Speaker, what's in the deal? Does it provide any real solutions? Are we voting on this to accomplish anything? I would say in the next 2 hours we will be voting on legislation that this body will have no clue what is in the bill. Once again, par for the course.

It's also my understanding that the Democratic priorities of implementing new and permanent taxes, increasing debt spending, deficit spending, and fixing errors and oversight in the Democrats' trillion dollar health care bill is exactly what it will also be in the bill today. But I don't know. Yet the majority continues to patch the Nation's problems together with expensive short-term fixes that create even greater budget shortfalls in the future rather than dealing honestly with them.

Monday night in the Rules Committee, I asked Chairman LEVIN to quantify, please, how many jobs this bill would create since the majority insists on calling it a jobs bill. The fact is he couldn't. This legislation throws billions of dollars at a bunch of short-term solutions while creating permanent, new taxes on business. I know the Democrats like to call them corporations, but I call them employers.

This legislation will increase the tax treatment of carried interest for real estate, energy, and investment partnerships, in some cases more than doubling the tax rate from 15 to 35 percent. That's it. The Democratic agenda: Tax and spend. Tax and spend employers, and then blame it on them when something bad goes wrong. Maybe better, blame it on George Bush.

Also, this bill increases payroll taxes on S corporation shareholders as well as changes the longstanding U.S. International Tax Code law. According to the U.S. Chamber of Commerce, these changes could saddle small business, American worldwide companies, and investment partnerships with draconian tax increases that will hinder job creation and decrease the competitiveness of American business. And that I quote. Yet my friends on the other side of the aisle are still calling this a jobs bill. I know what it is, and so do you. Taxing and spending—the hallmark of the Democratic majority. Job killing measures once again present on the floor of the House of Representatives today.

Additionally, Mr. Speaker, the extenders bill that is before us today has billions in additional health care spending, spending the Democrats couldn't find to offset for their $1.2 trillion health care bill. So they didn't include it because they wanted to mask the true costs of the bill that we passed on or around March 22.

One key example, this legislation prevents a 21 percent cut to physician reimbursement for Medicare payments, but by preventing this cut for the next year and a half, they leave physicians with a 33 percent cut in 2012 that will cost over $300 billion to fix. That's not open; that's not honest, and I don't believe that's ethical.

Mr. Speaker, today I talked about how Republicans over and over continue to be shut out of the process on the House side, even right now, where I suspect my colleagues would offer an amendment to change the text to something not one of my Republican colleagues have seen and no one on the House floor has read.

This legislation provides us, for a couple of months, an extension for noncontroversial extenders by levying new permanent tax increases on small business—the engine of our economy—and, of course, investment partnerships.

And lastly, this legislation uses budget gimmicks to push our Medicare programs further in debt, putting the care of our Nation's seniors at risk. Yet my friends on the other side of the aisle continue to move forward with this tax-and-spend agenda and then blame their inability to receive the results they want on somebody else.

I urge a ''no'' vote on the previous question to bring some fiscal restraint back to this House and ''no'' on the rule.

I reserve the balance of my time.

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

I've heard the phrase all my life, as you have, of ''taken out of context.'' Let me assure anybody who wants to know about that, no reporter has ever said to me, Do you think your backroom deals are going to hold up? And if anyone were to ever say that to me—and I hope to keep that record intact—believe you me, I would not laugh and

say, We're Democrats. I do recall saying to somebody yesterday with pride that we are Democrats, and I am proud that we are Democrats. We are the people who are trying to take care of the people without jobs in this country and to make the climate right to create more.

Now, before I yield to my next speaker, I want to let Members know that I will be offering an amendment to the rule at the end of the debate. The amendment makes three changes to the text that has been posted on the Rules Committee Web site since Thursday, May 20. It strikes two sections from the House amendment—section 511, section 516—and it changes the effective date and the carried interest provision making it effective on December 31, 2010, instead of the date of enactment.

The amendment provides for a separate vote on section 523, which is the SGR, the so-called doc fix, and a vote on the remainder of the modified House amendment. This does not add money, Mr. Speaker. It subtracts it.

I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank the chairwoman of the Rules Committee for yielding, and I urge support for the rule, as amended.

For far too long, Members on both sides of the aisle have talked about the need to reform the way we pay physicians under Medicare and provide them with a fair and reliable reimbursement. Today, unless we act, physicians are facing a 21 percent cut in their reimbursement, and such a drastic cut will drive physicians out of the Medicare program and make it harder for seniors to see a doctor.

Mr. Speaker, if we fail to act, people will be harmed. I've already seen it take place back in my district. I've had patients call me to say that their doctors will no longer take Medicare because of the cuts they are faced with. House Democrats have tried to prevent this from happening. Last year, we passed a bill that would have permanently repealed the flawed formula that results in these annual cuts and replaced it with a more stable payment system. But that bill passed the House with only the support of one Republican, and, unfortunately, the Senate was not able to find the support for a permanent fix.

So we've been forced back to legislating by patchwork, a 6-month extension here, a 60-day extension there. But if our Senate colleagues cannot find the votes for a permanent repeal, then we need to provide the longest relief that we can. This bill will provide doctors with a positive update for the rest of this year and next year that will help doctors cover their growing costs and continue to serve Medicare patients, and it will give those of us in Congress more time to work with the physician community to find a workable solution that can pass both the House and the Senate, hopefully with Republican support.

The policy in this bill is not everything I hoped for. I know the physician community wanted more, but it's important to pass this to make sure we do no harm, by preventing those drastic cuts from taking effect.

So I urge my colleagues on both sides of the aisle to vote ''yes.'' This is a very important piece of legislation.

Mr. SESSIONS. Mr. Speaker, at this time I yield 3 minutes to the distinguished gentleman from Pasco, Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my good friend from Texas for yielding me the time.

Mr. Speaker, I am disappointed that Democrat leaders have decided not to allow the House to vote on my amendment to improve the proposed Cobell Indian settlement, a settlement that benefits individual Indians across the country.

The amendment I offered was simple and addressed improvements requested of Congress by individual Indians, tribal leaders, and an association of more than 50 federally recognized tribes in the Northwest.

Mr. Speaker, I want to make it very clear, a settlement on this issue is long overdue, but the agreement negotiated by the Obama administration and the plaintiffs' lawyers can be improved by Congress to benefit individual Indians. And let me explain why.

While most of the Indians will get between a $500 and a $1,000 check, the lead plaintiff could receive $15 million or more as an incentive award. A handful of lawyers could be paid over $100 million, which is almost one-third of the value of the claims that they litigated.

Two months ago, the plaintiffs' attorneys were asked to provide Congress with documents to justify their large fees and expenses. After repeated inquiries, Mr. Speaker, the attorneys have provided no information to this date. Instead of responding with documents to justify how much they should be paid, the attorneys have instead threatened to kill the entire deal if they are denied the ability to get the $100 million.

Mr. Speaker, I want to emphasize this. Every dollar paid to the lawyers is a dollar taken out of the pockets of individual Indians. My amendment caps attorneys' fees at $50 million, and by doing so, it reduces the payments to lawyers to increase payments to individual Indians. My amendment would also benefit individual Indians by correcting several other flaws that were identified by Indian country. The committee has the ability to fix these flaws on a bipartisan basis.

The settlement has been changed by the administration and the plaintiffs four times already. While the House won't be allowed to vote on this amendment to improve the settlement to better benefit individual Indians, Mr. Speaker, I am hopeful that the Senate will act to make the improvements that Indians, tribal leaders, and respected tribal organizations are asking Congress to make.

Congress should be afforded the opportunity to fix the settlement in response to requests from our Indian constituents. By refusing to make my amendment in order, Democrat leaders have turned their back on these requests.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank the gentlelady for yielding.

So here's one of the issues before the House today. Say you have an American company that owners live here and they decide that they can make more money by sending their jobs to Asia or south of the border, out of the country, and they do. And they bring the money home and enjoy it here, but the jobs go overseas. And they figure out a way to game the tax laws so they don't pay taxes for that business to the United States Treasury. So the profits come home, the jobs go overseas, and the tax revenue doesn't flow into the Treasury. This bill closes that loophole. It says, if you outsource our jobs from this country, you don't get off the hook when it comes to the IRS.

Now, what does it use the money for? Well, if an American business goes into a bank today and the bank says, you know, we would make this loan to you to expand your business but we just need a little more collateral, a little more guarantee, this bill says the Small Business Administration can step in and make that loan happen and create those jobs. Or a woman running a software company or a biosciences company says, I've got a real opportunity here to hire more scientists and researchers, but I just can't quite find the capital.

□ 0945

This bill says she can hire five scientists for the price of four because of the research and development tax credit, or the mayor and council of a town is saying we could fix our antiquated clean water system. We could build a new water treatment system and have cleaner water and more jobs for people in our town, but the interest rates are just a little bit too high for us. If we could borrow the money just a little bit less expensively, we could create more jobs.

This bill says that they can do that. This bill creates jobs, and it pays for the creation of those jobs by saying that those who outsource our jobs can't get off the hook and have to pay their fair share of taxes. Now I know this discomforts some on the minority side. I know it goes against their philosophy that whatever corporate America does, it is okay. We think if you outsource

your job you shouldn't get off the hook for your tax obligations.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman 1 additional minute.

Mr. ANDREWS. I know that it was a longstanding tradition under the prior administration and the erstwhile majority to let people outsource American jobs and not pay their fair share of taxes. Those days are ending, and the days of jobs hemorrhaging from this economy are ending because we are reinvesting in small businesses, local governments, and entrepreneurs around this country to put our people back to work.

That's the legislation before the House today. I would urge a ''yes'' vote.

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

Mr. Speaker, you know there is no way to get around this. This is a monster tax increase and permanent tax increase on taxpayers and business.

I want to quote from the National Association of Manufacturers, which are all about American manufacturers: American companies who do business overseas will find a monster tax increase on them for doing business, penalizing them.

It says many of the tax-increase proposals, which are mischaracterized as a tax loophole—you know, they are actually tax law—actually represent significant changes to a tax policy that has been supported by Congress and this administration.

Now, they are going to come back and change that. You have got to blame somebody.

It's obvious to me that what we will end up doing is pinning the tail on the donkey, because we know who is about trying to kill jobs. It comes through heavy taxation, and it comes through rules and regulation. I have got letter after letter after letter from businesses across this country who say this will harm American jobs.

Mr. Speaker, I yield 5 minutes to the gentleman from San Dimas, California (Mr. DREIER), the ranking member of the Rules Committee.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, we were all promised, this institution and the American people were promised, back in 2006, a new direction for America.

Mr. Speaker, that was, in fact, the title of a publication that then-minority leader, my California colleague, NANCY PELOSI, put forward. What did it promise? It promised a new era of transparency, disclosure and accountability. A new era of transparency, disclosure and accountability.

Well, Mr. Speaker, I will inform you that exactly 47 minutes ago, at 9 a.m. Eastern time, we were handed this amendment to the rule.

Now, as I look at this morning's CQ Today, I did read the quote to which my friend, the distinguished chair of the Committee on Rules referred. When asked if this was a precooked measure, she responded by saying, Are you kidding? Are you kidding me? We're Democrats. That's the quote. That's the quote that appears in this publication.

Now, Mr. Speaker, as I read this quote, I am reminded of the statue that we always encourage our constituents to look at and rub the feet of as we go into Statuary Hall, and it's the statue of Will Rogers. Will Rogers, that great comedian, famously said, ''I am not a member of any organized political party. I am a Democrat.''

Now, Mr. Speaker, we have observed over the last 3 days the Democratic leadership running around this institution like chickens with their heads cut off, attempting to put together some deal which, when asked if it was precooked, the Chair of the Committee on Rules said, Are you kidding me? We are Democrats.

Well, Mr. Speaker, the American people get it. They are not getting the kind of transparency they were promised, and we are seeing a measure here that is being put into place which I am convinced will continue to have the deleterious effect that the other measures that have been put into place over the last several months have created.

We all know that when we dealt with the serious economic downturn—and we can point fingers at ourselves—we can point fingers all over. But we do know that as we dealt with the economic downturn, that this Congress made a decision, I think an unfortunate one, to dramatically increase spending.

What is it that happened? Well, during that debate, we were all promised by the President and other leaders that if we were to pass that stimulus bill, we would ensure that the unemployment rate would not exceed 8 percent. In fact, we were told that by this time, with the implementation of the so-called economic stimulus bill, the unemployment rate would be 7.4 percent.

Well, Mr. Speaker, as we all know, the unemployment rate has surged, and it is just under 10 percent. Unfortunately, we continue to have people suffering.

I happen to represent the Los Angeles area in California. In my district, the unemployment rate is as high as 14.5 percent. There are parts of my State of California, the Central Valley of California, where the unemployment rate has exceeded 40 percent.

Now that's after we have been promised that the implementation of all the spending bills that we have had would ensure that we would not have an unemployment rate that would exceed 8 percent, and look at what has happened.

What is it that we are doing now? Well, we are looking at a multibillion dollar spending bill that will exacerbate, not ameliorate, the economic downturn, which we all want to emerge from.

Now, Mr. Speaker, my good friend Dennis Prager likes to say he has now put out bumper stickers. The great writer says, The bigger the government, the smaller the individual.

Mr. Speaker, we know that the bigger the government grows, the smaller the individual becomes.

We have learned that because as we look at the European model and, tragically, we seem to be seeing our friends on the other side of the aisle attempting to implement a European-style entitlement society—it has failed in Europe, Mr. Speaker, and we should do everything that we can to ensure that we don't pursue that same kind of policy here.

Mr. Speaker, I urge my colleagues to defeat this rule, create transparency, and let's go back to exactly what was promised.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. CHU).

Ms. CHU. Mr. Speaker, I stand here today in support of this rule and the underlying bill for one reason, and that is jobs, jobs, jobs. That's what this bill is about. It's about creating jobs across the country from Massachusetts to Florida to my home State of California.

This bill extends an important program I call Jobs NOW. While it may be little known, it's funded through TANF emergency funds, and it has a huge impact on the unemployed in 39 States, creating over 160,000 jobs, which will disappear in an instant if we don't pass this bill.

In L.A. County, it's paying 10,000 jobless workers $10 an hour and placing them in temporary jobs for up to a year. In exchange, the businesses provide training, build job skills, and get extra workers at little or no cost. It's truly a win-win.

For small companies hard-hit by the economic downturn, the chance for extra workers to grow and expand their businesses is a welcome boost, even if it means providing training and workspace for the temps, and it's great for workers too.

Anoush and Karen lost their jobs when the recession hit. Forced to go on welfare, they struggled to provide for their 2-year-old daughter. But Jobs NOW hired them to work at Abex Display systems, which manufactures trade show displays. The company used them to help handle a slow but growing recovery in sales, allowing it to move forward and stabilize after taking massive cuts in business. After the temporary jobs ended, both Karen and Anoush were hired permanently.

This family and this business are making a comeback because of Jobs NOW. Let's pass this rule and H.R. 4213 to help working families and our Nation do the same.

Mr. SESSIONS. Mr. Speaker, I am delighted to have our colleagues on the Democratic side come and talk about jobs.

It's not going to happen. These are massive tax increases. Business is trying to say, through the letters which I

will more fully get into in a minute, that's how to kill jobs in this country, permanent tax increases. Oh, no, those are corporations, those are evil corporations.

My friends, they are called employers. You are putting permanent tax increases on employers, which means you will have fewer jobs in this country.

Don't blame it on somebody else; blame it on yourself. Pin the tail on the donkey. That's the reason why we don't have jobs. We don't have jobs because 4 years ago, when the Democratic majority took over, all they talked about is taxes and spending, rules, regulation, more on business. And Members come to the floor and say, this is just about jobs.

Read the bill.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Grandfather community, North Carolina, Dr. Foxx.

Ms. FOXX. I thank my colleague from Texas for yielding time and for handling this rule on the floor today.

Mr. Speaker, there are so many things to refute from our friends on the other side that there is simply not enough time to do it.

But what we need to say over and over and over again, that instead of addressing the staggering deficits and debt that the Democrats, who were totally in control of the Congress—and that needs to be repeated over and over and over again—what they are running up in Washington, $714 billion in deficit spending in the first half of fiscal year 2010 alone.

Speaker PELOSI and Leader HOYER are trying to shield their Members from taking any more ''tough votes'' during an election year. Or, as one Washington newspaper put it, without much else on the House agenda, they simply don't have any excuses not to do a budget beyond cowardice.

Economists say that Washington needs to cut spending now to create jobs, but Democrats aren't listening. Out of touch Washington Democrats may think that by skipping the budget process this year, they can avoid the tough choices that come from governing. But they can't hide from our Nation's problems, especially when their job-killing agenda is making things worse. They could come to the floor and will say they are creating jobs, but the numbers prove otherwise.

The simple truth is while the liberals have repeatedly claimed their trillion-dollar 2009 stimulus plan was ''the right thing to do,'' it's hard to tell that from looking at the job situation across the U.S. According to the latest data from the U.S. Department of Labor, by April 2010 a total of 48 out of 50 States had seen net job losses since the President signed the Democrat stimulus plan into law in February 2009.

The data show that only Alaska, North Dakota, and the District of Columbia have seen net job creation since then. Other than perhaps the predictable exception in D.C., even those States that have seen some increases in jobs are still well short of the growth the White House originally forecast.

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What is clear is that 2.7 million more jobs have been eliminated—eliminated, Mr. Speaker—since the Democrat stimulus was passed. Unemployment rose to 9.9 percent instead of falling to 7.4 percent, as Democrats predicted, and 15 million Americans—an all-time record for the month of April—are currently unemployed.

It's baffling that grown people charged with leading Congress cannot learn from their failed attempts at addressing the problems facing everyday Americans. And as my colleague from Texas has said, they like to bash corporations, but what they're bashing are employers.

They love to brag about how effective they've been in providing jobs, but I want to tell you, government jobs don't provide the viable solution to help get the economy back on its feet. According to a May 25, 2010 article in USA Today, ''Paychecks from private business shrank to their smallest share of personal income in U.S. history during the first quarter of this year. At the same time, government-provided benefits—Social Security, unemployment insurance, food stamps, and other programs—rose to a record high during the first 3 months of 2010.

''Those records reflect a long-term trend accelerated by the recession and the Federal stimulus program to counteract the downturn. The result is a major shift in the source of personal income from private wages to government programs.''

The American people know we don't need more government programs and more government spending. We need to spur on the private economy; and this rule, this bill will not do that.

I urge my colleagues to vote ''no'' on the rule and ''no'' on the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to quote from the Dallas Morning News for my colleague, Mr. SESSIONS:

''Texas employers expanded nonfarm payrolls by 32,500 jobs in April, the Texas Workforce Commission said Friday. That's the State's fourth straight month of job gains.

''The State has now gained 91,600 jobs in the first 4 months of the year.''

Houston Business Journal this morning: ''As the U.S. economy expanded for a third consecutive quarter, Texas posted some of the strongest numbers in the country.''

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. Mr. Speaker, I yield myself another 10 seconds.

''Unemployment remained at 8.2 percent, giving Texas the lowest rate amongst large States, while existing home sales in the State grew in the first quarter by 16 percent compared to the same time a year ago.''

And I would like to put these into the RECORD.

[From the Houston Business Journal, May 28, 2010]

SIGMABLEYZER: TEXAS LEADING ECONOMIC RECOVERY

(By Casey Wooten)

As the U.S. economy expanded for a third consecutive quarter, Texas posted some of the strongest numbers in the country, according to Houston-based private equity firm SigmaBleyzer LLC.

The Texas Business Cycle Index, which tracks movements in employment and GDP, increased for the third straight month.

Texas non-durable manufacturing also grew by 2.1 percent and 1.7 percent in 2008 and 2009, versus negative 3 percent and negative 5.6 percent nationwide.

''Strong foreign demand for U.S. goods is also driving improvements in industrial production,'' the report said.

Moreover, higher oil prices supported a nearly 10 percent growth in the Texas mining industry in March 2010 compared to the same month a year before.

Unemployment remained at 8.2 percent, giving Texas the lowest rate among large states, while existing home sales in the state grew in the first quarter by 16 percent compared to the same time a year ago.

U.S. GDP grew at an annualized rate of 3.2 percent for the quarter while Texas GDP grew at about 2 percent, but didn't drop as much compared to the rest of the nation during the lows of the recession.

TEXAS GAINS MORE JOBS AGAIN IN APRIL

(By Brendan Case)

Worries about the global economy have intensified in recent weeks, but for now the recovery in Texas is barreling ahead.

Texas employers expanded nonfarm payrolls by 32,500 jobs in April, the Texas Workforce Commission said Friday. That's the state's fourth straight month of job gains.

The commission also released revised data showing that Texas employers added 42,200 jobs in March—up dramatically from the 8,500 jobs announced last month.

The state has now gained 91,600 jobs in the first four months of the year after losing more than 350,000 in 2009.

''It's very good,'' said Mine Yücel, an economist at the Federal Reserve Bank of Dallas, referring to the latest jobs report. ''It's doing better than we thought it was doing.''

Despite the gains, Texas' unemployment rate edged up to 8.3 percent in April from 8.2 percent the month before. The overall U.S. jobless rate stood at 9.9 percent last month, up from 9.7 percent in March.

The slight increase in the unemployment rate might actually be a sign of a reviving economy, analysts said.

When the job market is weak, some people give up seeking work. People not actively looking for a job are not counted as unemployed.

Looking again

By contrast, a strengthening job market typically draws people back into the job market, leading to an increase in the unemployment rate. The Texas labor force grew by about 51,000 in April, nearly twice the monthly average during the previous 12 months.

''The general expectation is that with rising employment opportunities, you had some folks who were basically discouraged from looking for jobs and now they've gone back to looking for work,'' said Terry Clower, a University of North Texas economist.

There are plenty of reasons for caution, however.

Initial U.S. jobless claims rose unexpectedly during the week that ended May 15, the

U.S. Labor Department said Thursday. Building permits, an important housing indicator, fell last month. So did an index of leading U.S. indicators compiled by the New York-based Conference Board.

Moreover, global markets have swooned in recent weeks amid concerns about many European countries' debt levels and growth prospects.

''If Europe goes into the tank, that's going to affect us,'' said Bernard Weinstein, an economist at Southern Methodist University's Cox School of Business.

''We could have, if not another recession in the U.S., clearly another slowdown just at the point where the economy is finally picking up steam.''

Patience needed

Certainly, the U.S. recovery will take time to dent widespread unemployment even if job creation continues.

One broad-based measure of unemployment and underemployment, known as the U–6 rate, includes not just the jobless but also people who have given up looking for work and part-timers who want to work full time.

Last month, the national U–6 rate stood at 17.1 percent, up from 16.9 percent in March.

No comparable April number is available for Texas. During the 12 months ending in March, however, the state's U–6 rate was 14.2 percent. The conventional unemployment rate over that time was 7.9 percent in Texas.

'Right direction'

Still, the recovery appears to have started. In April, Texas employers added jobs in eight of 11 employment categories, with education and health services and the construction industry leading the way.

''Overall, these numbers are certainly moving in the right direction,'' Clower said.

In the Dallas-Fort Worth area, employment rose by a scant 800 jobs after adjusting for typical seasonal variations.

Nationally, payroll employment increased in 38 states and Washington, D.C., in April. Three states added more jobs than Texas: Ohio picked up 37,300, Pennsylvania added 34,000, and New York gained 32,700.

Michigan continued to have the highest unemployment rate among states, at 14 percent. Nevada's jobless rate was 13.7 percent, followed by California at 12.6 percent and Rhode Island at 12.5 percent.

North Dakota had the lowest unemployment rate at 3.8 percent, followed by South Dakota at 4.7 percent and Nebraska at 5 percent.

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

Mr. Speaker, I would like to respond back that, in fact, we are doing well in Texas.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to Ms. JACKSON LEE, who is also from Texas and I hope will give us good news.

The SPEAKER pro tempore. The gentleman from Texas has been recognized.

Mr. SESSIONS. Mr. Speaker, I'll reserve my time while they figure it out.

The SPEAKER pro tempore. The gentlewoman from Texas is recognized for 2 minutes.

Ms. JACKSON LEE of Texas. Let me thank the gentlelady and acknowledge that I am from Texas. And in addition to the good news, and we are still working to improve the conditions of Texans, this bill will be a cause celebre in the State of Texas.

We know, overall, 290,000 jobs have been created in the month of April over the United States because this Democratic leadership had the courage to vote for the American Recovery and Reinvestment Act and the stimulus package that has generated the opportunities for job creation. My good friend and colleague indicated in an inquiry on the floor, What is the point? Well, I'll tell you what the point is. The point is that this bill saves taxpayer dollars, and it helps one of the basic infrastructures of job creation, small businesses.

And through the program that we are now extending—we are eliminating fees for loan packages—we will see increased opportunities for our small businesses to get what they need, the capital to hire people and to keep their businesses and their doors open. $26 billion in loans has already gone out to our small businesses across America, impacting the numbers, Madam Chair, that you read in the Houston Business Journal, where the small businesses are one of the basic infrastructures of our community. Their doors are open, they are securing loans, and they're hiring people.

What is the point? The point is that we have provisions dealing with community college and career training, an idea that I had that individuals could be getting their unemployment insurance but be trained for new jobs. This is in this provision based upon utilizing trade provision dollars.

What is the point? Summer jobs, 375,000 summer jobs, only costing $1 billion over a 10-year period, paid for. The highest unemployment is among our youth, 16 to 19, and among minority youth it is even higher. The Congressional Black Caucus worked extensively to ensure that we would have summer jobs money.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE of Texas. I lived through the era of the Bush administration that had no summer jobs, no concern about our young people, and I tell you it was a crying shame.

The doctor fix: my doctors in Houston, the Texas Medical Center, those who work very hard to provide patient services to our seniors, we are providing them with a 2.2 increase, 1 percent in 2011, and then it goes up to current levels.

Closing foreign loopholes is saving taxpayer money. That is the point. And of course recognizing that we're creating jobs, jobs, jobs.

You know what the point is? We have the courage to make a difference for America.

I rise in strong support of H.R. 4213, The American Jobs, Closing Tax Loopholes and Preventing Outsourcing Act. I would like to thank my colleague, the Honorable SANDY LEVIN, Chairman of the Ways and Means Committee, for introducing this important legislation.

Mr. Speaker, getting all Americans back to work is, and should be, our number one priority. It is essential that the Congress continue to create avenues that will provide employers with incentives to hire and to retain new employees. Therefore, I have been a major supporter of comprehensive efforts to create jobs for the unemployed constituents of the 18th Congressional District of Texas, as well as throughout the State of Texas and the nation.

Indeed, as a Member of the Congressional Black Caucus, I have been working tirelessly to ensure that the number of jobs available in the economy drastically increases. This includes an increase in the amount of summer jobs, jobs for the long-term unemployed, and jobs for the permanently laid off. Also, I continue to support efforts to relieve the plight of many Americans, in vulnerable communities, who have been hit hardest by unemployment.

Again, Mr. Speaker, H.R. 4213, ''The American Jobs, Closing Tax Loopholes and Preventing Outsourcing Act'' is the right bill at the right time in our economic recovery. The bill is yet another important measure, which I strongly believe is essential to addressing the nation's alarmingly persistent high rate of unemployment, particularly among African- Americans, Hispanic Americans and others vulnerable populations.

A January 2010 Washington Post article reported that unemployment for African-Americans is projected to reach a 25-year high this year. Some believe the national rate of unemployment for African-Americans will soar to 17.2 percent, and the rates in five states will exceed 20 percent. Of course, we know during the course of the recession, the unemployment rate has grown much faster for African Americans and Latinos than for whites.

Through the American Recovery Act of 2009, Congress was able to provide much needed assistance to many Americans who were struggling from the effects of the economic downturn and the collapse of our financial markets. Unfortunately, of the $787 billion provided through the economic stimulus package, the unemployment rate in the U.S. has not been substantially reduced; currently, the unemployment rate in the U.S. stands at 9.9 percent.

Again, any comprehensive initiative to create jobs is welcomed, because I remain concerned about high unemployment anywhere it is being experienced in the U.S. According to the Texas Workforce Commission, the current unemployment rate for Houston is 8.4 percent, while a May 6, 2010 Los Angeles Times article noted that the national unemployment rate for Hispanic Americans exceeded 13.0 percent.

Because unemployment remains acute and needs persist that in communities all across the country, I support the major provisions of the bill, including:

(1) Small business lending—The bill will extend the small business lending program created under the American Recovery and Reinvestment Act. This program will eliminate the fees normally charged for loans through the Small Business Administration, providing access to capital not available in the private market.

(2) Infrastructure investments—Under the bill, comprehensive relief is provided for our Nation's aging infrastructure and transportation needs. A wide range of measures including addressing housing, schools and hospitals. Funds are provided to continue remediating the nation's ''Brownfields'' sites, opening up

new opportunities for redevelopment of distressed communities.

(3) Summer jobs—The bill funds a summer jobs program for the Nation's youth. Our Nation's youth ages 16–19 have a 25% unemployment rate—some of the highest unemployment numbers in the country. Reducing unemployment among the Nation' youth will be widely beneficial to working poor families and the youth themselves.

(4) National Housing Trust Fund—The bill capitalizes the much need National Housing Trust Fund, providing expanded assistance to communities with major shortages of affordable housing.

(5) Oil Spill, Flood Insurance and Mine Safety—The oil spill in the Gulf of Mexico highlights the need to increase the liability cap for oil companies for cleanup purposes from $1 billion to $5 billion. The bill also extends the expiration date of the National Flood Insurance program to December 31, 2010. Mine safety issues are also funded in this bill, providing incentives for mining companies to have up-to-date safety equipment.

(6) Closing Tax Loopholes—the American Jobs and Closing Tax Loopholes Act of 2010 includes a series of measures designed to close tax loopholes exploited by individuals and corporate entities, as well as a means of closing tax loopholes for foreign subsidiaries of U.S companies, another means of keeping jobs at home.

(7) Medicare's Sustainable Growth Rate (SGR)—Another major provision of the bill related to affordable health care cancels the scheduled pay cut for Medicare physicians. This will enable the Nation's physicians to continue serving the Nation's growing elderly population and to stay in practice.

In addition, the legislation will help companies and State and local governments generate jobs, while providing tax relief and economic assistance to many American families in need of assistance. I agree with Chairman LEVIN when he indicates, ''By promoting jobs here in the U.S. and cracking down on loopholes that encourage companies to move overseas, we strengthen opportunities for American workers and businesses so that we can continue building on recent economic growth toward a robust recovery.'' The extension of unemployment and health benefits through the end of the year is also critical to many workers and their families to make ends meet while they continue to search for jobs.

Given the fact that the U.S. economy has shown signs of improvement, the use of fiscal stimulus is the most prudent policy to sustain economic growth and to create jobs as the major restructuring of the U.S. economy continues. We are now part of the global economy, with implications for the future of the U.S. economy. However, we must first look within to determine our priorities—the number one priority has to be the American worker. We must get jobs in the hands of the most vulnerable individuals in the country.

In addition, I will work with my colleagues to restore the COBRA extension and the State Medicaid assistance (FMAP) provisions of the original bill.

Mr. Speaker, I stand with Chairman LEVIN in support of this bill and urge my colleagues to do the same.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), the chair of the Committee on Ways and Means.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. I will be speaking at greater length, though only for a few minutes, when the rule passes.

I want to say just a few things about what this bill is all about. The basic bill has been here for more than a week, and so anyone who says they don't know what's in it has failed to read it. It says, and it means, jobs and jobs and jobs.

There are provisions for business, there are provisions for local communities in terms of infrastructure. We're talking about supporting millions of jobs in this country, and so we will get to that.

I think your discomfort is that this indeed is a jobs bill and it will create more jobs, and the path has been started some months ago. Contrary to the path under the Bush administration, when jobs were lost, now they are being gained, and this bill will help gain them further.

Secondly, the gentleman from California talked about the unemployment rate in California. This bill extends unemployment compensation through the end of November of this year. So when he has a chance to help the hundreds of thousands of unemployed people who are looking for work in California—and those of you on the minority side who also face unemployment and who have tens, if not thousands, of people who are unemployed—how are you going to vote? Are you going to turn your backs on the unemployed who are looking for work? We'll have to see.

And then there is some reference to the tax provisions. As I will explain, there are numerous tax provisions to help small business in this bill, numerous provisions: the R&D tax credit; the biodiesel tax credit, which many want; the provision for real estate improvements to maintain the 15-year depreciation, which helps to stimulate jobs; jobs for service industries overseas, which they want; and allowing manufacturers to be able to use their AMT.

This is paid for, unlike the years I sat on the Ways and Means Committee under the Republicans when there was never anything paid for.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman 2 additional minutes.

Mr. LEVIN. So the complaint is now we are closing loopholes. We're closing provisions worked out with the administration, that asked for a much larger package, that will make sure that the foreign tax credit is not abused so that jobs are shipped overseas. So instead, jobs are created in the United States of America. So this is about a jobs bill, a jobs bill to create jobs in the United States of America and to help those who can't find them get some help.

We will talk about the physician fix, or the effort to treat it—it's not really a fix. It's to provide reimbursement to physicians so that they can provide care for their patients. And so you say it's only 19 months. When you were in power, that was the most you did, and usually there was much less out. You're going to vote against that? Well, we'll see.

And there is a provision here relating to veterans, and I close with reference to this: The Military Officers Association of America has sent a letter saying they ''have strong support for H.R. 4213. The Military Officers Association of America is also grateful that H.R. 4213 includes authority to implement the administration's proposal to phase out the disability offset to military retired pay for servicemembers forced into premature medical retirement as a result of service-caused disabilities.''

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman from Michigan an additional 30 seconds.

Mr. LEVIN. ''It is patently inequitable that current law forces these members to fund their own VA disability compensation by forfeiting most or all of their military retired pay. H.R. 4213 properly acknowledges that such members should be vested for retired pay earned by service, independent of any service-caused disability.''

The test will come in a few hours where you stand on jobs and where you stand for the veterans of this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Let the Chair simply remind Members that they should address their remarks to the Chair.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina, Dr. Foxx.

Ms. FOXX. I thank the gentleman from Texas for yielding again.

I had to come back after I heard our colleague just speaking because I think that it is time that we create a new dictionary that explains the language being used in Washington.

As my colleague from Texas pointed out earlier, our colleagues across the aisle, Mr. Speaker, constantly bash corporations, but we prefer to call them ''employers.'' Our colleagues across the aisle talk about revenue all the time, but revenue in Washington means taxes on American workers.

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Yet the word, the phrase, that really got my attention this morning was the comment that my colleague said: We pay for these.

Ladies and gentlemen, the Congress has no money other than what it confiscates from the American taxpayers. I am really getting tired of our colleagues across the aisle pretending that we in Congress somehow or another use largess that comes like manna from Heaven to do things for the American people. They're doing their best to get the American people

to think of dependency on the Federal Government. That is the wrong way to go. They aren't paying for anything. You, the American people, are paying for every one of their ridiculous, wasteful products. It is time we stop it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are again reminded to address their remarks to the Chair, not to other Members and not to the television audience.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the gentlewoman for yielding.

I would say to my friend, the gentlewoman from North Carolina, through the Chair, that maybe, instead of a dictionary, we should have a math book or a history book brought out, because there is some historical context, recent historical context, to this discussion.

Mr. Speaker, we were told in January of 2009, with respect to the Recovery Act that was on the House floor, that it is clear that it doesn't create the jobs or preserve the jobs that need to happen. That was said by our friend, the minority leader of the Republicans, Mr. BOEHNER, that it is clear that the recovery bill doesn't create the jobs or preserve the jobs that need to happen.

Now, in the 3 months that were in the context of that remark, for example, in March of 2009, the economy lost 753,000 jobs. In April of 2009, it lost 528,000 jobs. We brought to this floor a bill that put construction workers back to work by building transportation projects. If they bought homes, we gave people tax credits for their downpayments. We sent more people to colleges and to universities on Pell Grants. We cut taxes for small businesses and families across the country.

Then what happened? Well, in March of this year, the economy added 230,000 jobs. In April of this year, the economy added another 290,000 jobs.

So the other side said in good faith, in January of 2009, these things would not work. They were wrong. They haven't worked as quickly as we want. They haven't worked as much as we want, but the tired philosophy that says that inaction and inattention will fix the problem has failed. A philosophy that says that giving American entrepreneurs, American taxpayers, American construction workers the chance to succeed will and does.

Mr. SESSIONS. Mr. Speaker, in fact, the gentleman is correct. There were jobs that were added. They were government jobs. They were government jobs because of the census, and that is why we saw an uptick.

Let's go back to Texas. I know there has been a lot said about Texas. In Texas, unemployment jumped from 6.8 percent in April 2009 to 8.1 percent in April 2010. That's an additional 188,600 people unemployed.

I appreciate you all in trying to take credit for this great, robust economic boom that's going on in this country. The fact of the matter is it's not working that way.

Mr. Speaker, I submit for the RECORD a letter dated May 24, 2010, from IBM. I'm going to read just the last paragraph because it shows, really, the misnomer of my Democrat friend's argument about how great this bill is, the jobs bill.

It reads, ''Despite the 1-year renewal of the R&D tax credit, which we and other technology firms have long supported, the late insertion of large, new, permanent tax increases, together with hundreds of billions in new deficit spending that has not been offset, leads IBM to strongly oppose this legislation.''

Hundreds of billions of dollars in new deficit spending.

This reminds me a lot of the firefighter who goes out and sets a fire and then shows up to put it out, trying to get credit when, in fact, that firefighter is an arsonist. IBM gets it. IBM gets it and they understand: hundreds of billions of dollars of new deficit spending that has not been offset.

IBM,
GOVERNMENTAL PROGRAMS,
Washington, DC, May 24, 2010.

Hon. SANDER M. LEVIN,
House of Representatives,
Washington, DC.
Hon. DAVE CAMP,
House of Representatives,
Washington. DC.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER CAMP: IBM strongly opposes the ''tax extenders'' legislation pending before Congress this week. Although our company has been a long-time supporter of the R&D tax credit that has enjoyed bipartisan support in Congress over many years, the pending legislation would impose significant new tax increases that will completely overwhelm any positive economic effect of the R&D tax credit, harming the U.S. economy just as recovery has begun.

The legislation released on May 20 includes new, permanent—and sometimes retroactive tax increases inserted into legislation under the pretext of ''paying for'' a temporary tax credit for R&D and other expiring provisions. These new tax increases have never been the subject of Congressional hearings and were developed behind closed doors without input from taxpayers.

The U.S. international tax system has evolved over time to help American companies compete in the global marketplace against foreign competitors who operate under more favorable global tax systems. IBM's foreign earnings help fund domestic investment and research and result in meaningful US jobs. As such, increasing taxes on IBMs foreign earnings will have a negative effect on these investment decisions. Rather than adopting changes on a piecemeal basis, any changes to the international tax rules should be considered in the broader context of comprehensive tax reform.

Despite the one-year renewal or the R&D tax credit, which we and other technology firms have long supported, the late insertion of large new permanent tax increases, together with hundreds of billions in new deficit spending that has not been offset, leads IBM to strongly oppose this legislation. We do, however, support an open discussion about comprehensive reform of the U.S. tax system.

Sincerely,

CHRISTOPHER PADILLA,
Vice President, Govt. Programs.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS) to refute the notion that all new hires in the United States are census takers.

Mr. ANDREWS. I thank the gentlewoman for yielding.

Mr. Speaker, my friend from Texas made a statement, I believe, that most of the jobs created were census jobs. Did the gentleman tell us how many jobs were census agency jobs created in the last 2 months?

I yield to the gentleman to answer the question.

Mr. SESSIONS. I thank the gentleman for asking.

You know, I had seen a report, and we received information up in the Rules Committee that there would be an expectation of 500,000 census jobs across the country.

Mr. ANDREWS. Reclaiming my time, the gentleman said that most of the jobs created in the last 2 months were census jobs. How many were created in the last 2 months that are census jobs?

I yield to the gentleman.

Mr. SESSIONS. I appreciate the gentleman.

I think the overwhelming context I had was that the jobs that are being created are in government.

Mr. ANDREWS. Reclaiming my time, the gentleman's statement is wrong. A small minority of the jobs created in the last 2 months have been census jobs. The gentleman is wrong.

Mr. SESSIONS. I appreciate the gentleman's yielding to me.

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

Ms. SLAUGHTER. I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, a colleague on the floor just used the terminology ''confiscated,'' and I certainly want to respect her use of a word in the dictionary.

Yet I would say to men and women of the United States military, to whom we are providing funding from the revenue that we collect, that that money is not being confiscated. To those disabled veterans who are getting a tax benefit, we are not confiscating money; we are giving them dollars. To those who are on the Louisiana coast, who are going to get a benefit from the increase in the oil trust fund to help them clean up the disaster in Louisiana, we are not confiscating money but using the Federal resources to help the American people.

We are helping America. That is what this vote is about. The Republican opposition do not want to help America. We do.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time. Today

we began this rule by talking about Republicans' having received a copy of the rule and the bill at 9:06. We talked about how the Senate has left town and that we are doing this bill today to no avail, because it expires when we will all be gone, which is next week.

We've got doctors who will not be properly reimbursed. Oh, I'm sorry. That big cut occurred from this Democrat majority, and now we're trying to show up and show how we've got to help physicians. Once again, it reminds me of that firefighter who sets his own fire. This Democrat majority cut the doctors. Now we're hearing that doctors won't see Medicare patients, and now we show up to save the doctors.

Mr. Speaker, the bottom line to this whole thing is that massive, new tax increases are in this bill, while at the same time, somebody is trying to take credit for all of these millions of new jobs that will be created. Yet, when asked, the chairman of the committee had no evidence to support that. It was just an opinion.

That is exactly the same kind of opinion that we saw from the prior chairman of the Ways and Means Committee, who, when asked about the health care bill—and even though he knew it would diminish jobs because of the guesstimate of CBO of some 5 million jobs—wanted to push this as a jobs bill, wanted to push health care as a jobs bill, and now we are doing it again.

The U.S. Chamber says changes to the tax treatment of real estate, energy, and investment partnerships will result in negative consequences for capital formation, innovation in real estate, energy, investment, and jobs in America.

The bottom line is that this Democrat majority has three big political items, not just taxes and spending, but the three largest political items will net lose 10 million American jobs, as decided by the Congressional Budget Office.

This Democrat majority is insistent on killing jobs in America. They are insistent on taxing and spending. They are for the diminishment of the investor, and they are going to kill the goose that lays the golden egg. I think it is a big mistake to try and show up and say, Those darned Republicans won't go along with us. They won't vote for an extension of unemployment.

I will tell you what the Republican Party stands for: It is jobs, investment and the opportunity to have more jobs in this country.

Mr. Speaker, we end our debate today.

The SPEAKER pro tempore. The time of the gentleman has expired.

The gentlewoman from New York has 4¼ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, in a moment I will be offering an amendment to this rule. I want to briefly explain the amendment. It is very simple. It strikes two sections from the House amendment printed in the Rules Committee report.

No. 1: It strikes section 511, the COBRA extension.

No. 2: It strikes section 516, the State Medicaid Assistance, or FMAP.

It also makes a change in the carried interest provision, making it effective on December 31, 2010, instead of the date of enactment.

Finally, the amendment divides the question of adoption of the House amendment into two votes:

One vote will be on section 523, which is the SGR—the doc fix. The other vote will be on the remaining portions of the House amendment.

That package contains provisions to extend American Recovery and Reinvestment Act job programs. It provides tax relief to working families; extends business tax credits; provides pension relief; extends unemployment insurance, TANF, and flood insurance; provides relief for disaster areas, including relief for agriculture disaster areas; provides domestic energy tax provisions, closes tax loopholes, and hopefully prevents outsourcing.

I hope Members will vote in favor of this amendment as well as in favor of the rule and the previous question.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I have an amendment to the rule at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

AMENDMENT TO H. RES. 1403 OFFERED BY MS. SLAUGHTER OF NEW YORK

Strike all after the resolving clause and insert the following:

''That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment with the amendment printed in part A of the report of the Committee on Rules accompanying this resolution as modified by the amendment printed in part B of the report of the Committee on Rules and the further amendment printed in section 2. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion. The question of adoption of the motion shall be divided for a separate vote on the matter proposed to be inserted as section 523.

SEC. 2. The further amendment referred to in the first section is as follows:

(1) Strike section 511 of the matter proposed to be inserted by the amendment printed in part A of the report of the Committee on Rules as modified by the amendment printed in part B of the report of the Committee on Rules.

(2) Strike section 516 of the matter proposed to be inserted by the amendment printed in part A of the report of the Committee on Rules as modified by the amendment printed in part B of the report of the Committee on Rules.

(3) In section 412(f)(1) of the matter proposed to be inserted by the amendment printed in part A of the report of the Committee on Rules, strike ''the date of the enactment of this Act'' and insert ''December 31, 2010''.

(4) In section 412(f)(2) of the matter proposed to be inserted by the amendment printed in part A of the report of the Committee on Rules, strike ''the date of the enactment of this Act'' and insert ''December 31, 2010''.

(5) In section 412(f)(3) of the matter proposed to be inserted by the amendment printed in part A of the report of the Committee on Rules, strike ''the date of the enactment of this Act'' and insert ''December 31, 2010''.

(6) In section 412(f)(4) of the matter proposed to be inserted by the amendment printed in part A of the report of the Committee on Rules, strike ''the date of the enactment of this Act'' and insert ''December 31, 2010''.

(7) In section 412(f) of the matter proposed to be inserted by the amendment printed in part A of the report of the Committee on Rules, strike paragraph (5).

(8) Section 523 of the matter proposed to be inserted by the amendment printed in part A of the report of the Committee on Rules as modified by the amendment printed in part B of the report of the Committee on Rules is further amended by adding at the end the following new subsection:

''(b) Statutory Paygo. The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.''.

SEC. 3. House Resolution 1392 is laid on the table.''.

□ 1030

Ms. SLAUGHTER. Mr. Speaker, I urge a ''yes'' vote on the rule.

I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

agreeing to the Speaker's approval of the Journal;

suspending the rules and adopting House Resolution 1391;

ordering the previous question on House Resolution 1403 and on the amendment thereto;

agreeing to the amendment to House Resolution 1403, if ordered; and

adopting House Resolution 1403, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 230, nays 182, answered ''present'' 1, not voting 18, as follows:

[Roll No. 319]

YEAS—230

Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
Kirk
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Roe (TN)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—182

Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilirakis
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carney
Carter
Cassidy
Childers
Coble
Coffman (CO)
Conaway
Connolly (VA)
Costa
Crenshaw
Culberson
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
Kilroy
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McCaul
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Pence
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Salazar
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stupak
Sullivan
Taylor
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—18

Aderholt
Bishop (UT)
Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Graves
Harman
Hastings (FL)
Johnson (GA)
Jones
McMorris Rodgers
Melancon
Rush
Ryan (WI)
Schock
Shuler
Wasserman Schultz

□ 1100

Messrs. EHLERS, HIMES, CONNOLLY of Virginia, CASSIDY, YOUNG of Alaska and CARDOZA changed their vote from ''yea'' to ''nay.''

So the Journal was approved.

The result of the vote was announced as above recorded.

CONGRATULATING ISRAEL ON OECD MEMBERSHIP

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1391, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Nevada (Ms. BERKLEY) that the House suspend the rules and agree to the resolution, H. Res. 1391, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 13, as follows:

[Roll No. 320]

YEAS—418

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan (OH)

Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Baird
Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Graves
Hastings (FL)
Johnson (GA)
Jones
Melancon
Rangel
Ryan (WI)
Shuler

□ 1109

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 4213, TAX EXTENDERS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the amendment to House Resolution 1403 and on the resolution, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 182, not voting 14, as follows:

[Roll No. 321]

YEAS—235

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—182

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Driehaus
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Boren
Brown-Waite, Ginny
Buyer
Davis (AL)
Davis (KY)
Graves
Hastings (FL)
Heller
Jones
Melancon
Ryan (WI)
Shuler
Sullivan
Waters

□ 1117

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. HELLER. Mr. Speaker, on rollcall No. 321, had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 215, noes 206, not voting 11, as follows:

[Roll No. 322]

AYES—215

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wilson (OH)
Woolsey
Yarmuth

NOES—206

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boustany
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Driehaus
Duncan
Ehlers
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Loebsack
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Salazar
Sarbanes
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Weiner
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—11

Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Graves
Hastings (FL)
Jones
McIntyre
Melancon
Ryan (WI)
Shuler

□ 1127

Messrs. BOYD and WAXMAN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. MCINTYRE. Mr. Speaker, on rollcall No. 322, I was unavoidably detained, and was not present for this vote. Had I been present, I would have voted ''no.''

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 199, not voting 12, as follows:

[Roll No. 323]

AYES—221

Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—199

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Dahlkemper
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Driehaus

Duncan	Lamborn	Pitts
Ehlers	Lance	Platts
Emerson	Latham	Poe (TX)
Fallin	LaTourette	Posey
Flake	Latta	Price (GA)
Fleming	Lee (NY)	Putnam
Forbes	Lewis (CA)	Rehberg
Fortenberry	Linder	Reichert
Foxx	LoBiondo	Roe (TN)
Franks (AZ)	Lucas	Rogers (AL)
Frelinghuysen	Luetkemeyer	Rogers (KY)
Gallegly	Lummis	Rogers (MI)
Garrett (NJ)	Lungren, Daniel E.	Rohrabacher
Gerlach	Mack	Rooney
Giffords	Manzullo	Ros-Lehtinen
Gingrey (GA)	Marchant	Roskam
Gohmert	McCarthy (CA)	Royce
Goodlatte	McCaul	Salazar
Granger	McClintock	Scalise
Griffith	McCotter	Schmidt
Guthrie	McHenry	Schock
Hall (TX)	McIntyre	Sensenbrenner
Halvorson	McKeon	Shadegg
Harper	McMahon	Shimkus
Hastings (WA)	McMorris Rodgers	Shuster
Heller	Mica	Simpson
Hensarling	Michaud	Smith (NE)
Herger	Miller (FL)	Smith (NJ)
Herseth Sandlin	Miller (MI)	Smith (TX)
Hill	Miller, Gary	Stearns
Himes	Minnick	Sullivan
Hoekstra	Mitchell	Taylor
Hunter	Moran (KS)	Terry
Inglis	Murphy (NY)	Thompson (PA)
Issa	Murphy, Tim	Thornberry
Jenkins	Myrick	Tiahrt
Johnson (IL)	Napolitano	Tiberi
Johnson, Sam	Neugebauer	Turner
Jordan (OH)	Nunes	Upton
King (IA)	Nye	Walden
King (NY)	Olson	Wamp
Kingston	Paul	Westmoreland
Kirk	Paulsen	Whitfield
Kirkpatrick (AZ)	Pence	Wilson (SC)
Klein (FL)	Perriello	Wittman
Kline (MN)	Petri	Wolf
Kosmas	Pitts	Young (AK)
Kratovil	Platts	Young (FL)

NOT VOTING—12

Boren	Graves	Ryan (WI)
Brown-Waite, Ginny	Hastings (FL)	Sessions
Davis (AL)	Jones	Shuler
Davis (KY)	Melancon	
	Radanovich	

□ 1136

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTING MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. PENCE. Mr. Speaker, by direction of the House Republican Conference I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1415

Resolved, That the following members be, and are hereby, elected to the following standing committees:

COMMITTEE ON ARMED SERVICES—Mr. Djou.

COMMITTEE ON THE BUDGET—Mr. Djou.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM—Mr. Shuster.

Mr. PENCE (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TAX EXTENDERS ACT OF 2009

Mr. LEVIN. Mr. Speaker, pursuant to House Resolution 1403, I call up the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, with the Senate amendment thereto, and have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Workers, State, and Business Relief Act of 2010''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Energy

SEC. 101. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—Paragraph (3) of section 30B(k) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2009.

SEC. 102. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 103. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) IN GENERAL.—Clause (ii) of section 45(b)(4)(B) is amended by striking ''5-year period'' and inserting ''6-year period''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after December 31, 2009.

SEC. 104. CREDIT FOR REFINED COAL FACILITIES.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 45(d)(8) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 105. CREDIT FOR PRODUCTION OF LOW SULFUR DIESEL FUEL.

(a) APPLICABLE PERIOD.—Paragraph (4) of section 45H(c) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 339 of the American Jobs Creation Act of 2004.

SEC. 106. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.

(a) IN GENERAL.—Paragraph (1) of section 45K(g) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 107. NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

SEC. 108. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) IN GENERAL.—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 109. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions after December 31, 2009.

SEC. 110. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

Subtitle B—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

SEC. 111. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2009'' and inserting ''2009, or 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 112. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1) is amended by striking ''or 2009'' and inserting ''2009, or 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 113. DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 114. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 115. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 116. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

SEC. 117. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

PART II—LOW-INCOME HOUSING CREDITS

SEC. 121. ELECTION FOR REFUNDABLE LOW-INCOME HOUSING CREDIT FOR 2010.

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) ELECTION FOR REFUNDABLE CREDITS.—

''(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State's 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

''(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term '2010 low-income housing refundable credit election amount' means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

''(A) the sum of—

''(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), and

''(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, multiplied by

''(B) 10.

''(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

''(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

''(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting 'January 1, 2012' for 'January 1, 2011'.''.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''42(n),'' after ''36A,''.

Subtitle C—Business Tax Relief

SEC. 131. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 132. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 133. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subparagraph (F) of section 45D(f)(1) is amended by inserting ''and 2010'' after ''2009''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 45D(f) is amended by striking ''2014'' and inserting ''2015''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2009.

SEC. 134. RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

SEC. 135. MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 136. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

SEC. 137. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.

(a) IN GENERAL.—Clause (vii) of section 168(e)(3)(B) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 138. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking ''if such building is placed in service after December 31, 2008, and before January 1, 2010,''.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 139. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 140. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 141. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 142. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 143. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 144. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 145. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

SEC. 146. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

SEC. 147. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking ''first 4 taxable years'' and inserting ''first 5 taxable years'', and

(2) by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 148. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

SEC. 149. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.

(a) IN GENERAL.—Subparagraph (K) of section 512(b)(19) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property acquired after December 31, 2009.

SEC. 150. TIMBER REIT MODERNIZATION.

(a) IN GENERAL.—Paragraph (8) of section 856(c) is amended by striking ''means'' and all that follows and inserting ''means December 31, 2010.''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking ''the first taxable year beginning after the date of the enactment of this subparagraph'' and inserting ''in a taxable year beginning on or before the termination date''.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting ''in taxable years beginning'' after ''dispositions''.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting ''in a taxable year beginning'' after ''sale''.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting ''in a taxable year beginning'' after ''In the case of a sale''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 151. TREATMENT OF CERTAIN DIVIDENDS AND ASSETS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 152. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act, and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

SEC. 153. EXCEPTIONS FOR ACTIVE FINANCING INCOME.

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 154. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 155. REDUCTION IN CORPORATE RATE FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Paragraph (1) of section 1201(b) is amended by striking ''ending'' and all that follows through ''such date''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1201(b) is amended to read as follows:

''(3) APPLICATION OF SUBSECTION.—The qualified timber gain for any taxable year shall not exceed the qualified timber gain which would be determined by not taking into account any portion of such taxable year after December 31, 2010.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 156. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 157. EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking ''December 31, 2009'' in subsection (d)(1)(A)(i) and inserting ''December 31, 2010'', and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking ''December 31, 2014'' and inserting ''December 31, 2015'', and

(2) by striking ''2014'' in the heading and inserting ''2015''.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section,

the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2009.

SEC. 158. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''December 31, 2009'' each place it appears and inserting ''December 31, 2010''.

(b) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(2) LIMITATION ON PERIOD OF GAINS.—

(A) IN GENERAL.—Paragraph (2) of section 1400B(e) is amended—

(i) by striking ''December 31, 2014'' and inserting ''December 31, 2015'', and

(ii) by striking ''2014'' in the heading and inserting ''2015''.

(B) PARTNERSHIPS AND S-CORPS.—Paragraph (2) of section 1400B(g) is amended by striking ''December 31, 2014'' and inserting ''December 31, 2015''.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) HOMEBUYER CREDIT.—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

SEC. 159. RENEWAL COMMUNITY TAX INCENTIVES.

(a) IN GENERAL.—Subsection (b) of section 1400E is amended—

(1) by striking ''December 31, 2009'' in paragraphs (1)(A) and (3) and inserting ''December 31, 2010'', and

(2) by striking ''January 1, 2010'' in paragraph (3) and inserting ''January 1, 2011''.

(b) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400F(b) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(2) LIMITATION ON PERIOD OF GAINS.—Paragraph (2) of section 1400F(c) is amended—

(A) by striking ''December 31, 2014'' and inserting ''December 31, 2015'', and

(B) by striking ''2014'' in the heading and inserting ''2015''.

(3) CLERICAL AMENDMENT.—Subsection (d) of section 1400F is amended by striking ''and 'December 31, 2014' for 'December 31, 2014' ''.

(c) COMMERCIAL REVITALIZATION DEDUCTION.—

(1) IN GENERAL.—Subsection (g) of section 1400I is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 1400I(d)(2) is amended by striking ''after 2001 and before 2010'' and inserting ''which begins after 2001 and before the date referred to in subsection (g)''.

(d) INCREASED EXPENSING UNDER SECTION 179.—Subparagraph (A) of section 1400J(b)(1) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(e) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of a renewal community the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A) of section 1400E(b)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) ACQUISITIONS.—The amendments made by subsections (b)(1) and (d) shall apply to acquisitions after December 31, 2009.

(3) COMMERCIAL REVITALIZATION DEDUCTION.—

(A) IN GENERAL.—The amendment made by subsection (c)(1) shall apply to buildings placed in service after December 31, 2009.

(B) CONFORMING AMENDMENT.—The amendment made by subsection (c)(2) shall apply to calendar years beginning after December 31, 2009.

SEC. 160. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

SEC. 161. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first 4 taxable years'' and inserting ''first 5 taxable years'', and

(2) by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

SEC. 171. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.

(a) IN GENERAL.—Paragraph (11) of section 143(k) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) SPECIAL RULE FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—Paragraph (13) of section 143(k), as redesignated by subsection (c), is amended by striking ''January 1, 2010'' in subparagraphs (A)(i) and (B)(i) and inserting ''January 1, 2011''.

(c) TECHNICAL AMENDMENT.—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special rules for residences destroyed in federally declared disasters) as paragraph (13).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—The amendments made by subsection (b) shall apply with respect to disasters occurring after December 31, 2009.

(3) TECHNICAL AMENDMENT.—The amendment made by subsection (c) shall take effect as if included in section 709 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

SEC. 172. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subclause (I) of section 165(h)(3)(B)(i) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) $500 LIMITATION.—Paragraph (1) of section 165(h) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to federally declared disasters occurring after December 31, 2009.

(2) $500 LIMITATION.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

SEC. 173. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.

(a) IN GENERAL.—Subclause (I) of section 168(n)(2)(A)(ii) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

SEC. 174. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subclause (I) of section 172(j)(1)(A)(i) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

SEC. 175. EXPENSING OF QUALIFIED DISASTER EXPENSES.

(a) IN GENERAL.—Subparagraph (A) of section 198A(b)(2) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures on account of disasters occurring after December 31, 2009.

PART II—REGIONAL PROVISIONS

Subpart A—New York Liberty Zone

SEC. 181. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 1400L(b)(2) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 182. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Subparagraph (D) of section 1400L(d)(2) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

Subpart B—GO Zone

SEC. 183. SPECIAL DEPRECIATION ALLOWANCE.

(a) IN GENERAL.—Paragraph (6) of section 1400N(d)(6) is amended by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 184. INCREASE IN REHABILITATION CREDIT.

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 185. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act

of 2005 is amended by striking ''4-year'' and inserting ''5-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

Subpart C—Midwestern Disaster Areas

SEC. 191. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.

(a) IN GENERAL.—Section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110–343; 122 Stat. 3918) is amended—

(1) by striking ''January 1, 2010'' both places it appears and inserting ''January 1, 2011'', and

(2) by striking ''December 31, 2009'' both places it appears and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008.

SEC. 192. EXCLUSION OF CANCELLATION OF MORTGAGE INDEBTEDNESS.

(a) IN GENERAL.—Section 702(e)(4)(C) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110–343; 122 Stat. 3918) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness after December 31, 2009.

TITLE II—UNEMPLOYMENT INSURANCE, HEALTH, AND OTHER PROVISIONS

Subtitle A—Unemployment Insurance

SEC. 201. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''April 5, 2010'' each place it appears and inserting ''December 31, 2010'';

(B) in the heading for subsection (b)(2), by striking ''APRIL 5, 2010'' and inserting ''DECEMBER 31, 2010''; and

(C) in subsection (b)(3), by striking ''September 4, 2010'' and inserting ''May 31, 2011''.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking ''April 5, 2010'' and inserting ''December 31, 2010'';

(B) in the heading for paragraph (2), by striking ''APRIL 5, 2010'' and inserting ''DECEMBER 31, 2010''; and

(C) in paragraph (3), by striking ''October 5, 2010'' and inserting ''June 30, 2011''.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''April 5, 2010'' each place it appears and inserting ''January 1, 2011''; and

(B) in subsection (c), by striking ''September 4, 2010'' and inserting ''June 1, 2011''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''September 4, 2010'' and inserting ''May 31, 2011''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking ''and'' at the end; and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) the amendments made by section 201(a)(1) of the American Workers, State, and Business Relief Act of 2010; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010.

Subtitle B—Health Provisions

SEC. 211. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by section 3 of the Temporary Extension Act of 2010, is amended by striking ''March 31, 2010'' and inserting ''December 31, 2010''.

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by subsection (b)(1)(C), is further amended by adding at the end the following:

''(18) RULES RELATED TO 2010 EXTENSION.—

''(A) ELECTION TO PAY PREMIUMS RETROACTIVELY AND MAINTAIN COBRA COVERAGE.—In the case of any premium for a period of coverage during an assistance eligible individual's 2010 transition period, such individual shall be treated for purposes of any COBRA continuation provision as having timely paid the amount of such premium if—

''(i) such individual's qualifying event was on or after April 1, 2010 and prior to the date of enactment of this paragraph, and

''(ii) such individual pays, by the latest of 60 days after the date of the enactment of this paragraph, 30 days after the date of provision of the notification required under paragraph (16)(D)(ii) (as applied by subparagraph (D) of this paragraph), or the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986, the amount of such premium, after the application of paragraph (1)(A).

''(B) REFUNDS AND CREDITS FOR RETROACTIVE PREMIUM ASSISTANCE ELIGIBILITY.—In the case of an assistance eligible individual who pays, with respect to any period of COBRA continuation coverage during such individual's 2010 transition period, the premium amount for such coverage without regard to paragraph (1)(A), rules similar to the rules of paragraph (12)(E) shall apply.

''(C) 2010 TRANSITION PERIOD.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'transition period' means, with respect to any assistance eligible individual, any period of coverage if—

''(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the American Workers, State, and Business Relief Act of 2010, and

''(II) paragraph (1)(A) applies to such period by reason of the amendments made by section 211 of the American Workers, State, and Business Relief Act of 2010.

''(ii) CONSTRUCTION.—Any period during the period described in subclauses (I) and (II) of clause (i) for which the applicable premium has been paid pursuant to subparagraph (A) shall be treated as a period of coverage referred to in such paragraph, irrespective of any failure to timely pay the applicable premium (other than pursuant to subparagraph (A)) for such period.

''(D) NOTIFICATION.—Notification provisions similar to the provisions of paragraph (16)(E) shall apply for purposes of this paragraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SEC. 212. EXTENSION OF THERAPY CAPS EXCEPTIONS PROCESS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''March 31, 2010'' and inserting ''December 31, 2010''.

SEC. 213. TREATMENT OF PHARMACIES UNDER DURABLE MEDICAL EQUIPMENT ACCREDITATION REQUIREMENTS.

(a) IN GENERAL.—Section 1834(a)(20) of the Social Security Act (42 U.S.C. 1395m(a)(20)) is amended—

(1) in subparagraph (F)—

(A) in clause (i)—

(i) by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)'';

(ii) by striking ''January 1, 2010'' and inserting ''January 1, 2011''; and

(iii) by striking ''and'' at the end;

(B) in clause (ii)(II), by striking the period at the end and inserting ''; and'';

(C) by inserting after clause (ii)(II) the following new clause:

''(iii)(I) subject to subclause (II), with respect to items and services furnished on or after January 1, 2011, the accreditation requirement of clause (i) shall not apply to a pharmacy described in subparagraph (G); and

''(II) effective with respect to items and services furnished on or after the date of the enactment of this subparagraph, the Secretary may apply to pharmacies quality standards and an accreditation requirement established by the Secretary that are an alternative to the quality standards and accreditation requirement otherwise applicable under this paragraph if the Secretary determines such alternative quality standards and accreditation requirement are appropriate for pharmacies.''; and

(D) by adding at the end the following flush sentence:

''If determined appropriate by the Secretary, any alternative quality standards and accreditation requirement established under clause (iii)(II) may differ for categories of pharmacies established by the Secretary (such as pharmacies described in subparagraph (G)).''; and

(2) by adding at the end the following new subparagraph:

''(G) PHARMACY DESCRIBED.—A pharmacy described in this subparagraph is a pharmacy that meets each of the following criteria:

''(i) The total billings by the pharmacy for such items and services under this title are less than 5 percent of total pharmacy sales for a previous period (of not less than 24 months) specified by the Secretary.

''(ii) The pharmacy has been enrolled under section 1866(j) as a supplier of durable medical equipment, prosthetics, orthotics, and supplies, has been issued (which may include the renewal of) a provider number for at least 2 years, and for which a final adverse action (as defined in section 424.57(a) of title 42, Code of Federal Regulations) has not been imposed in the past 2 years.

''(iii) The pharmacy submits to the Secretary an attestation, in a form and manner, and at a time, specified by the Secretary, that the pharmacy meets the criteria described in clauses (i) and (ii).

''(iv) The pharmacy agrees to submit materials as requested by the Secretary, or during the course of an audit conducted on a random sample of pharmacies selected annually, to verify that the pharmacy meets the criteria described in clauses (i) and (ii). Materials submitted under the preceding sentence shall include a certification by an independent accountant on behalf of the pharmacy or the submission of tax returns filed by the pharmacy during the relevant periods, as requested by the Secretary.''.

(b) CONFORMING AMENDMENTS.—Section 1834(a)(20)(E) of the Social Security Act (42 U.S.C. 1395m(a)(20)(E)) is amended—

(1) in the first sentence, by striking ''The'' and inserting ''Except as provided in the third sentence, the''; and

(2) by adding at the end the following new sentences: ''Notwithstanding the preceding sentences, any alternative quality standards and accreditation requirement established under subparagraph (F)(iii)(II) shall be established through notice and comment rulemaking. The Secretary may implement by program instruction or otherwise subparagraph (G) after consultation with representatives of relevant parties. The specifications developed by the Secretary in order to implement subparagraph (G) shall be posted on the Internet website of the Centers for Medicare & Medicaid Services.''.

(c) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to this section.

(d) RULE OF CONSTRUCTION.—Nothing in the provisions of, or amendments made by, this section shall be construed as affecting the application of an accreditation requirement for pharmacies to qualify for bidding in a competitive acquisition area under section 1847 of the Social Security Act (42 U.S.C. 1395w–3).

(e) WAIVER OF 1-YEAR REENROLLMENT BAR.—In the case of a pharmacy described in subparagraph (G) of section 1834(a)(20) of the Social Security Act, as added by subsection (a), whose billing privileges were revoked prior to January 1, 2011, by reason of noncompliance with subparagraph (F)(i) of such section, the Secretary of Health and Human Services shall waive any reenrollment bar imposed pursuant to section 424.535(d) of title 42, Code of Federal Regulations (as in effect on the date of the enactment of this Act) for such pharmacy to reapply for such privileges.

SEC. 214. ENHANCED PAYMENT FOR MENTAL HEALTH SERVICES.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 215. EXTENSION OF AMBULANCE ADD-ONS.

(a) IN GENERAL.—Section 1834(l)(13) of the Social Security Act (42 U.S.C. 1395m(l)(13)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''before January 1, 2010'' and inserting ''before January 1, 2011''; and

(B) in each of clauses (i) and (ii), by striking ''before January 1, 2010'' and inserting ''before January 1, 2011''.

(b) AIR AMBULANCE IMPROVEMENTS.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275) is amended by striking ''ending on December 31, 2009'' and inserting ''ending on December 31, 2010''.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended—

(1) in the first sentence, by striking ''2010'' and inserting ''2011''; and

(2) by adding at the end the following new sentence: ''For purposes of applying this subparagraph for ground ambulance services furnished on or after January 1, 2010, and before January 1, 2011, the Secretary shall use the percent increase that was applicable under this subparagraph to ground ambulance services furnished during 2009.''.

SEC. 216. EXTENSION OF GEOGRAPHIC FLOOR FOR WORK.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''before January 1, 2010'' and inserting ''before January 1, 2011''.

SEC. 217. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), and section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended by striking ''and 2009'' and inserting ''2009, and 2010''.

SEC. 218. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

(a) IN GENERAL.—Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)) is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking ''2010''and inserting ''2011''; and

(B) in the second sentence, by striking ''or 2009'' and inserting '', 2009, or 2010''; and

(2) in subclause (III), by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) PERMITTING ALL SOLE COMMUNITY HOSPITALS TO BE ELIGIBLE FOR HOLD HARMLESS.—Section 1833(t)(7)(D)(i)(III) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)(III)) is amended by adding at the end the following new sentence: ''In the case of covered OPD services furnished on or after January 1, 2010, and before January 1, 2011, the preceding sentence shall be applied without regard to the 100-bed limitation.''.

SEC. 219. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–4(o)(1)(C)(ii)) is amended by striking ''setting (whether inpatient or outpatient)'' and inserting ''inpatient or emergency room setting''.

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking ''setting (whether inpatient or outpatient)'' and inserting ''inpatient or emergency room setting''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the amendments made by this section by program instruction or otherwise.

SEC. 220. EXTENSION OF REIMBURSEMENT FOR ALL MEDICARE PART B SERVICES FURNISHED BY CERTAIN INDIAN HOSPITALS AND CLINICS.

Section 1880(e)(1)(A) of the Social Security Act (42 U.S.C. 1395qq(e)(1)(A)) is amended by striking ''5-year period'' and inserting ''6-year period''.

SEC. 221. EXTENSION OF CERTAIN PAYMENT RULES FOR LONG-TERM CARE HOSPITAL SERVICES AND OF MORATORIUM ON THE ESTABLISHMENT OF CERTAIN HOSPITALS AND FACILITIES.

(a) EXTENSION OF CERTAIN PAYMENT RULES.—Section 114(c) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395ww note), as amended by section 4302(a) of the American Recovery and Reinvestment Act (Public Law 111–5), is amended by striking ''3-year period'' each place it appears and inserting ''4-year period''.

(b) EXTENSION OF MORATORIUM.—Section 114(d)(1) of such Act (42 U.S.C. 1395ww note), as amended by section 4302(b) of the American Recovery and Reinvestment Act (Public Law 111–5), in the matter preceding subparagraph (A), is amended by striking ''3-year period'' and inserting ''4-year period''.

SEC. 222. EXTENSION OF THE MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.

Section 1820(j) of the Social Security Act (42 U.S.C. 1395i–4(j)) is amended—

(1) by striking ''2010, and for'' and inserting ''2010, for''; and

(2) by inserting ''and for making grants to all States under subsection (g), such sums as may be necessary in fiscal year 2011, to remain available until expended'' before the period at the end.

SEC. 223. EXTENSION OF SECTION 508 HOSPITAL RECLASSIFICATIONS.

(a) IN GENERAL.—Subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) and section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

(b) SPECIAL RULE FOR FISCAL YEAR 2010.—For purposes of implementation of the amendment made by subsection (a), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), as amended by section 124(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2010, the Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on August 27, 2009 (74 Fed. Reg. 43754), and any subsequent corrections.

SEC. 224. TECHNICAL CORRECTION RELATED TO CRITICAL ACCESS HOSPITAL SERVICES.

(a) IN GENERAL.—Subsections (g)(2)(A) and (l)(8) of section 1834 of the Social Security Act (42 U.S.C. 1395m) are each amended by inserting ''101 percent of'' before ''the reasonable costs''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 405(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2266).

SEC. 225. EXTENSION FOR SPECIALIZED MA PLANS FOR SPECIAL NEEDS INDIVIDUALS.

(a) IN GENERAL.—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w–28(f)(1)) is amended by striking ''2011'' and inserting ''2012''.

(b) TEMPORARY EXTENSION OF AUTHORITY TO OPERATE BUT NO SERVICE AREA EXPANSION FOR DUAL SPECIAL NEEDS PLANS THAT DO NOT MEET CERTAIN REQUIREMENTS.—Section 164(c)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 226. EXTENSION OF REASONABLE COST CONTRACTS.

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)) is amended, in the matter preceding subclause (I), by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

SEC. 227. EXTENSION OF PARTICULAR WAIVER POLICY FOR EMPLOYER GROUP PLANS.

For plan year 2011 and subsequent plan years, to the extent that the Secretary of Health and Human Services is applying the 2008 service area extension waiver policy (as modified in the April 11, 2008, Centers for Medicare & Medicaid Services' memorandum with the subject ''2009 Employer Group Waiver-Modification of the 2008 Service Area Extension Waiver Granted to Certain MA Local Coordinated Care Plans'') to Medicare Advantage coordinated care plans, the Secretary shall extend the application of such waiver policy to employers who contract directly with the Secretary as a Medicare Advantage private fee-for-service plan under section 1857(i)(2) of the Social Security Act (42 U.S.C. 1395w–27(i)(2)) and that had enrollment as of January 1, 2010.

SEC. 228. EXTENSION OF CONTINUING CARE RETIREMENT COMMUNITY PROGRAM.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall continue to conduct the Erickson Advantage Continuing Care Retirement Community (CCRC) program under part C of title XVIII of the Social Security Act through December 31, 2011.

SEC. 229. FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for

Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note) is amended by striking ''(42 U.S.C. 1395w–23(f))'' and all that follows through the period at the end and inserting ''(42 U.S.C. 1395w–23(f)), to the Centers for Medicare & Medicaid Services Program Management Account—

''(i) for fiscal year 2009, of $7,500,000; and

''(ii) for fiscal year 2010, of $6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.''.

(b) ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.—Subsection (b)(1)(B) of such section 119 is amended by striking ''(42 U.S.C. 1395w–23(f))'' and all that follows through the period at the end and inserting ''(42 U.S.C. 1395w–23(f)), to the Administration on Aging—

''(i) for fiscal year 2009, of $7,500,000; and

''(ii) for fiscal year 2010, of $6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.''.

(c) ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of such section 119 is amended by striking ''(42 U.S.C. 1395w–23(f))'' and all that follows through the period at the end and inserting ''(42 U.S.C. 1395w–23(f)), to the Administration on Aging—

''(i) for fiscal year 2009, of $5,000,000; and

''(ii) for fiscal year 2010, of $6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.''.

(d) ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2) of such section 119 is amended by striking ''(42 U.S.C. 1395w–23(f))'' and all that follows through the period at the end and inserting ''(42 U.S.C. 1395w–23(f)), to the Administration on Aging—

''(i) for fiscal year 2009, of $5,000,000; and

''(ii) for fiscal year 2010, of $2,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.''.

SEC. 230. FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501(c)(1)(A)(iii) of the Social Security Act (42 U.S.C. 701(c)(1)(A)(iii)) is amended by striking ''fiscal year 2009'' and inserting ''each of fiscal years 2009 through 2011''.

SEC. 231. IMPLEMENTATION FUNDING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to titles XVIII and XIX of the Social Security Act, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, $100,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

SEC. 232. EXTENSION OF ARRA INCREASE IN FMAP.

Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(3), by striking ''first calendar quarter'' and inserting ''first 3 calendar quarters'';

(2) in subsection (c)—

(A) in paragraph (2)(B), by striking ''July 1, 2010'' and inserting ''January 1, 2011'';

(B) in paragraph (3)(B)(i), by striking ''July 1, 2010'' each place it appears and inserting ''January 1, 2011''; and

(C) in paragraph (4)(C)(ii), by striking ''the 3-consecutive-month period beginning with January 2010'' and inserting ''any 3-consecutive-month period that begins after December 2009 and ends before January 2011'';

(3) in subsection (g)—

(A) in paragraph (1), by striking ''September 30, 2011'' and inserting ''March 31, 2012'';

(B) in paragraph (2)—

(i) by inserting ''of such Act'' after ''1923''; and

(ii) by adding at the end the following new sentence: ''Voluntary contributions by a political subdivision to the non-Federal share of expenditures under the State Medicaid plan or to the non-Federal share of payments under section 1923 of the Social Security Act shall not be considered to be required contributions for purposes of this section.''; and

(C) by adding at the end the following:

''(3) CERTIFICATION BY CHIEF EXECUTIVE OFFICER.—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the period beginning on January 1, 2011, and ending on June 30, 2011, unless, not later than 45 days after the date of enactment of this paragraph, the chief executive officer of the State certifies that the State will request and use such additional Federal funds.''; and

(4) in subsection (h)(3), by striking ''December 31, 2010'' and inserting ''June 30, 2011''.

SEC. 233. EXTENSION OF GAINSHARING DEMONSTRATION.

(a) IN GENERAL.—Subsection (d)(3) of section 5007 of the Deficit Reduction Act of 2005 (Public Law 109–171) is amended by inserting ''(or 21 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010, in the case of a demonstration project in operation as of October 1, 2008)'' after ''December 31, 2009''.

(b) FUNDING.—

(1) IN GENERAL.—Subsection (f)(1) of such section is amended by inserting ''and for fiscal year 2010, $1,600,000,'' after ''$6,000,000,''.

(2) AVAILABILITY.—Subsection (f)(2) of such section is amended by striking ''2010'' and inserting ''2014 or until expended''.

(c) REPORTS.—

(1) QUALITY IMPROVEMENT AND SAVINGS.—Subsection (e)(3) of such section is amended by striking ''December 1, 2008'' and inserting ''18 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010''.

(2) FINAL REPORT.—Subsection (e)(4) of such section is amended by striking ''May 1, 2010'' and inserting ''42 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010''.

Subtitle C—Other Provisions

SEC. 241. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118) is amended—

(1) by striking ''before March 31, 2010''; and

(2) by inserting ''for 2011'' after ''until updated poverty guidelines''.

SEC. 242. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—Subchapter A of chapter 65 is amended by adding at the end the following new section:

''SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

''(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2010.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

''Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

SEC. 243. STATE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking ''2010'' and inserting ''2011''; and

(2) in subsection (e), by striking ''2010'' and inserting ''2011''.

SEC. 244. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 1005 of Public Law 111–118, is further amended by striking ''by substituting'' and all that follows through the period at the end, and inserting ''by substituting December 31, 2010, for the date specified in each such section.''. The amendment made by this section shall be considered to have taken effect on February 28, 2010.

SEC. 245. EMERGENCY DISASTER ASSISTANCE.

(a) DEFINITIONS.—Except as otherwise provided in this section, in this section:

(1) DISASTER COUNTY.—

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 crop year.

(B) EXCLUSION.—The term ''disaster county'' does not include a contiguous county.

(2) ELIGIBLE AQUACULTURE PRODUCER.—The term ''eligible aquaculture producer'' means an aquaculture producer that during the 2009 calendar year, as determined by the Secretary—

(A) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(B) experienced a substantial price increase of feed costs above the previous 5-year average.

(3) ELIGIBLE PRODUCER.—The term ''eligible producer'' means an agricultural producer in a disaster county.

(4) ELIGIBLE SPECIALTY CROP PRODUCER.—The term ''eligible specialty crop producer'' means an agricultural producer that, for the 2009 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced crop losses in a disaster county due to drought, excessive rainfall, or a related condition.

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term ''qualifying natural disaster declaration'' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(7) SPECIALTY CROP.—The term ''specialty crop'' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

(b) SUPPLEMENTAL DIRECT PAYMENT.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than fruits and vegetables or crops intended for grazing) suffer at least a 5-percent crop loss due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2009 crop year on the farm.

(2) ACRE PROGRAM.—Eligible producers that received payments under section 1105 of the

Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) for the 2009 crop year and that otherwise meet the requirements of paragraph (1) shall be eligible to receive supplemental payments under that paragraph in an amount equal to 112.5 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) SPECIALTY CROP ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

(2) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States for disaster counties on a pro rata basis based on the value of specialty crop losses in those counties during the 2009 calendar year, as determined by the Secretary.

(B) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(C) MAXIMUM GRANT.—The maximum amount of a grant made to a State for counties described in paragraph (1)(B) may not exceed $40,000,000.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible specialty crop producers;

(B) provide assistance to eligible specialty crop producers not later than 90 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(5) PROHIBITION.—An eligible specialty crop producer that receives assistance under this subsection shall be ineligible to receive assistance under subsection (b).

(6) RELATION TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(d) COTTONSEED ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $42,000,000 to provide supplemental assistance to eligible producers and first-handlers of the 2009 crop of cottonseed in a disaster county.

(2) GENERAL TERMS.—Except as otherwise provided in this subsection, the Secretary shall provide disaster assistance under this subsection under the same terms and conditions as assistance provided under section 3015 of the Emergency Agricultural Disaster Assistance Act of 2006 (title III of Public Law 109–234; 120 Stat. 477).

(3) DISTRIBUTION OF ASSISTANCE.—The Secretary shall distribute assistance to first handlers for the benefit of eligible producers in a disaster county in an amount equal to the product obtained by multiplying—

(A) the payment rate, as determined under paragraph (4); and

(B) the county-eligible production, as determined under paragraph (5).

(4) PAYMENT RATE.—The payment rate shall be equal to the quotient obtained by dividing—

(A) the sum of the county-eligible production, as determined under paragraph (5); by

(B) the total funds made available to carry out this subsection.

(5) COUNTY-ELIGIBLE PRODUCTION.—The county-eligible production shall be equal to the product obtained by multiplying—

(A) the number of acres planted to cotton in the disaster county, as reported to the Secretary by first-handlers;

(B) the expected cotton lint yield for the disaster county, as determined by the Secretary based on the best available information; and

(C) the national average seed-to-lint ratio, as determined by the Secretary based on the best available information for the 5 crop years immediately preceding the 2009 crop, excluding the year in which the average ratio was the highest and the year in which the average ratio was the lowest in such period.

(e) AQUACULTURE ASSISTANCE.—

(1) GRANT PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $25,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2009 calendar year.

(B) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(C) PROVISION OF GRANTS.—

(i) IN GENERAL.—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2008 calendar year, as determined by the Secretary.

(ii) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(D) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(i) use grant funds to assist eligible aquaculture producers;

(ii) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(iii) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(I) the manner in which the State provided assistance;

(II) the amounts of assistance provided per species of aquaculture; and

(III) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(2) REDUCTION IN PAYMENTS.—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2009 relating to the same species of aquaculture.

(3) REPORT TO CONGRESS.—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (1)(D)(iii).

(f) HAWAII TRANSPORTATION COOPERATIVE.—Notwithstanding any other provision of law, the Secretary shall use $21,000,000 of funds of the Commodity Credit Corporation to make a payment to an agricultural transportation cooperative in the State of Hawaii, the members of which are eligible to participate in the commodity loan program of the Farm Service Agency, for assistance to maintain and develop employment.

(g) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) DEFINITION OF DISASTER COUNTY.—In this subsection:

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration announced by the Secretary in calendar year 2009.

(B) INCLUSION.—The term ''disaster county'' includes a contiguous county.

(2) PAYMENTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $50,000,000 to carry out a program to make payments to eligible producers that had grazing losses in disaster counties in calendar year 2009.

(3) CRITERIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), assistance under this subsection shall be determined under the same criteria as are used to carry out the programs under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(B) DROUGHT INTENSITY.—For purposes of this subsection, an eligible producer shall not be required to meet the drought intensity requirements of section 531(d)(3)(D)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(D)(ii)) and section 901(d)(3)(D)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(D)(ii)).

(4) AMOUNT.—Assistance under this subsection shall be in an amount equal to 1 monthly payment using the monthly payment rate under section 531(d)(3)(B) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(B)) and section 901(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(B)).

(5) RELATION TO OTHER LAW.—An eligible producer that receives assistance under this subsection shall be ineligible to receive assistance for 2009 grazing losses under the program carried out under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(h) EMERGENCY LOANS FOR POULTRY PRODUCERS.—

(1) DEFINITIONS.—In this subsection:

(A) ANNOUNCEMENT DATE.—The term ''announcement date'' means the date on which the Secretary announces the emergency loan program under this subsection.

(B) POULTRY INTEGRATOR.—The term ''poultry integrator'' means a poultry integrator that

filed proceedings under chapter 11 of title 11, United States Code, in United States Bankruptcy Court during the 30-day period beginning on December 1, 2008.

(2) LOAN PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $75,000,000, to remain available until expended, for the cost of making no-interest emergency loans available to poultry producers that meet the requirements of this subsection.

(B) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, emergency loans under this subsection shall be subject to such terms and conditions as are determined by the Secretary.

(3) LOANS.—

(A) IN GENERAL.—An emergency loan made to a poultry producer under this subsection shall be for the purpose of providing financing to the poultry producer in response to financial losses associated with the termination or nonrenewal of any contract between the poultry producer and a poultry integrator.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible for an emergency loan under this subsection, not later than 90 days after the announcement date, a poultry producer shall submit to the Secretary evidence that—

(I) the contract of the poultry producer described in subparagraph (A) was not continued; and

(II) no similar contract has been awarded subsequently to the poultry producer.

(ii) REQUIREMENT TO OFFER LOANS.—Notwithstanding any other provision of law, if a poultry producer meets the eligibility requirements described in clause (i), subject to the availability of funds under paragraph (2)(A), the Secretary shall offer to make a loan under this subsection to the poultry producer with a minimum term of 2 years.

(4) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—A poultry producer that receives an emergency loan under this subsection may use the emergency loan proceeds only to repay the amount that the poultry producer owes to any lender for the purchase, improvement, or operation of the poultry farm.

(B) CONVERSION OF THE LOAN.—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(i) STATE AND LOCAL GOVERNMENTS.—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting ''(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)'' before the period at the end.

(j) ADMINISTRATION.—

(1) REGULATIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section and the amendment made by this section.

(B) PROCEDURE.—The promulgation of the regulations and administration of this section and the amendment made by this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(C) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(2) ADMINISTRATIVE COSTS.—Of the funds of the Commodity Credit Corporation, the Secretary may use up to $10,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.

(3) PROHIBITION.—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

SEC. 246. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Small Business Administration—Business Loans Program Account'', $560,000,000, to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151), as amended by this section, for loans guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), or section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section,

Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF PROGRAMS.—

(1) FEES.—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) is amended by striking ''September 30, 2010'' each place it appears and inserting ''December 31, 2010''.

(2) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''March 28, 2010'' and inserting ''December 31, 2010''.

(3) EFFECTIVE DATE FOR LOAN GUARANTEES.—The amendment made by paragraph (2) shall take effect on February 27, 2010.

TITLE III—PENSION FUNDING RELIEF

Subtitle A—Single Employer Plans

SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the

Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 302(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 412(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

''SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

''(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an 'election year'), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to 'such Act' or 'such Code' shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

''(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

''(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

''(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

''(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

''(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

''(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

''(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

''(B) the increased unfunded new liability for such plan year, and

''(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(d) ELECTION.—

''(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

''(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

''(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

''(e) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

''(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term 'pre-effective date plan year' means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

''(3) INCREASED UNFUNDED NEW LIABILITY.—The term 'increased unfunded new liability' means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act and section

412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

''(4) OTHER DEFINITIONS.—The terms 'unfunded new liability' and 'current liability' shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.''.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking ''eligible cooperative plan'' wherever it appears in subsections (a) and (b) and inserting ''eligible cooperative plan or an eligible charity plan'', and

(2) by adding at the end the following new subsection:

''(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

SEC. 303. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

''(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(I) such percentage, as determined without regard to this subparagraph, or

''(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term 'applicable provision' means—

''(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(II) paragraph (4).''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(i) such percentage, as determined without regard to this paragraph, or

''(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

''(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

''(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term 'applicable provision' means—

''(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(ii) subsection (e).''.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 304. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

''(I) such ratio, as determined without regard to this subparagraph, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.''.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

''(I) such ratio, as determined without regard to this subsection, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

Subtitle B—Multiemployer Plans

SEC. 311. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

TITLE IV—OFFSET PROVISIONS

Subtitle A—Black Liquor

SEC. 401. EXCLUSION OF UNPROCESSED FUELS FROM THE CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 40(b)(6) is amended by adding at the end the following new clause:

''(iii) EXCLUSION OF UNPROCESSED FUELS.—The term 'cellulosic biofuel' shall not include any fuel if—

''(I) more than 4 percent of such fuel (determined by weight) is any combination of water and sediment, or

''(II) the ash content of such fuel is more than 1 percent (determined by weight).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

SEC. 402. PROHIBITION ON ALTERNATIVE FUEL CREDIT AND ALTERNATIVE FUEL MIXTURE CREDIT FOR BLACK LIQUOR.

(a) IN GENERAL.—The last sentence of section 6426(d)(2) is amended by striking ''or biodiesel'' and inserting ''biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel sold or used after December 31, 2009.

Subtitle B—Homebuyer Credit

SEC. 411. TECHNICAL MODIFICATIONS TO HOMEBUYER CREDIT.

(a) EXPANDED DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36, as amended by the Worker, Homeownership, and Business Assistance Act of 2009, is amended—

(1) by striking ''or'' at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting a comma, and

(3) by adding at the end the following new paragraphs:

''(5) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (c)(6), the taxpayer fails to attach to the return of tax for such taxable year a copy of such property tax bills or other documentation as are required by the Secretary to demonstrate compliance with the requirements of subsection (c)(6), or

''(6) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (h)(2), the taxpayer fails to attach to the return of tax for such taxable year a copy of the binding contract which meets the requirements of subsection (h)(2).''.

(b) MODIFICATION OF EFFECTIVE DATE OF DOCUMENTATION REQUIREMENTS.—Paragraph (2) of section 12(e) of the Worker, Homeownership, and Business Assistance Act of 2009 is amended by striking ''returns for taxable years ending after the date of the enactment of this Act'' and inserting ''returns filed after the date of the enactment of this Act''.

(c) EFFECTIVE DATES.—

(1) DOCUMENTATION REQUIREMENTS.—The amendments made by subsection (a) shall apply to purchases on or after the date of the enactment of this Act.

(2) EFFECTIVE DATE OF WORKER, HOMEOWNERSHIP, AND BUSINESS ASSISTANCE ACT.—The amendment made by subsection (b) shall apply to purchases of a principal residence on or after the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009.

Subtitle C—Economic Substance

SEC. 421. CODIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; PENALTIES.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

''(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.—

''(1) APPLICATION OF DOCTRINE.—In the case of any transaction to which the economic substance doctrine is relevant, such transaction shall be treated as having economic substance only if—

''(A) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer's economic position, and

''(B) the taxpayer has a substantial purpose (apart from Federal income tax effects) for entering into such transaction.

''(2) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—

''(A) IN GENERAL.—The potential for profit of a transaction shall be taken into account in determining whether the requirements of subparagraphs (A) and (B) of paragraph (1) are met with respect to the transaction only if the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected.

''(B) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses shall be taken into account as expenses in determining pre-tax profit under subparagraph (A). The Secretary may issue regulations requiring foreign taxes to be treated as expenses in determining pre-tax profit in appropriate cases.

''(3) STATE AND LOCAL TAX BENEFITS.—For purposes of paragraph (1), any State or local income tax effect which is related to a Federal income tax effect shall be treated in the same manner as a Federal income tax effect.

''(4) FINANCIAL ACCOUNTING BENEFITS.—For purposes of paragraph (1)(B), achieving a financial accounting benefit shall not be taken into account as a purpose for entering into a transaction if the origin of such financial accounting benefit is a reduction of Federal income tax.

''(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, paragraph (1) shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(C) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(D) DETERMINATION OF APPLICATION OF DOCTRINE NOT AFFECTED.—The determination of whether the economic substance doctrine is relevant to a transaction shall be made in the same manner as if this subsection had never been enacted.

''(E) TRANSACTION.—The term 'transaction' includes a series of transactions.

''(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.''.

(b) PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

''(6) Any disallowance of claimed tax benefits by reason of a transaction lacking economic substance (within the meaning of section 7701(o)) or failing to meet the requirements of any similar rule of law.''.

(2) INCREASED PENALTY FOR NONDISCLOSED TRANSACTIONS.—Section 6662 is amended by adding at the end the following new subsection:

''(i) INCREASE IN PENALTY IN CASE OF NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—

''(1) IN GENERAL.—In the case of any portion of an underpayment which is attributable to one or more nondisclosed noneconomic substance transactions, subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.

''(2) NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—For purposes of this subsection, the term 'nondisclosed noneconomic substance transaction' means any portion of a transaction described in subsection (b)(6) with respect to which the relevant facts affecting the tax treatment are not adequately disclosed in the return nor in a statement attached to the return.

''(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any amendment or supplement to a return of tax be taken into account for purposes of this subsection if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.''.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended—

(A) by striking ''section 6662(h)'' and inserting ''subsections (h) or (i) of section 6662''; and

(B) by striking ''GROSS VALUATION MISSTATEMENT PENALTY'' in the heading and inserting ''CERTAIN INCREASED UNDERPAYMENT PENALTIES''.

(c) REASONABLE CAUSE EXCEPTION NOT APPLICABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.—

(1) REASONABLE CAUSE EXCEPTION FOR UNDERPAYMENTS.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking ''paragraph (2)'' in paragraph (4)(A), as so redesignated, and inserting ''paragraph (3)''; and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of an underpayment which is attributable to one or more transactions described in section 6662(b)(6).''.

(2) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—Subsection (d) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking ''paragraph (2)(C)'' in paragraph (4), as so redesignated, and inserting ''paragraph (3)(C)''; and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a reportable transaction understatement which is attributable to one or more transactions described in section 6662(b)(6).''.

(d) APPLICATION OF PENALTY FOR ERRONEOUS CLAIM FOR REFUND OR CREDIT TO NONECONOMIC SUBSTANCE TRANSACTIONS.—Section 6676 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

''(c) NONECONOMIC SUBSTANCE TRANSACTIONS TREATED AS LACKING REASONABLE BASIS.—For purposes of this section, any excessive amount which is attributable to any transaction described in section 6662(b)(6) shall not be treated as having a reasonable basis.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

(2) UNDERPAYMENTS.—The amendments made by subsections (b) and (c)(1) shall apply to underpayments attributable to transactions entered into after the date of the enactment of this Act.

(3) UNDERSTATEMENTS.—The amendments made by subsection (c)(2) shall apply to understatements attributable to transactions entered into after the date of the enactment of this Act.

(4) REFUNDS AND CREDITS.—The amendment made by subsection (d) shall apply to refunds and credits attributable to transactions entered into after the date of the enactment of this Act.

Subtitle D—Additional Provisions

SEC. 431. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1)(A) of the Social Security Act (42 U.S.C. 1395iii(b)(1)(A)), as amended by section 1011(b) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), is amended by striking ''$20,740,000,000'' and inserting ''$12,740,000,000''.

TITLE V—SATELLITE TELEVISION EXTENSION

SEC. 500. SHORT TITLE.

This title may be cited as the ''Satellite Television Extension and Localism Act of 2010''.

Subtitle A—Statutory Licenses

SEC. 501. REFERENCE.

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of title 17, United States Code.

SEC. 502. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 119 is amended by striking ''**superstations and network stations for private home viewing**'' and inserting ''**distant television programming by satellite**''.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 119 and inserting the following:

''119. Limitations on exclusive rights: Secondary transmissions of distant television programming by satellite.''.

(b) UNSERVED HOUSEHOLD DEFINED.—

(1) IN GENERAL.—Section 119(d)(10) is amended—

(A) by striking subparagraph (A) and inserting the following:

''(A) cannot receive, through the use of an antenna, an over-the-air signal containing the primary stream, or, on or after the qualifying date, the multicast stream, originating in that household's local market and affiliated with that network of—

''(i) if the signal originates as an analog signal, Grade B intensity as defined by the Federal Communications Commission in section 73.683(a) of title 47, Code of Federal Regulations, as in effect on January 1, 1999; or

''(ii) if the signal originates as a digital signal, intensity defined in the values for the digital television noise-limited service contour, as defined in regulations issued by the Federal Communications Commission (section 73.622(e) of title 47, Code of Federal Regulations), as such regulations may be amended from time to time;'';

(B) in subparagraph (B)—

(i) by striking ''subsection (a)(14)'' and inserting ''subsection (a)(13),''; and

(ii) by striking ''Satellite Home Viewer Extension and Reauthorization Act of 2004'' and inserting ''Satellite Television Extension and Localism Act of 2010''; and

(C) in subparagraph (D), by striking ''(a)(12)'' and inserting ''(a)(11)''.

(2) QUALIFYING DATE DEFINED.—Section 119(d) is amended by adding at the end the following:

''(14) QUALIFYING DATE.—The term 'qualifying date', for purposes of paragraph (10)(A), means—

''(A) July 1, 2010, for multicast streams that exist on December 31, 2009; and

''(B) January 1, 2011, for all other multicast streams.''.

(c) FILING FEE.—Section 119(b)(1) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) a filing fee, as determined by the Register of Copyrights pursuant to section 708(a).''.

(d) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—Section 119(b) is amended—

(1) by amending the subsection heading to read as follows: ''(b) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—'';

(2) in paragraph (1), by striking subparagraph (B) and inserting the following:

''(B) a royalty fee payable to copyright owners pursuant to paragraph (4) for that 6-month period, computed by multiplying the total number of subscribers receiving each secondary transmission of a primary stream or multicast stream of each non-network station or network station during each calendar year month by the appropriate rate in effect under this subsection; and'';

(3) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(4) by inserting after paragraph (1) the following:

''(2) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to permit interested parties to verify and audit the statements of account and royalty fees submitted by satellite carriers under this subsection.'';

(5) in paragraph (3), as redesignated, in the first sentence—

(A) by inserting ''(including the filing fee specified in paragraph (1)(C))'' after ''shall receive all fees''; and

(B) by striking ''paragraph (4)'' and inserting ''paragraph (5)'';

(6) in paragraph (4), as redesignated—

(A) by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(B) by striking ''paragraph (4)'' each place it appears and inserting ''paragraph (5)''; and

(7) in paragraph (5), as redesignated, by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(e) ADJUSTMENT OF ROYALTY FEES.—Section 119(c) is amended as follows:

(1) Paragraph (1) is amended—

(A) in the heading for such paragraph, by striking ''ANALOG'';

(B) in subparagraph (A)—

(i) by striking ''primary analog transmissions'' and inserting ''primary transmissions''; and

(ii) by striking ''July 1, 2004'' and inserting ''July 1, 2009'';

(C) in subparagraph (B)—

(i) by striking ''January 2, 2005, the Librarian of Congress'' and inserting ''May 1, 2010, the Copyright Royalty Judges''; and

(ii) by striking ''primary analog transmission'' and inserting ''primary transmissions'';

(D) in subparagraph (C), by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges'';

(E) in subparagraph (D)—

(i) in clause (i)—

(I) by striking ''(i) Voluntary agreements'' and inserting the following:

''(i) VOLUNTARY AGREEMENTS; FILING.—Voluntary agreements''; and

(II) by striking ''that a parties'' and inserting ''that are parties''; and

(ii) in clause (ii)—

(I) by striking ''(ii)(I) Within'' and inserting the following:

''(ii) PROCEDURE FOR ADOPTION OF FEES.—

''(I) PUBLICATION OF NOTICE.—Within'';

(II) in subclause (I), by striking ''an arbitration proceeding pursuant to subparagraph (E)'' and inserting ''a proceeding under subparagraph (F)'';

(III) in subclause (II), by striking ''(II) Upon receiving a request under subclause (I), the Librarian of Congress'' and inserting the following:

''(II) PUBLIC NOTICE OF FEES.—Upon receiving a request under subclause (I), the Copyright Royalty Judges''; and

(IV) in subclause (III)—

(aa) by striking ''(III) The Librarian'' and inserting the following:

''(III) ADOPTION OF FEES.—The Copyright Royalty Judges'';

(bb) by striking ''an arbitration proceeding'' and inserting ''the proceeding under subparagraph (F)''; and

(cc) by striking ''the arbitration proceeding'' and inserting ''that proceeding'';

(F) in subparagraph (E)—

(i) by striking ''Copyright Office'' and inserting ''Copyright Royalty Judges''; and

(ii) by striking ''March 28, 2010'' and inserting ''December 31, 2014''; and

(G) in subparagraph (F)—

(i) in the heading, by striking ''COMPULSORY ARBITRATION'' and inserting ''COPYRIGHT ROYALTY JUDGES PROCEEDING'';

(ii) in clause (i)—

(I) in the heading, by striking ''PROCEEDINGS'' and inserting ''THE PROCEEDING'';

(II) in the matter preceding subclause (I)—

(aa) by striking ''May 1, 2005, the Librarian of Congress'' and inserting ''July 1, 2010, the Copyright Royalty Judges'';

(bb) by striking ''arbitration proceedings'' and inserting ''a proceeding'';

(cc) by striking ''fee to be paid'' and inserting ''fees to be paid'';

(dd) by striking ''primary analog transmission'' and inserting ''the primary transmissions''; and

(ee) by striking ''distributors'' and inserting ''distributors—'';

(III) in subclause (II)—

(aa) by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(bb) by striking ''arbitration''; and

(IV) by amending the last sentence to read as follows: ''Such proceeding shall be conducted under chapter 8.'';

(iii) in clause (ii), by amending the matter preceding subclause (I) to read as follows:

''(ii) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this subparagraph, the Copyright Royalty Judges shall establish fees for the secondary transmissions of the primary transmissions of network stations and non-network stations that most clearly represent the fair market value of secondary transmissions, except that the Copyright Royalty Judges shall adjust royalty fees to account for the obligations of the parties under any applicable voluntary agreement filed with the Copyright Royalty Judges in accordance with subparagraph (D). In determining the fair market value, the Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—'';

(iv) by amending clause (iii) to read as follows:

''(iii) EFFECTIVE DATE FOR DECISION OF COPYRIGHT ROYALTY JUDGES.—The obligation to pay the royalty fees established under a determination that is made by the Copyright Royalty Judges in a proceeding under this paragraph shall be effective as of January 1, 2010.''; and

(v) in clause (iv)—

(I) in the heading, by striking ''FEE'' and inserting ''FEES''; and

(II) by striking ''fee referred to in (iii)'' and inserting ''fees referred to in clause (iii)''.

(2) Paragraph (2) is amended to read as follows:

''(2) ANNUAL ROYALTY FEE ADJUSTMENT.—Effective January 1 of each year, the royalty fee payable under subsection (b)(1)(B) for the secondary transmission of the primary transmissions of network stations and non-network stations shall be adjusted by the Copyright Royalty Judges to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) published by the Secretary of Labor before December 1 of the preceding year. Notification of the adjusted fees shall be published in the Federal Register at least 25 days before January 1.''.

(f) DEFINITIONS.—

(1) SUBSCRIBER.—Section 119(d)(8) is amended to read as follows:

''(8) SUBSCRIBER; SUBSCRIBE.—

''(A) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

''(B) SUBSCRIBE.—The term 'subscribe' means to elect to become a subscriber.''.

(2) LOCAL MARKET.—Section 119(d)(11) is amended to read as follows:

''(11) LOCAL MARKET.—The term 'local market' has the meaning given such term under section 122(j).''.

(3) LOW POWER TELEVISION STATION.—Section 119(d) is amended by striking paragraph (12) and redesignating paragraphs (13) and (14) as paragraphs (12) and (13), respectively.

(4) MULTICAST STREAM.—Section 119(d), as amended by paragraph (3), is further amended by adding at the end the following new paragraph:

''(14) MULTICAST STREAM.—The term 'multicast stream' means a digital stream containing programming and program-related material affiliated with a television network, other than the primary stream.''.

(5) PRIMARY STREAM.—Section 119(d), as amended by paragraph (4), is further amended by adding at the end the following new paragraph:

''(15) PRIMARY STREAM.—The term 'primary stream' means—

''(A) the single digital stream of programming as to which a television broadcast station has the right to mandatory carriage with a satellite carrier under the rules of the Federal Communications Commission in effect on July 1, 2009; or

''(B) if there is no stream described in subparagraph (A), then either—

''(i) the single digital stream of programming associated with the network last transmitted by the station as an analog signal; or

''(ii) if there is no stream described in clause (i), then the single digital stream of programming affiliated with the network that, as of July 1, 2009, had been offered by the television broadcast station for the longest period of time.''.

(6) CLERICAL AMENDMENT.—Section 119(d) is amended in paragraphs (1), (2), and (5) by striking ''which'' each place it appears and inserting ''that''.

(g) SUPERSTATION REDESIGNATED AS NON-NETWORK STATION.—Section 119 is amended—

(1) by striking ''superstation'' each place it appears in a heading and each place it appears in text and inserting ''non-network station''; and

(2) by striking ''superstations'' each place it appears in a heading and each place it appears in text and inserting ''non-network stations''.

(h) REMOVAL OF CERTAIN PROVISIONS.—

(1) REMOVAL OF PROVISIONS.—Section 119(a) is amended—

(A) in paragraph (2), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(B) by striking paragraph (3) and redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively; and

(C) by striking paragraph (15) and redesignating paragraph (16) as paragraph (14).

(2) CONFORMING AMENDMENTS.—Section 119 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''(5), (6), and (8)'' and inserting ''(4), (5), and (7)'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''subparagraphs (B) and (C) of this paragraph and paragraphs (5), (6), (7), and (8)'' and inserting ''subparagraph (B) of this paragraph and paragraphs (4), (5), (6), and (7)'';

(II) in subparagraph (B)(i), by striking the second sentence; and

(III) in subparagraph (C) (as redesignated), by striking clauses (i) and (ii) and inserting the following:

''(i) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station pursuant to subparagraph (A) shall, not later than 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households.

''(ii) MONTHLY LISTS.—After the submission of the initial lists under clause (i), the satellite carrier shall, not later than the 15th of each month, submit to the network a list, aggregated by designated market area, identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) any persons who have been added or dropped as subscribers under clause (i) since the last submission under this subparagraph.''; and

(iii) in subparagraph (E) of paragraph (3) (as redesignated)—

(I) by striking ''under paragraph (3) or''; and

(II) by striking ''paragraph (12)'' and inserting ''paragraph (11)''; and

(B) in subsection (b)(1), by striking the final sentence.

(i) MODIFICATIONS TO PROVISIONS FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.—

(1) PREDICTIVE MODEL.—Section 119(a)(2)(B)(ii) is amended by adding at the end the following:

''(III) ACCURATE PREDICTIVE MODEL WITH RESPECT TO DIGITAL SIGNALS.—Notwithstanding subclause (I), in determining presumptively whether a person resides in an unserved household under subsection (d)(10)(A) with respect to digital signals, a court shall rely on a predictive model set forth by the Federal Communications Commission pursuant to a rulemaking as provided in section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3)), as that model may be amended by the Commission over time under such section to increase the accuracy of that model. Until such time as the Commission sets forth such model, a court shall rely on the predictive model as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05–182, FCC 05–199 (released December 9, 2005).''.

(2) MODIFICATIONS TO STATUTORY LICENSE WHERE RETRANSMISSIONS INTO LOCAL MARKET AVAILABLE.—Section 119(a)(3) (as redesignated) is amended—

(A) by striking ''analog'' each place it appears in a heading and text;

(B) by striking subparagraphs (B), (C), and (D), and inserting the following:

''(B) RULES FOR LAWFUL SUBSCRIBERS AS OF DATE OF ENACTMENT OF 2010 ACT.—In the case of a subscriber of a satellite carrier who, on the day before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, was lawfully receiving the secondary transmission of the primary transmission of a network station under the statutory license under paragraph (2) (in this subparagraph referred to as the 'distant signal'), other than subscribers to whom subparagraph (A) applies, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber's household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, whether or not the subscriber elects to subscribe to receive the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

''(C) FUTURE APPLICABILITY.—

''(i) WHEN LOCAL SIGNAL AVAILABLE AT TIME OF SUBSCRIPTION.—The statutory license under paragraph (2) shall not apply to the secondary transmission by a satellite carrier of the primary transmission of a network station to a person who is not a subscriber lawfully receiving such secondary transmission as of the date of the enactment of the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

''(ii) WHEN LOCAL SIGNAL AVAILABLE AFTER SUBSCRIPTION.—In the case of a subscriber who lawfully subscribes to and receives the secondary transmission by a satellite carrier of the primary transmission of a network station under the statutory license under paragraph (2) (in this clause referred to as the 'distant signal') on or after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber's household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, but only if such subscriber subscribes to the secondary transmission of the primary transmission of a local network station affiliated with the same network within 60 days after the satellite carrier makes available to the subscriber such secondary transmission of the primary transmission of such local network station.'';

(C) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively;

(D) in subparagraph (E) (as redesignated), by striking ''(C) or (D)'' and inserting ''(B) or (C)''; and

(E) in subparagraph (F) (as redesignated), by inserting ''9-digit'' before ''zip code''.

(3) STATUTORY DAMAGES FOR TERRITORIAL RESTRICTIONS.—Section 119(a)(6) (as redesignated) is amended—

(A) in subparagraph (A)(ii), by striking ''$5'' and inserting ''$250'';

(B) in subparagraph (B)—

(i) in clause (i), by striking ''$250,000 for each 6-month period'' and inserting ''$2,500,000 for each 3-month period''; and

(ii) in clause (ii), by striking ''$250,000'' and inserting ''$2,500,000''; and

(C) by adding at the end the following flush sentences:

''The court shall direct one half of any statutory damages ordered under clause (i) to be deposited with the Register of Copyrights for distribution to copyright owners pursuant to subsection (b). The Copyright Royalty Judges shall issue regulations establishing procedures for distributing such funds, on a proportional basis, to copyright owners whose works were included in the secondary transmissions that were the subject of the statutory damages.''.

(4) TECHNICAL AMENDMENT.—Section 119(a)(4) (as redesignated) is amended by striking ''and 509''.

(5) CLERICAL AMENDMENT.—Section 119(a)(2)(B)(iii)(II) is amended by striking ''In this clause'' and inserting ''In this clause,''.

(j) MORATORIUM EXTENSION.—Section 119(e) is amended by striking ''March 28, 2010'' and inserting ''December 31, 2014''.

(k) CLERICAL AMENDMENTS.—Section 119 is amended—

(1) by striking ''of the Code of Federal Regulations'' each place it appears and inserting '', Code of Federal Regulations''; and

(2) in subsection (d)(6), by striking ''or the Direct'' and inserting '', or the Direct''.

SEC. 503. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS IN LOCAL MARKETS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 122 is amended by striking ''***by satellite carriers within local markets***'' and inserting ''***of local television programming by satellite***''.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 122 and inserting the following:

''122. Limitations on exclusive rights: Secondary transmissions of local television programming by satellite.''.

(b) STATUTORY LICENSE.—Section 122(a) is amended to read as follows:

''(a) SECONDARY TRANSMISSIONS INTO LOCAL MARKETS.—

''(1) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS WITHIN A LOCAL MARKET.—

A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station's local market shall be subject to statutory licensing under this section if—

''(A) the secondary transmission is made by a satellite carrier to the public;

''(B) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

''(C) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

''(i) each subscriber receiving the secondary transmission; or

''(ii) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

''(2) SIGNIFICANTLY VIEWED STATIONS.—

''(A) IN GENERAL.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a network station or a non-network station to a subscriber who resides outside the station's local market but within a community in which the signal has been determined by the Federal Communications Commission to be significantly viewed in such community, pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, applicable to determining with respect to a cable system whether signals are significantly viewed in a community.

''(B) WAIVER.—A subscriber who is denied the secondary transmission of the primary transmission of a network station or a non-network station under subparagraph (A) may request a waiver from such denial by submitting a request, through the subscriber's satellite carrier, to the network station or non-network station in the local market affiliated with the same network or non-network where the subscriber is located. The network station or non-network station shall accept or reject the subscriber's request for a waiver within 30 days after receipt of the request. If the network station or non-network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station or non-network station shall be deemed to agree to the waiver request.

''(3) SECONDARY TRANSMISSION OF LOW POWER PROGRAMMING.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a television broadcast station that is licensed as a low power television station, to a subscriber who resides within the same designated market area as the station that originates the transmission.

''(B) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

''(C) NO IMPACT ON OTHER SECONDARY TRANSMISSIONS OBLIGATIONS.—A satellite carrier that makes secondary transmissions of a primary transmission of a low power television station under a statutory license provided under this section is not required, by reason of such secondary transmissions, to make any other secondary transmissions.

''(4) SPECIAL EXCEPTIONS.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall, if the secondary transmission is made by a satellite carrier that complies with the requirements of paragraph (1), be subject to statutory licensing under this paragraph as follows:

''(A) STATES WITH SINGLE FULL-POWER NETWORK STATION.—In a State in which there is licensed by the Federal Communications Commission a single full-power station that was a network station on January 1, 1995, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmission of that station to any subscriber in a community that is located within that State and that is not within the first 50 television markets as listed in the regulations of the Commission as in effect on such date (47 C.F.R. 76.51).

''(B) STATES WITH ALL NETWORK STATIONS AND NON-NETWORK STATIONS IN SAME LOCAL MARKET.—In a State in which all network stations and non-network stations licensed by the Federal Communications Commission within that State as of January 1, 1995, are assigned to the same local market and that local market does not encompass all counties of that State, the statutory license provided under this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmissions of such station to all subscribers in the State who reside in a local market that is within the first 50 major television markets as listed in the regulations of the Commission as in effect on such date (section 76.51 of title 47, Code of Federal Regulations).

''(C) ADDITIONAL STATIONS.—In the case of that State in which are located 4 counties that—

''(i) on January 1, 2004, were in local markets principally comprised of counties in another State, and

''(ii) had a combined total of 41,340 television households, according to the U.S. Television Household Estimates by Nielsen Media Research for 2004,

the statutory license provided under this paragraph shall apply to secondary transmissions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2004.

''(D) CERTAIN ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

''(i) the 2 counties are located in a local market that is in the top 100 markets for the year 2003 according to Nielsen Media Research; and

''(ii) the total number of television households in the 2 counties combined did not exceed 10,000 for the year 2003 according to Nielsen Media Research.

''(E) NETWORKS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—In the case of a system of three or more noncommercial educational broadcast stations licensed to a single State, public agency, or political, educational, or special purpose subdivision of a State, the statutory license provided for in this paragraph shall apply to the secondary transmission of the primary transmission of such system to any subscriber in any county or county equivalent within such State, if such subscriber is located in a designated market area that is not otherwise eligible to receive the secondary transmission of the primary transmission of a noncommercial educational broadcast station located within the State pursuant to paragraph (1).

''(5) APPLICABILITY OF ROYALTY RATES AND PROCEDURES.—The royalty rates and procedures under section 119(b) shall apply to the secondary transmissions to which the statutory license under paragraph (4) applies.''.

(c) REPORTING REQUIREMENTS.—Section 122(b) is amended—

(1) in paragraph (1), by striking ''station a list'' and all that follows through the end and inserting the following: ''station—

''(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a); and

''(B) a separate list, aggregated by designated market area (by name and address, including street or rural route number, city, State, and 9-digit zip code), which shall indicate those subscribers being served pursuant to paragraph (2) of subsection (a).''; and

(2) in paragraph (2), by striking ''network a list'' and all that follows through the end and inserting the following: ''network—

''(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection; and

''(B) a separate list, aggregated by designated market area (by name and street address, including street or rural route number, city, State, and 9-digit zip code), identifying those subscribers whose service pursuant to paragraph (2) of subsection (a) has been added or dropped since the last submission under this subsection.''.

(d) NO ROYALTY FEE FOR CERTAIN SECONDARY TRANSMISSIONS.—Section 122(c) is amended—

(1) in the heading, by inserting ''FOR CERTAIN SECONDARY TRANSMISSIONS'' after ''REQUIRED''; and

(2) by striking ''subsection (a)'' and inserting ''paragraphs (1), (2), and (3) of subsection (a)''.

(e) VIOLATIONS FOR TERRITORIAL RESTRICTIONS.—

(1) MODIFICATION TO STATUTORY DAMAGES.—Section 122(f) is amended—

(A) in paragraph (1)(B), by striking ''$5'' and inserting ''$250''; and

(B) in paragraph (2), by striking ''$250,000'' each place it appears and inserting ''$2,500,000''.

(2) CONFORMING AMENDMENTS FOR ADDITIONAL STATIONS.—Section 122 is amended—

(A) in subsection (f), by striking ''section 119 or'' each place it appears and inserting the following: ''section 119, subject to statutory licensing by reason of paragraph (2)(A), (3), or (4) of subsection (a), or subject to''; and

(B) in subsection (g), by striking ''section 119 or'' and inserting the following: ''section 119, paragraph (2)(A), (3), or (4) of subsection (a), or''.

(f) DEFINITIONS.—Section 122(j) is amended—

(1) in paragraph (1), by striking ''which contracts'' and inserting ''that contracts'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(3) in paragraph (3)—

(A) by redesignating such paragraph as paragraph (4);

(B) in the heading of such paragraph, by inserting ''NON-NETWORK STATION;'' after ''NETWORK STATION;''; and

(C) by inserting '''non-network station','' after '''network station','';

(4) by inserting after paragraph (2) the following:

''(3) LOW POWER TELEVISION STATION.—The term 'low power television station' means a low power TV station as defined in section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term 'low power television station'

includes a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.'';

(5) by inserting after paragraph (4) (as redesignated) the following:

''(5) NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.—The term 'noncommercial educational broadcast station' means a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.''; and

(6) by amending paragraph (6) (as redesignated) to read as follows:

''(6) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.''.

SEC. 504. MODIFICATIONS TO CABLE SYSTEM SECONDARY TRANSMISSION RIGHTS UNDER SECTION 111.

(a) HEADING RENAMED.—

*(1) IN GENERAL.—The heading of section 111 is amended by inserting at the end the following: ''**of broadcast programming by cable**''.*

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 111 and inserting the following:

''111. Limitations on exclusive rights: Secondary transmissions of broadcast programming by cable.''.

(b) TECHNICAL AMENDMENT.—Section 111(a)(4) is amended by striking ''; or'' and inserting ''or section 122;''.

(c) STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS BY CABLE SYSTEMS.—Section 111(d) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''A cable system whose secondary'' and inserting the following: ''STATEMENT OF ACCOUNT AND ROYALTY FEES.—Subject to paragraph (5), a cable system whose secondary''; and

(ii) by striking ''by regulation—'' and inserting ''by regulation the following:'';

(B) in subparagraph (A)—

(i) by striking ''a statement of account'' and inserting ''A statement of account''; and

(ii) by striking ''; and'' and inserting a period; and

(C) by striking subparagraphs (B), (C), and (D) and inserting the following:

''(B) Except in the case of a cable system whose royalty fee is specified in subparagraph (E) or (F), a total royalty fee payable to copyright owners pursuant to paragraph (3) for the period covered by the statement, computed on the basis of specified percentages of the gross receipts from subscribers to the cable service during such period for the basic service of providing secondary transmissions of primary broadcast transmitters, as follows:

''(i) 1.064 percent of such gross receipts for the privilege of further transmitting, beyond the local service area of such primary transmitter, any non-network programming of a primary transmitter in whole or in part, such amount to be applied against the fee, if any, payable pursuant to clauses (ii) through (iv);

''(ii) 1.064 percent of such gross receipts for the first distant signal equivalent;

''(iii) 0.701 percent of such gross receipts for each of the second, third, and fourth distant signal equivalents; and

''(iv) 0.330 percent of such gross receipts for the fifth distant signal equivalent and each distant signal equivalent thereafter.

''(C) In computing amounts under clauses (ii) through (iv) of subparagraph (B)—

''(i) any fraction of a distant signal equivalent shall be computed at its fractional value;

''(ii) in the case of any cable system located partly within and partly outside of the local service area of a primary transmitter, gross receipts shall be limited to those gross receipts derived from subscribers located outside of the local service area of such primary transmitter; and

''(iii) if a cable system provides a secondary transmission of a primary transmitter to some but not all communities served by that cable system—

''(I) the gross receipts and the distant signal equivalent values for such secondary transmission shall be derived solely on the basis of the subscribers in those communities where the cable system provides such secondary transmission; and

''(II) the total royalty fee for the period paid by such system shall not be less than the royalty fee calculated under subparagraph (B)(i) multiplied by the gross receipts from all subscribers to the system.

''(D) A cable system that, on a statement submitted before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, computed its royalty fee consistent with the methodology under subparagraph (C)(iii), or that amends a statement filed before such date of enactment to compute the royalty fee due using such methodology, shall not be subject to an action for infringement, or eligible for any royalty refund or offset, arising out of its use of such methodology on such statement.

''(E) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are $263,800 or less—

''(i) gross receipts of the cable system for the purpose of this paragraph shall be computed by subtracting from such actual gross receipts the amount by which $263,800 exceeds such actual gross receipts, except that in no case shall a cable system's gross receipts be reduced to less than $10,400; and

''(ii) the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be 0.5 percent, regardless of the number of distant signal equivalents, if any.

''(F) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are more than $263,800 but less than $527,600, the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be—

''(i) 0.5 percent of any gross receipts up to $263,800, regardless of the number of distant signal equivalents, if any; and

''(ii) 1 percent of any gross receipts in excess of $263,800, but less than $527,600, regardless of the number of distant signal equivalents, if any.

''(G) A filing fee, as determined by the Register of Copyrights pursuant to section 708(a).'';

(2) in paragraph (2), in the first sentence—

(A) by striking ''The Register of Copyrights'' and inserting the following ''HANDLING OF FEES.—The Register of Copyrights''; and

(B) by inserting ''(including the filing fee specified in paragraph (1)(G))'' after ''shall receive all fees'';

(3) in paragraph (3)—

(A) by striking ''The royalty fees'' and inserting the following: ''DISTRIBUTION OF ROYALTY FEES TO COPYRIGHT OWNERS.—The royalty fees'';

(B) in subparagraph (A)—

(i) by striking ''any such'' and inserting ''Any such''; and

(ii) by striking ''; and'' and inserting a period;

(C) in subparagraph (B)—

(i) by striking ''any such'' and inserting ''Any such''; and

(ii) by striking the semicolon and inserting a period; and

(D) in subparagraph (C), by striking ''any such'' and inserting ''Any such'';

(4) in paragraph (4), by striking ''The royalty fees'' and inserting the following: ''PROCEDURES FOR ROYALTY FEE DISTRIBUTION.—The royalty fees''; and

(5) by adding at the end the following new paragraphs:

''(5) 3.75 PERCENT RATE AND SYNDICATED EXCLUSIVITY SURCHARGE NOT APPLICABLE TO MULTICAST STREAMS.—The royalty rates specified in sections 256.2(c) and 256.2(d) of title 37, Code of Federal Regulations (commonly referred to as the '3.75 percent rate' and the 'syndicated exclusivity surcharge', respectively), as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010, as such rates may be adjusted, or such sections redesignated, thereafter by the Copyright Royalty Judges, shall not apply to the secondary transmission of a multicast stream.

''(6) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to provide for the confidential verification by copyright owners whose works were embodied in the secondary transmissions of primary transmissions pursuant to this section of the information reported on the semiannual statements of account filed under this subsection on or after January 1, 2010, in order that the auditor designated under subparagraph (A) is able to confirm the correctness of the calculations and royalty payments reported therein. The regulations shall—

''(A) establish procedures for the designation of a qualified independent auditor—

''(i) with exclusive authority to request verification of such a statement of account on behalf of all copyright owners whose works were the subject of secondary transmissions of primary transmissions by the cable system (that deposited the statement) during the accounting period covered by the statement; and

''(ii) who is not an officer, employee, or agent of any such copyright owner for any purpose other than such audit;

''(B) establish procedures for safeguarding all non-public financial and business information provided under this paragraph;

''(C)(i) require a consultation period for the independent auditor to review its conclusions with a designee of the cable system;

''(ii) establish a mechanism for the cable system to remedy any errors identified in the auditor's report and to cure any underpayment identified; and

''(iii) provide an opportunity to remedy any disputed facts or conclusions;

''(D) limit the frequency of requests for verification for a particular cable system and the number of audits that a multiple system operator can be required to undergo in a single year; and

''(E) permit requests for verification of a statement of account to be made only within 3 years after the last day of the year in which the statement of account is filed.

''(7) ACCEPTANCE OF ADDITIONAL DEPOSITS.—Any royalty fee payments received by the Copyright Office from cable systems for the secondary transmission of primary transmissions that are in addition to the payments calculated and deposited in accordance with this subsection shall be deemed to have been deposited for the particular accounting period for which they are received and shall be distributed as specified under this subsection.''.

(d) EFFECTIVE DATE OF NEW ROYALTY FEE RATES.—The royalty fee rates established in section 111(d)(1)(B) of title 17, United States Code, as amended by subsection (c)(1)(C) of this section, shall take effect commencing with the first accounting period occurring in 2010.

(e) DEFINITIONS.—Section 111(f) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

''(1) PRIMARY TRANSMISSION.—A 'primary transmission' is a transmission made to the public by a transmitting facility whose signals are being received and further transmitted by a secondary transmission service, regardless of where

or when the performance or display was first transmitted. In the case of a television broadcast station, the primary stream and any multicast streams transmitted by the station constitute primary transmissions.'';

(2) in the second undesignated paragraph—

(A) by striking ''A 'secondary transmission' '' and inserting the following:

''(2) SECONDARY TRANSMISSION.—A 'secondary transmission' ''; and

(B) by striking '' 'cable system' '' and inserting ''cable system'';

(3) in the third undesignated paragraph—

(A) by striking ''A 'cable system' '' and inserting the following:

''(3) CABLE SYSTEM.—A 'cable system' ''; and

(B) by striking ''Territory, Trust Territory, or Possession'' and inserting ''territory, trust territory, or possession of the United States'';

(4) in the fourth undesignated paragraph, in the first sentence—

(A) by striking ''The 'local service area of a primary transmitter', in the case of a television broadcast station, comprises the area in which such station is entitled to insist'' and inserting the following:

''(4) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The 'local service area of a primary transmitter', in the case of both the primary stream and any multicast streams transmitted by a primary transmitter that is a television broadcast station, comprises the area where such primary transmitter could have insisted'';

(B) by striking ''76.59 of title 47 of the Code of Federal Regulations'' and inserting the following: ''76.59 of title 47, Code of Federal Regulations, or within the noise-limited contour as defined in 73.622(e)(1) of title 47, Code of Federal Regulations''; and

(C) by striking ''as defined by the rules and regulations of the Federal Communications Commission,'';

(5) by amending the fifth undesignated paragraph to read as follows:

''(5) DISTANT SIGNAL EQUIVALENT.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), a 'distant signal equivalent'—

''(i) is the value assigned to the secondary transmission of any non-network television programming carried by a cable system in whole or in part beyond the local service area of the primary transmitter of such programming; and

''(ii) is computed by assigning a value of one to each primary stream and to each multicast stream (other than a simulcast) that is an independent station, and by assigning a value of one-quarter to each primary stream and to each multicast stream (other than a simulcast) that is a network station or a noncommercial educational station.

''(B) EXCEPTIONS.—The values for independent, network, and noncommercial educational stations specified in subparagraph (A) are subject to the following:

''(i) Where the rules and regulations of the Federal Communications Commission require a cable system to omit the further transmission of a particular program and such rules and regulations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, or where such rules and regulations in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to effect such omission and substitution of a nonlive program or to carry additional programs not transmitted by primary transmitters within whose local service area the cable system is located, no value shall be assigned for the substituted or additional program.

''(ii) Where the rules, regulations, or authorizations of the Federal Communications Commission in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to omit the further transmission of a particular program and such rules, regulations, or authorizations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, the value assigned for the substituted or additional program shall be, in the case of a live program, the value of one full distant signal equivalent multiplied by a fraction that has as its numerator the number of days in the year in which such substitution occurs and as its denominator the number of days in the year.

''(iii) In the case of the secondary transmission of a primary transmitter that is a television broadcast station pursuant to the late-night or specialty programming rules of the Federal Communications Commission, or the secondary transmission of a primary transmitter that is a television broadcast station on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals that it is authorized to carry, the values for independent, network, and noncommercial educational stations set forth in subparagraph (A), as the case may be, shall be multiplied by a fraction that is equal to the ratio of the broadcast hours of such primary transmitter retransmitted by the cable system to the total broadcast hours of the primary transmitter.

''(iv) No value shall be assigned for the secondary transmission of the primary stream or any multicast streams of a primary transmitter that is a television broadcast station in any community that is within the local service area of the primary transmitter.'';

(6) by striking the sixth undesignated paragraph and inserting the following:

''(6) NETWORK STATION.—

''(A) TREATMENT OF PRIMARY STREAM.—The term 'network station' shall be applied to a primary stream of a television broadcast station that is owned or operated by, or affiliated with, one or more of the television networks in the United States providing nationwide transmissions, and that transmits a substantial part of the programming supplied by such networks for a substantial part of the primary stream's typical broadcast day.

''(B) TREATMENT OF MULTICAST STREAMS.—The term 'network station' shall be applied to a multicast stream on which a television broadcast station transmits all or substantially all of the programming of an interconnected program service that—

''(i) is owned or operated by, or affiliated with, one or more of the television networks described in subparagraph (A); and

''(ii) offers programming on a regular basis for 15 or more hours per week to at least 25 of the affiliated television licensees of the interconnected program service in 10 or more States.'';

(7) by striking the seventh undesignated paragraph and inserting the following:

''(7) INDEPENDENT STATION.—The term 'independent station' shall be applied to the primary stream or a multicast stream of a television broadcast station that is not a network station or a noncommercial educational station.'';

(8) by striking the eighth undesignated paragraph and inserting the following:

''(8) NONCOMMERCIAL EDUCATIONAL STATION.—The term 'noncommercial educational station' shall be applied to the primary stream or a multicast stream of a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.''; and

(9) by adding at the end the following:

''(9) PRIMARY STREAM.—A 'primary stream' is—

''(A) the single digital stream of programming that, before June 12, 2009, was substantially duplicating the programming transmitted by the television broadcast station as an analog signal; or

''(B) if there is no stream described in subparagraph (A), then the single digital stream of programming transmitted by the television broadcast station for the longest period of time.

''(10) PRIMARY TRANSMITTER.—A 'primary transmitter' is a television or radio broadcast station licensed by the Federal Communications Commission, or by an appropriate governmental authority of Canada or Mexico, that makes primary transmissions to the public.

''(11) MULTICAST STREAM.—A 'multicast stream' is a digital stream of programming that is transmitted by a television broadcast station and is not the station's primary stream.

''(12) SIMULCAST.—A 'simulcast' is a multicast stream of a television broadcast station that duplicates the programming transmitted by the primary stream or another multicast stream of such station.

''(13) SUBSCRIBER; SUBSCRIBE.—

''(A) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a cable system and pays a fee for the service, directly or indirectly, to the cable system.

''(B) SUBSCRIBE.—The term 'subscribe' means to elect to become a subscriber.''.

(f) TIMING OF SECTION 111 PROCEEDINGS.—Section 804(b)(1) is amended by striking ''2005'' each place it appears and inserting ''2015''.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTIONS TO FIX LEVEL DESIGNATIONS.—Section 111 is amended—

(A) in subsections (a), (c), and (e), by striking ''clause'' each place it appears and inserting ''paragraph'';

(B) in subsection (c)(1), by striking ''clauses'' and inserting ''paragraphs''; and

(C) in subsection (e)(1)(F), by striking ''subclause'' and inserting ''subparagraph''.

(2) CONFORMING AMENDMENT TO HYPHENATE NONNETWORK.—Section 111 is amended by striking ''nonnetwork'' each place it appears and inserting ''non-network''.

(3) PREVIOUSLY UNDESIGNATED PARAGRAPH.—Section 111(e)(1) is amended by striking ''second paragraph of subsection (f)'' and inserting ''subsection (f)(2)''.

(4) REMOVAL OF SUPERFLUOUS ANDS.—Section 111(e) is amended—

(A) in paragraph (1)(A), by striking ''and'' at the end;

(B) in paragraph (1)(B), by striking ''and'' at the end;

(C) in paragraph (1)(C), by striking ''and'' at the end;

(D) in paragraph (1)(D), by striking ''and'' at the end; and

(E) in paragraph (2)(A), by striking ''and'' at the end.

(5) REMOVAL OF VARIANT FORMS REFERENCES.—Section 111 is amended—

(A) in subsection (e)(4), by striking '', and each of its variant forms,''; and

(B) in subsection (f), by striking ''and their variant forms''.

(6) CORRECTION TO TERRITORY REFERENCE.—Section 111(e)(2) is amended in the matter preceding subparagraph (A) by striking ''three territories'' and inserting ''five entities''.

(h) EFFECTIVE DATE WITH RESPECT TO MULTICAST STREAMS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by this section, to the extent such amendments assign a distant signal equivalent value to the secondary transmission of the multicast stream of a primary transmitter, shall take effect on the date of the enactment of this Act.

(2) DELAYED APPLICABILITY.—

(A) SECONDARY TRANSMISSIONS OF A MULTICAST STREAM BEYOND THE LOCAL SERVICE AREA OF ITS PRIMARY TRANSMITTER BEFORE 2010 ACT.—In any case in which a cable system was making secondary transmissions of a multicast stream beyond the local service area of its primary transmitter before the date of the enactment of this Act, a distant signal equivalent

value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream that are made on or before June 30, 2010.

(B) MULTICAST STREAMS SUBJECT TO PRE-EXISTING WRITTEN AGREEMENTS FOR THE SECONDARY TRANSMISSION OF SUCH STREAMS.—In any case in which the secondary transmission of a multicast stream of a primary transmitter is the subject of a written agreement entered into on or before June 30, 2009, between a cable system or an association representing the cable system and a primary transmitter or an association representing the primary transmitter, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream beyond the local service area of its primary transmitter that are made on or before the date on which such written agreement expires.

(C) NO REFUNDS OR OFFSETS FOR PRIOR STATEMENTS OF ACCOUNT.—A cable system that has reported secondary transmissions of a multicast stream beyond the local service area of its primary transmitter on a statement of account deposited under section 111 of title 17, United States Code, before the date of the enactment of this Act shall not be entitled to any refund, or offset, of royalty fees paid on account of such secondary transmissions of such multicast stream.

(3) DEFINITIONS.—In this subsection, the terms ''cable system'', ''secondary transmission'', ''multicast stream'', and ''local service area of a primary transmitter'' have the meanings given those terms in section 111(f) of title 17, United States Code, as amended by this section.

SEC. 505. CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE FOR ALL DMAS.

Section 119 is amended by adding at the end the following new subsection:

''(g) CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

''(1) INJUNCTION WAIVER.—A court that issued an injunction pursuant to subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction if the court recognizes the entity against which the injunction was issued as a qualified carrier.

''(2) LIMITED TEMPORARY WAIVER.—

''(A) IN GENERAL.—Upon a request made by a satellite carrier, a court that issued an injunction against such carrier under subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction with respect to the statutory license provided under subsection (a)(2) to the extent necessary to allow such carrier to make secondary transmissions of primary transmissions made by a network station to unserved households located in short markets in which such carrier was not providing local service pursuant to the license under section 122 as of December 31, 2009.

''(B) EXPIRATION OF TEMPORARY WAIVER.—A temporary waiver of an injunction under subparagraph (A) shall expire after the end of the 120-day period beginning on the date such temporary waiver is issued unless extended for good cause by the court making the temporary waiver.

''(C) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

''(i) FAILURE TO ACT REASONABLY AND IN GOOD FAITH.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to act reasonably or has failed to make a good faith effort to provide local-into-local service to all DMAs, such failure—

''(I) is actionable as an act of infringement under section 501 and the court may in its discretion impose the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

''(II) shall result in the termination of the waiver issued under subparagraph (A).

''(ii) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to provide local-into-local service to all DMAs, but determines that the carrier acted reasonably and in good faith, the court may in its discretion impose financial penalties that reflect—

''(I) the degree of control the carrier had over the circumstances that resulted in the failure;

''(II) the quality of the carrier's efforts to remedy the failure; and

''(III) the severity and duration of any service interruption.

''(D) SINGLE TEMPORARY WAIVER AVAILABLE.—An entity may only receive one temporary waiver under this paragraph.

''(E) SHORT MARKET DEFINED.—For purposes of this paragraph, the term 'short market' means a local market in which programming of one or more of the four most widely viewed television networks nationwide as measured on the date of the enactment of this subsection is not offered on the primary stream transmitted by any local television broadcast station.

''(3) ESTABLISHMENT OF QUALIFIED CARRIER RECOGNITION.—

''(A) STATEMENT OF ELIGIBILITY.—An entity seeking to be recognized as a qualified carrier under this subsection shall file a statement of eligibility with the court that imposed the injunction. A statement of eligibility must include—

''(i) an affidavit that the entity is providing local-into-local service to all DMAs;

''(ii) a request for a waiver of the injunction; and

''(iii) a certification issued pursuant to section 342(a) of Communications Act of 1934.

''(B) GRANT OF RECOGNITION AS A QUALIFIED CARRIER.—Upon receipt of a statement of eligibility, the court shall recognize the entity as a qualified carrier and issue the waiver under paragraph (1).

''(C) VOLUNTARY TERMINATION.—At any time, an entity recognized as a qualified carrier may file a statement of voluntary termination with the court certifying that it no longer wishes to be recognized as a qualified carrier. Upon receipt of such statement, the court shall reinstate the injunction waived under paragraph (1).

''(D) LOSS OF RECOGNITION PREVENTS FUTURE RECOGNITION.—No entity may be recognized as a qualified carrier if such entity had previously been recognized as a qualified carrier and subsequently lost such recognition or voluntarily terminated such recognition under subparagraph (C).

''(4) QUALIFIED CARRIER OBLIGATIONS AND COMPLIANCE.—

''(A) CONTINUING OBLIGATIONS.—

''(i) IN GENERAL.—An entity recognized as a qualified carrier shall continue to provide local-into-local service to all DMAs.

''(ii) COOPERATION WITH GAO EXAMINATION.—An entity recognized as a qualified carrier shall fully cooperate with the Comptroller General in the examination required by subparagraph (B).

''(B) QUALIFIED CARRIER COMPLIANCE EXAMINATION.—

''(i) EXAMINATION AND REPORT.—The Comptroller General shall conduct an examination and publish a report concerning the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section. The report shall address the qualified carrier's conduct during the period beginning on the date on which the qualified carrier is recognized as such under paragraph (3)(B) and ending on December 31, 2011.

''(ii) RECORDS OF QUALIFIED CARRIER.—Beginning on the date that is one year after the date on which the qualified carrier is recognized as such under paragraph (3)(B), but not later than October 1, 2011, the qualified carrier shall provide the Comptroller General with all records that the Comptroller General, in consultation with the Register of Copyrights, considers to be directly pertinent to the following requirements under this section:

''(I) Proper calculation and payment of royalties under the statutory license under this section.

''(II) Provision of service under this license to eligible subscribers only.

''(iii) SUBMISSION OF REPORT.—The Comptroller General shall file the report required by clause (i) not later than March 1, 2012, with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate.

''(iv) EVIDENCE OF INFRINGEMENT.—The Comptroller General shall include in the report a statement of whether the examination by the Comptroller General indicated that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement. The Comptroller General shall consult with the Register of Copyrights in preparing such statement.

''(v) SUBSEQUENT EXAMINATION.—If the report includes the Comptroller General's statement that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement, the Comptroller General shall, not later than 6 months after the report under clause (i) is published, initiate another examination of the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section since the last report was filed under clause (iii). The Comptroller General shall file a report on such examination with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate. The report shall include a statement described in clause (iv), prepared in consultation with the Register of Copyrights.

''(vi) COMPLIANCE.—Upon motion filed by an aggrieved copyright owner, the court recognizing an entity as a qualified carrier shall terminate such designation upon finding that the entity has failed to cooperate with the examinations required by this subparagraph.

''(C) AFFIRMATION.—A qualified carrier shall file an affidavit with the district court and the Register of Copyrights 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

''(D) COMPLIANCE DETERMINATION.—Upon the motion of an aggrieved television broadcast station, the court recognizing an entity as a qualified carrier may make a determination of whether the entity is providing local-into-local service to all DMAs.

''(E) PLEADING REQUIREMENT.—In any motion brought under subparagraph (D), the party making such motion shall specify one or more designated market areas (as such term is defined in section 122(j)(2)(C)) for which the failure to provide service is being alleged, and, for each such designated market area, shall plead with particularity the circumstances of the alleged failure.

''(F) BURDEN OF PROOF.—In any proceeding to make a determination under subparagraph (D), and with respect to a designated market area for which failure to provide service is alleged, the entity recognized as a qualified carrier shall have the burden of proving that the entity provided local-into-local service with a good quality satellite signal to at least 90 percent of the households in such designated market area (based on the most recent census data

released by the United States Census Bureau) at the time and place alleged.

''(5) FAILURE TO PROVIDE SERVICE.—

''(A) PENALTIES.—If the court recognizing an entity as a qualified carrier finds that such entity has willfully failed to provide local-into-local service to all DMAs, such finding shall result in the loss of recognition of the entity as a qualified carrier and the termination of the waiver provided under paragraph (1), and the court may, in its discretion—

''(i) treat such failure as an act of infringement under section 501, and subject such infringement to the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

''(ii) impose a fine of not less than $250,000 and not more than $5,000,000.

''(B) EXCEPTION FOR NONWILLFUL VIOLATION.—If the court determines that the failure to provide local-into-local service to all DMAs is nonwillful, the court may in its discretion impose financial penalties for noncompliance that reflect—

''(i) the degree of control the entity had over the circumstances that resulted in the failure;

''(ii) the quality of the entity's efforts to remedy the failure and restore service; and

''(iii) the severity and duration of any service interruption.

''(6) PENALTIES FOR VIOLATIONS OF LICENSE.—A court that finds, under subsection (a)(6)(A), that an entity recognized as a qualified carrier has willfully made a secondary transmission of a primary transmission made by a network station and embodying a performance or display of a work to a subscriber who is not eligible to receive the transmission under this section shall reinstate the injunction waived under paragraph (1), and the court may order statutory damages of not more than $2,500,000.

''(7) LOCAL-INTO-LOCAL SERVICE TO ALL DMAS DEFINED.—For purposes of this subsection:

''(A) IN GENERAL.—An entity provides 'local-into-local service to all DMAs' if the entity provides local service in all designated market areas (as such term is defined in section 122(j)(2)(C)) pursuant to the license under section 122.

''(B) HOUSEHOLD COVERAGE.—For purposes of subparagraph (A), an entity that makes available local-into-local service with a good quality satellite signal to at least 90 percent of the households in a designated market area based on the most recent census data released by the United States Census Bureau shall be considered to be providing local service to such designated market area.

''(C) GOOD QUALITY SATELLITE SIGNAL DEFINED.—The term 'good quality signal' has the meaning given such term under section 342(e)(2) of Communications Act of 1934.''.

SEC. 506. COPYRIGHT OFFICE FEES.

Section 708(a) is amended—

(1) in paragraph (8), by striking ''and'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon;

(3) by inserting after paragraph (9) the following:

''(10) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 119 or 122; and

''(11) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 111.''; and

(4) by adding at the end the following new sentence: ''Fees established under paragraphs (10) and (11) shall be reasonable and may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account and any royalty fees deposited with such statements.''.

SEC. 507. TERMINATION OF LICENSE.

Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking ''March 28, 2010'' and inserting ''December 31, 2014''.

SEC. 508. CONSTRUCTION.

Nothing in section 111, 119, or 122 of title 17, United States Code, including the amendments made to such sections by this subtitle, shall be construed to affect the meaning of any terms under the Communications Act of 1934, except to the extent that such sections are specifically cross-referenced in such Act or the regulations issued thereunder.

Subtitle B—Communications Provisions

SEC. 521. REFERENCE.

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

SEC. 522. EXTENSION OF AUTHORITY.

Section 325(b) is amended—

(1) in paragraph (2)(C), by striking ''March 28, 2010'' and inserting ''December 31, 2014''; and

(2) in paragraph (3)(C), by striking ''March 29, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''January 1, 2015''.

SEC. 523. SIGNIFICANTLY VIEWED STATIONS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 340(b) are amended to read as follows:

''(1) SERVICE LIMITED TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—This section shall apply only to retransmissions to subscribers of a satellite carrier who receive retransmissions of a signal from that satellite carrier pursuant to section 338.

''(2) SERVICE LIMITATIONS.—A satellite carrier may retransmit to a subscriber in high definition format the signal of a station determined by the Commission to be significantly viewed under subsection (a) only if such carrier also retransmits in high definition format the signal of a station located in the local market of such subscriber and affiliated with the same network whenever such format is available from such station.''.

(b) RULEMAKING REQUIRED.—Within 210 days after the date of the enactment of this Act, the Federal Communications Commission shall take all actions necessary to promulgate a rule to implement the amendments made by subsection (a).

SEC. 524. DIGITAL TELEVISION TRANSITION CONFORMING AMENDMENTS.

(a) SECTION 338.—Section 338 is amended—

(1) in subsection (a), by striking ''(3) EFFECTIVE DATE.—No satellite'' and all that follows through ''until January 1, 2002.''; and

(2) by amending subsection (g) to read as follows:

''(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE RECEPTION ANTENNA.—

''(1) SINGLE RECEPTION ANTENNA.—Each satellite carrier that retransmits the signals of local television broadcast stations in a local market shall retransmit such stations in such market so that a subscriber may receive such stations by means of a single reception antenna and associated equipment.

''(2) ADDITIONAL RECEPTION ANTENNA.—If the carrier retransmits the signals of local television broadcast stations in a local market in high definition format, the carrier shall retransmit such signals in such market so that a subscriber may receive such signals by means of a single reception antenna and associated equipment, but such antenna and associated equipment may be separate from the single reception antenna and associated equipment used to comply with paragraph (1).''.

(b) SECTION 339.—Section 339 is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking ''Such two network stations'' and all that follows through ''more than two network stations.''; and

(B) in paragraph (2)—

(i) in the heading for subparagraph (A), by striking ''TO ANALOG SIGNALS'';

(ii) in subparagraph (A)—

(I) in the heading for clause (i), by striking ''ANALOG'';

(II) in clause (i)—

(aa) by striking ''analog'' each place it appears; and

(bb) by striking ''October 1, 2004'' and inserting ''October 1, 2009'';

(III) in the heading for clause (ii), by striking ''ANALOG''; and

(IV) in clause (ii)—

(aa) by striking ''analog'' each place it appears; and

(bb) by striking ''2004'' and inserting ''2009'';

(iii) by amending subparagraph (B) to read as follows:

''(B) RULES FOR OTHER SUBSCRIBERS.—

''(i) IN GENERAL.—In the case of a subscriber of a satellite carrier who is eligible to receive the signal of a network station under this section (in this subparagraph referred to as a 'distant signal'), other than subscribers to whom subparagraph (A) applies, the following shall apply:

''(I) In a case in which the satellite carrier makes available to that subscriber, on January 1, 2005, the signal of a local network station affiliated with the same television network pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if the subscriber's satellite carrier, not later than March 1, 2005, submits to that television network the list and statement required by subparagraph (F)(i).

''(II) In a case in which the satellite carrier does not make available to that subscriber, on January 1, 2005, the signal of a local network station pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if—

''(aa) that subscriber seeks to subscribe to such distant signal before the date on which such carrier commences to carry pursuant to section 338 the signals of stations from the local market of such local network station; and

''(bb) the satellite carrier, within 60 days after such date, submits to each television network the list and statement required by subparagraph (F)(ii).

''(ii) SPECIAL CIRCUMSTANCES.—A subscriber of a satellite carrier who was lawfully receiving the distant signal of a network station on the day before the date of enactment of the Satellite Television Extension and Localism Act of 2010 may receive both such distant signal and the local signal of a network station affiliated with the same network until such subscriber chooses to no longer receive such distant signal from such carrier, whether or not such subscriber elects to subscribe to such local signal.'';

(iv) in subparagraph (C)—

(I) by striking ''analog'';

(II) in clause (i), by striking ''the Satellite Home Viewer Extension and Reauthorization Act of 2004; and'' and inserting the following: ''the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the signal of a local network station affiliated with the same television network pursuant to section 338 (and the retransmission of such signal by such carrier can reach such subscriber); or''; and

(III) by amending clause (ii) to read as follows:

''(ii) lawfully subscribes to and receives a distant signal on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, and, subsequent to such subscription, the satellite carrier makes available to that subscriber the signal of a local network station affiliated with the same network as the distant signal (and the retransmission of such signal by such carrier can reach such subscriber), unless

such person subscribes to the signal of the local network station within 60 days after such signal is made available.'';

(v) in subparagraph (D)—

(I) in the heading, by striking ''DIGITAL'';

(II) by striking clauses (i), (iii) through (v), (vii) through (ix), and (xi);

(III) by redesignating clause (vi) as clause (i) and transferring such clause to appear before clause (ii);

(IV) by amending such clause (i) (as so redesignated) to read as follows:

''(i) ELIGIBILITY AND SIGNAL TESTING.—A subscriber of a satellite carrier shall be eligible to receive a distant signal of a network station affiliated with the same network under this section if, with respect to a local network station, such subscriber—

''(I) is a subscriber whose household is not predicted by the model specified in subsection (c)(3) to receive the signal intensity required under section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of title 47, Code of Federal Regulations, or a successor regulation;

''(II) is determined, based on a test conducted in accordance with section 73.686(d) of title 47, Code of Federal Regulations, or any successor regulation, not to be able to receive a signal that exceeds the signal intensity standard in section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of such title, or a successor regulation; or

''(III) is in an unserved household, as determined under section 119(d)(10)(A) of title 17, United States Code.'';

(V) in clause (ii)—

(aa) by striking ''DIGITAL'' in the heading;

(bb) by striking ''digital'' the first two places such term appears;

(cc) by striking ''Satellite Home Viewer Extension and Reauthorization Act of 2004'' and inserting ''Satellite Television Extension and Localism Act of 2010''; and

(dd) by striking '', whether or not such subscriber elects to subscribe to local digital signals'';

(VI) by inserting after clause (ii) the following new clause:

''(iii) TIME-SHIFTING PROHIBITED.—In a case in which the satellite carrier makes available to an eligible subscriber under this subparagraph the signal of a local network station pursuant to section 338, the carrier may only provide the distant signal of a station affiliated with the same network to that subscriber if, in the case of any local market in the 48 contiguous States of the United States, the distant signal is the secondary transmission of a station whose prime time network programming is generally broadcast simultaneously with, or later than, the prime time network programming of the affiliate of the same network in the local market.''; and

(VII) by redesignating clause (x) as clause (iv); and

(vi) in subparagraph (E), by striking ''distant analog signal or'' and all that follows through ''(B), or (D))'' and inserting ''distant signal'';

(2) in subsection (c)—

(A) by amending paragraph (3) to read as follows:

''(3) ESTABLISHMENT OF IMPROVED PREDICTIVE MODEL AND ON-LOCATION TESTING REQUIRED.—

''(A) PREDICTIVE MODEL.—Within 210 days after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the Commission shall develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations, through the use of an antenna, to receive signals in accordance with the signal intensity standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, or a successor regulation, including to account for the continuing operation of translator stations and low power television stations. In prescribing such model, the Commission shall rely on the Individual Location Longley-Rice model set forth by the Commission in CS Docket No. 98–201, as previously revised with respect to analog signals, and as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05–182, FCC 05–199 (released December 9, 2005). The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.

''(B) ON-LOCATION TESTING.—The Commission shall issue an order completing its rulemaking proceeding in ET Docket No. 06–94 within 210 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010. In conducting such rulemaking, the Commission shall seek ways to minimize consumer burdens associated with on-location testing.'';

(B) by amending paragraph (4)(A) to read as follows:

''(A) IN GENERAL.—If a subscriber's request for a waiver under paragraph (2) is rejected and the subscriber submits to the subscriber's satellite carrier a request for a test verifying the subscriber's inability to receive a signal of the signal intensity referenced in clause (i) of subsection (a)(2)(D), the satellite carrier and the network station or stations asserting that the retransmission is prohibited with respect to that subscriber shall select a qualified and independent person to conduct the test referenced in such clause. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with such clause demonstrate that the subscriber does not receive a signal that meets or exceeds the requisite signal intensity standard in such clause, the subscriber shall not be denied the retransmission of a signal of a network station under section 119(d)(10)(A) of title 17, United States Code.'';

(C) in paragraph (4)(B), by striking ''the signal intensity'' and all that follows through ''United States Code'' and inserting ''such requisite signal intensity standard''; and

(D) in paragraph (4)(E), by striking ''Grade B intensity''.

(c) SECTION 340.—Section 340(i) is amended by striking paragraph (4).

SEC. 525. APPLICATION PENDING COMPLETION OF RULEMAKINGS.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Federal Communications Commission adopts rules pursuant to the amendments to the Communications Act of 1934 made by section 523 and section 524 of this title, the Federal Communications Commission shall follow its rules and regulations promulgated pursuant to sections 338, 339, and 340 of the Communications Act of 1934 as in effect on the day before the date of the enactment of this Act.

(b) TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—Notwithstanding subsection (a), for purposes of determining whether a subscriber within the local market served by a translator station or a low power television station affiliated with a television network is eligible to receive distant signals under section 339 of the Communications Act of 1934, the rules and regulations of the Federal Communications Commission for determining such subscriber's eligibility as in effect on the day before the date of the enactment of this Act shall apply until the date on which the translator station or low power television station is licensed to broadcast a digital signal.

(c) DEFINITIONS.—As used in this subtitle:

(1) LOCAL MARKET; LOW POWER TELEVISION STATION; SATELLITE CARRIER; SUBSCRIBER; TELEVISION BROADCAST STATION.—The terms ''local market'', ''low power television station'', ''satellite carrier'', ''subscriber'', and ''television broadcast station'' have the meanings given such terms in section 338(k) of the Communications Act of 1934.

(2) NETWORK STATION; TELEVISION NETWORK.—The terms ''network station'' and ''television network'' have the meanings given such terms in section 339(d) of such Act.

SEC. 526. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

Part I of title III is amended by adding at the end the following new section:

''SEC. 342. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

''(a) CERTIFICATION.—The Commission shall issue a certification for the purposes of section 119(g)(3)(A)(iii) of title 17, United States Code, if the Commission determines that—

''(1) a satellite carrier is providing local service pursuant to the statutory license under section 122 of such title in each designated market area; and

''(2) with respect to each designated market area in which such satellite carrier was not providing such local service as of the date of enactment of the Satellite Television Extension and Localism Act of 2010—

''(A) the satellite carrier's satellite beams are designed, and predicted by the satellite manufacturer's pre-launch test data, to provide a good quality satellite signal to at least 90 percent of the households in each such designated market area based on the most recent census data released by the United States Census Bureau; and

''(B) there is no material evidence that there has been a satellite or sub-system failure subsequent to the satellite's launch that precludes the ability of the satellite carrier to satisfy the requirements of subparagraph (A).

''(b) INFORMATION REQUIRED.—Any entity seeking the certification provided for in subsection (a) shall submit to the Commission the following information:

''(1) An affidavit stating that, to the best of the affiant's knowledge, the satellite carrier provides local service in all designated market areas pursuant to the statutory license provided for in section 122 of title 17, United States Code, and listing those designated market areas in which local service was provided as of the date of enactment of the Satellite Television Extension and Localism Act of 2010.

''(2) For each designated market area not listed in paragraph (1):

''(A) Identification of each such designated market area and the location of its local receive facility.

''(B) Data showing the number of households, and maps showing the geographic distribution thereof, in each such designated market area based on the most recent census data released by the United States Census Bureau.

''(C) Maps, with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's pre-launch tests, showing that the contours of the carrier's satellite beams as designed and the geographic area that the carrier's satellite beams are designed to cover are predicted to provide a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

''(D) For any satellite relied upon for certification under this section, an affidavit stating that, to the best of the affiant's knowledge, there have been no satellite or sub-system failures subsequent to the satellite's launch that would degrade the design performance to such a degree that a satellite transponder used to provide local service to any such designated market area is precluded from delivering a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

''(E) Any additional engineering, designated market area, or other information the Commission considers necessary to determine whether

the Commission shall grant a certification under this section.

''(c) CERTIFICATION ISSUANCE.—

''(1) PUBLIC COMMENT.—The Commission shall provide 30 days for public comment on a request for certification under this section.

''(2) DEADLINE FOR DECISION.—The Commission shall grant or deny a request for certification within 90 days after the date on which such request is filed.

''(d) SUBSEQUENT AFFIRMATION.—An entity granted qualified carrier status pursuant to section 119(g) of title 17, United States Code, shall file an affidavit with the Commission 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

''(e) DEFINITIONS.—For the purposes of this section:

''(1) DESIGNATED MARKET AREA.—The term 'designated market area' has the meaning given such term in section 122(j)(2)(C) of title 17, United States Code.

''(2) GOOD QUALITY SATELLITE SIGNAL.—

''(A) IN GENERAL.—The term ''good quality satellite signal'' means—

''(i) a satellite signal whose power level as designed shall achieve reception and demodulation of the signal at an availability level of at least 99.7 percent using—

''(I) models of satellite antennas normally used by the satellite carrier's subscribers; and

''(II) the same calculation methodology used by the satellite carrier to determine predicted signal availability in the top 100 designated market areas; and

''(ii) taking into account whether a signal is in standard definition format or high definition format, compression methodology, modulation, error correction, power level, and utilization of advances in technology that do not circumvent the intent of this section to provide for non-discriminatory treatment with respect to any comparable television broadcast station signal, a video signal transmitted by a satellite carrier such that—

''(I) the satellite carrier treats all television broadcast stations' signals the same with respect to statistical multiplexer prioritization; and

''(II) the number of video signals in the relevant satellite transponder is not more than the then current greatest number of video signals carried on any equivalent transponder serving the top 100 designated market areas.

''(B) DETERMINATION.—For the purposes of subparagraph (A), the top 100 designated market areas shall be as determined by Nielsen Media Research and published in the Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication as of the date of a satellite carrier's application for certification under this section.''.

SEC. 527. NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION DIGITAL SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.

(a) IN GENERAL.—Section 338(a) is amended by adding at the end the following new paragraph:

''(5) NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.—

''(A) EXISTING CARRIAGE OF HIGH DEFINITION SIGNALS.—If, before the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier is providing, under section 122 of title 17, United States Code, any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of qualified noncommercial educational television stations located within that local market in accordance with the following schedule:

''(i) By December 31, 2010, in at least 50 percent of the markets in which such satellite carrier provides such secondary transmissions in high definition format.

''(ii) By December 31, 2011, in every market in which such satellite carrier provides such secondary transmissions in high definition format.

''(B) NEW INITIATION OF SERVICE.—If, on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier initiates the provision, under section 122 of title 17, United States Code, of any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of all qualified noncommercial educational television stations located within that local market.''.

(b) DEFINITIONS.—Section 338(k) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

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

''(2) ELIGIBLE SATELLITE CARRIER.—The term 'eligible satellite carrier' means any satellite carrier that is not a party to a carriage contract that—

''(A) governs carriage of at least 30 qualified noncommercial educational television stations; and

''(B) is in force and effect within 60 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010.'';

(3) by redesignating paragraphs (6) through (9) (as previously redesignated) as paragraphs (7) through (10), respectively; and

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

''(6) QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term 'qualified noncommercial educational television station' means any full-power television broadcast station that—

''(A) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational broadcast station and is owned and operated by a public agency, nonprofit foundation, nonprofit corporation, or nonprofit association; and

''(B) has as its licensee an entity that is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B) of this title.''.

SEC. 528. SAVINGS CLAUSE REGARDING DEFINITIONS.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to affect—

(1) the meaning of the terms ''program related'' and ''primary video'' under the Communications Act of 1934; or

(2) the meaning of the term ''multicast'' in any regulations issued by the Federal Communications Commission.

SEC. 529. STATE PUBLIC AFFAIRS BROADCASTS.

Section 335(b) is amended—

(1) by inserting ''***STATE PUBLIC AFFAIRS,***'' after ''***EDUCATIONAL,***'' in the heading;

(2) by striking paragraph (1) and inserting the following:

''(1) CHANNEL CAPACITY REQUIRED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a provider of direct broadcast satellite service providing video programming, that the provider of such service reserve a portion of its channel capacity, equal to not less than 4 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.

''(B) REQUIREMENT FOR QUALIFIED SATELLITE PROVIDER.—The Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a qualified satellite provider of direct broadcast satellite service providing video programming, that such provider reserve a portion of its channel capacity, equal to not less than 3.5 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.'';

(3) in paragraph (5), by striking ''For purposes of the subsection—'' and inserting ''For purposes of this subsection:''; and

(4) by adding at the end of paragraph (5) the following:

''(C) The term 'qualified satellite provider' means any provider of direct broadcast satellite service that—

''(i) provides the retransmission of the State public affairs networks of at least 15 different States;

''(ii) offers the programming of State public affairs networks upon reasonable prices, terms, and conditions as determined by the Commission under paragraph (4); and

''(iii) does not delete any noncommercial programming of an educational or informational nature in connection with the carriage of a State public affairs network.

''(D) The term 'State public affairs network' means a non-commercial non-broadcast network or a noncommercial educational television station—

''(i) whose programming consists of information about State government deliberations and public policy events; and

''(ii) that is operated by—

''(I) a State government or subdivision thereof;

''(II) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code and that is governed by an independent board of directors; or

''(III) a cable system.''.

Subtitle C—Reports and Savings Provision

SEC. 531. DEFINITION.

In this subtitle, the term ''appropriate Congressional committees'' means the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate and the Committees on the Judiciary and on Energy and Commerce of the House of Representatives.

SEC. 532. REPORT ON MARKET BASED ALTERNATIVES TO STATUTORY LICENSING.

Not later than 1 year after the date of the enactment of this Act, and after consultation with the Federal Communications Commission, the Register of Copyrights shall submit to the appropriate Congressional committees a report containing—

(1) proposed mechanisms, methods, and recommendations on how to implement a phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code, by making such sections inapplicable to the secondary transmission of a performance or display of a work embodied in a primary transmission of a broadcast station that is authorized to license the same secondary transmission directly with respect to all of the performances and displays embodied in such primary transmission;

(2) any recommendations for alternative means to implement a timely and effective phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code; and

(3) any recommendations for legislative or administrative actions as may be appropriate to achieve such a phase-out.

SEC. 533. REPORT ON COMMUNICATIONS IMPLICATIONS OF STATUTORY LICENSING MODIFICATIONS.

(a) STUDY.—The Comptroller General shall conduct a study that analyzes and evaluates the changes to the carriage requirements currently imposed on multichannel video programming distributors under the Communications Act

of 1934 (47 U.S.C. 151 et seq.) and the regulations promulgated by the Federal Communications Commission that would be required or beneficial to consumers, and such other matters as the Comptroller General deems appropriate, if Congress implemented a phase-out of the current statutory licensing requirements set forth under sections 111, 119, and 122 of title 17, United States Code. Among other things, the study shall consider the impact such a phase-out and related changes to carriage requirements would have on consumer prices and access to programming.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report to the appropriate Congressional committees the results of the study, including any recommendations for legislative or administrative actions.

SEC. 534. REPORT ON IN-STATE BROADCAST PROGRAMMING.

Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate Congressional committees a report containing an analysis of—

(1) the number of households in a State that receive the signals of local broadcast stations assigned to a community of license that is located in a different State;

(2) the extent to which consumers in each local market have access to in-state broadcast programming over the air or from a multichannel video programming distributor; and

(3) whether there are alternatives to the use of designated market areas, as defined in section 122 of title 17, United States Code, to define local markets that would provide more consumers with in-state broadcast programming.

SEC. 535. LOCAL NETWORK CHANNEL BROADCAST REPORTS.

(a) REQUIREMENT.—

(1) IN GENERAL.—On the 180th day after the date of the enactment of this Act, and on each succeeding anniversary of such 180th day, each satellite carrier shall submit an annual report to the Federal Communications Commission setting forth—

(A) each local market in which it—

(i) retransmits signals of 1 or more television broadcast stations with a community of license in that market;

(ii) has commenced providing such signals in the preceding 1-year period; and

(iii) has ceased to provide such signals in the preceding 1-year period; and

(B) detailed information regarding the use and potential use of satellite capacity for the retransmission of local signals in each local market.

(2) TERMINATION.—The requirement under paragraph (1) shall cease after each satellite carrier has submitted 5 reports under such paragraph.

(b) FCC STUDY; REPORT.—

(1) STUDY.—If no satellite carrier files a request for a certification under section 342 of the Communications Act of 1934 (as added by section 526 of this title) within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall initiate a study of—

(A) incentives that would induce a satellite carrier to provide the signals of 1 or more television broadcast stations licensed to provide signals in local markets in which the satellite carrier does not provide such signals; and

(B) the economic and satellite capacity conditions affecting delivery of local signals by satellite carriers to these markets.

(2) REPORT.—Within 1 year after the date of the initiation of the study under paragraph (1), the Federal Communications Commission shall submit a report to the appropriate Congressional committees containing its findings, conclusions, and recommendations.

(c) DEFINITIONS.—In this section—

(1) the terms ''local market'' and ''satellite carrier'' have the meaning given such terms in section 339(d) of the Communications Act of 1934 (47 U.S.C. 339(d)); and

(2) the term ''television broadcast station'' has the meaning given such term in section 325(b)(7) of such Act (47 U.S.C. 325(b)(7)).

SEC. 536. SAVINGS PROVISION REGARDING USE OF NEGOTIATED LICENSES.

(a) IN GENERAL.—Nothing in this title, title 17, United States Code, the Communications Act of 1934, regulations promulgated by the Register of Copyrights under this title or title 17, United States Code, or regulations promulgated by the Federal Communications Commission under this title or the Communications Act of 1934 shall be construed to prevent a multichannel video programming distributor from retransmitting a performance or display of a work pursuant to an authorization granted by the copyright owner or, if within the scope of its authorization, its licensee.

(b) LIMITATION.—Nothing in subsection (a) shall be construed to affect any obligation of a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 to obtain the authority of a television broadcast station before retransmitting that station's signal.

SEC. 537. EFFECTIVE DATE; NONINFRINGEMENT OF COPYRIGHT.

(a) EFFECTIVE DATE.—Unless specifically provided otherwise, this title, and the amendments made by this title, shall take effect on February 27, 2010, and with the exception of the reference in subsection (b), all references to the date of enactment of this Act shall be deemed to refer to February 27, 2010, unless otherwise specified.

(b) NONINFRINGEMENT OF COPYRIGHT.—The secondary transmission of a performance or display of a work embodied in a primary transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010, and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

Subtitle D—Severability

SEC. 541. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

TITLE VI—OTHER PROVISIONS

SEC. 601. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), is amended—

(1) in subparagraph (A), by striking ''March 31, 2010'' and inserting ''September 30, 2010''; and

(2) in subparagraph (B), by striking ''April 1, 2010'' and inserting ''October 1, 2010''.

SEC. 602. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) IN GENERAL.—Section 53 is amended by adding at the end the following new subsection:

''(g) ELECTION FOR CORPORATIONS WITH UNUSED CREDITS.—

''(1) IN GENERAL.—If a corporation elects to have this subsection apply, then notwithstanding any other provision of law, the limitation imposed by subsection (c) for any such taxable year shall be increased by the AMT credit adjustment amount.

''(2) AMT CREDIT ADJUSTMENT AMOUNT.—For purposes of paragraph (1), the term 'AMT credit adjustment amount' means with respect to any taxable year beginning in 2010, the lesser of—

''(A) 50 percent of a corporation's minimum tax credit determined under subsection (b), or

''(B) 10 percent of new domestic investments made during such taxable year.

''(3) NEW DOMESTIC INVESTMENTS.—For purposes of this subsection, the term 'new domestic investments' means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

''(A) the original use of which commences with the taxpayer during the taxable year, and

''(B) which is placed in service in the United States by the taxpayer during such taxable year.

''(4) CREDIT REFUNDABLE.—For purposes of subsections (b) and (c) of section 6401, the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C of such part (and not to any other subpart).

''(5) ELECTION.—

''(A) IN GENERAL.—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once effective, may be revoked only with the consent of the Secretary.

''(B) INTERIM ELECTIONS.—Until such time as the Secretary prescribes a manner for making an election under this subsection, a taxpayer is treated as having made a valid election by providing written notification to the Secretary and the Commissioner of Internal Revenue of such election.

''(6) TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.—For purposes of this subsection, any corporation's allocable share of any new domestic investments by a partnership more than 90 percent of the capital and profits interest in which is owned by such corporation (directly or indirectly) at all times during the taxable year in which an election under this subsection is in effect shall be considered new domestic investments of such corporation for such taxable year.

''(7) NO DOUBLE BENEFIT.—Notwithstanding clause (iii)(II) of section 172(b)(1)(H), any taxpayer which has previously made an election under such section shall be deemed to have revoked such election by the making of its first election under this subsection.

''(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including to prevent fraud and abuse under this subsection.

''(9) TERMINATION.—This subsection shall not apply to any taxable year that begins after December 31, 2010.''.

(b) QUICK REFUND OF REFUNDABLE CREDIT.—Section 6425 is amended by adding at the end the following new subsection:

''(e) ALLOWANCE OF AMT CREDIT ADJUSTMENT AMOUNT.—The amount of an adjustment under this section as determined under subsection (c)(2) for any taxable year may be increased to the extent of the corporation's AMT credit adjustment amount determined under section 53(g) for such taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 603. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 is amended by adding at the end the following new subsection:

''(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

''(1) IN GENERAL.—Solely for purposes of subsection (a) and except as provided in paragraph (2), a person receiving rental income from real estate shall be considered to be engaged in a trade or business of renting property.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A) any individual, including any individual who is an active member of the uniformed services, if substantially all rental income is derived from renting the principal residence (within the meaning of section 121) of such individual on a temporary basis,

''(B) any individual who receives rental income of not more than the minimal amount, as determined under regulations prescribed by the Secretary, and

''(C) any other individual for whom the requirements of this section would cause hardship, as determined under regulations prescribed by the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2010.

SEC. 604. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

SEC. 605. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking ''$250,000'' and inserting ''$1,500,000''.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking ''$15'' and inserting ''$30''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking ''$75,000'' and inserting ''$250,000''.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking ''$30'' and inserting ''$60''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721are each amended by striking ''$150,000'' and inserting ''$500,000''.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking ''$100,000'' in subparagraph (A) and inserting ''$500,000'',

(2) by striking ''$25,000'' in subparagraph (B) and inserting ''$75,000'', and

(3) by striking ''$50,000'' in subparagraph (C) and inserting ''$200,000''.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking ''$100'' and inserting ''$250''.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount adjusted under paragraph (1)—

''(A) is not less than $75,000 and is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500, and

''(B) is not described in subparagraph (A) and is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 606. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Paragraphs (2)(D) and (7)(C) of section 1400N(a) are each amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENTS.—Sections 702(d)(1) and 704(a) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110–343; 122 Stat. 3913, 3919) are each amended by striking''January 1, 2011'' each place it appears and inserting ''January 1, 2012''.

SEC. 607. APPLICATION OF LEVY TO PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) IN GENERAL.—Section 6331(h)(3) is amended by striking ''goods or services'' and inserting ''property, goods, or services''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies approved after the date of the enactment of this Act.

SEC. 608. ELECTION FOR REFUNDABLE LOW-INCOME HOUSING CREDIT FOR 2010.

Subsection (n) of section 42, as added by section 121, is amended to read as follows:

''(n) ELECTION FOR REFUNDABLE CREDITS.—

''(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State's 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

''(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term '2010 low-income housing refundable credit election amount' means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

''(A) the sum of—

''(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), plus any increase in the State housing credit ceiling for 2010 made by reason of section 1400N(c) (including as such section is applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008), and

''(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, plus any increase in the State housing credit ceiling for 2010 made by reason of the application of such section 702(d)(2) and 704(b), multiplied by

''(B) 10.

For purposes of subparagraph (A)(ii), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) shall be applied without regard to clause (i).

''(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

''(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

''(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting 'January 1, 2012' for 'January 1, 2011'.''.

SEC. 609. LOW-INCOME HOUSING GRANT ELECTION.

(a) CLARIFICATION OF ELIGIBILITY OF LOW-INCOME HOUSING CREDITS FOR LOW-INCOME HOUSING GRANT ELECTION.—Paragraph (1) of section 1602(b) of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) by inserting '', plus any increase in the State housing credit ceiling for 2009 attributable to any State housing credit ceiling returned in 2009 to the State by reason of section 1400N(c) of such Code (including as such section is applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008)'' after ''1986'' in subparagraph (A), and

(2) by inserting '', plus any increase in the State housing credit ceiling for 2009 attributable to any additional State housing credit ceiling made by reason of the application of such section 702(d)(2) and 704(b)'' after ''such section'' in subparagraph (B).

(b) APPLICATION OF ADDITIONAL HOUSING CREDIT AMOUNT FOR PURPOSES OF 2009 GRANT ELECTION.—Subsection (b) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009, as amended by subsection (a), is amended by adding at the end the following flush sentence:

''For purposes of paragraph (1)(B), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) of such Code shall be applied without regard to clause (i).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of section 1602 of the American Recovery and Reinvestment Tax Act of 2009.

SEC. 610. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO ROTH DESIGNATED ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

''(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

''(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

''(ii) section 72(t) shall not apply, and

''(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

''(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

''(C) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.''.

SEC. 611. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Paragraph (4) of section 25C(c) is amended by striking ''unless'' and all that follows and inserting ''unless—

''(A) in the case of any component placed in service after the date which is 90 days after the date of the enactment of the American Workers, State, and Business Relief Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows,

Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

''(B) in the case of any component placed in service after the date of the enactment of the American Workers, State, and Business Relief Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

''(C) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 612. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

''(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

''(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 613. EXTENSION OF SPECIAL ALLOWANCE FOR CERTAIN PROPERTY.

(a) IN GENERAL.—Section 15345(d)(1)(D) of the Food Conservation and Energy Act of 2008 (Public Law 110–246) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) CONFORMING AMENDMENT.—Section 15345(d)(1)(F) of such Act is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 15345 of the Food Conservation and Energy Act of 2008.

SEC. 614. APPLICATION OF BAD CHECKS PENALTY TO ELECTRONIC PAYMENTS.

(a) IN GENERAL.—Section 6657 is amended—

(1) by striking ''If any check or money order in payment of any amount'' and inserting ''If any instrument in payment, by any commercially acceptable means, of any amount'', and

(2) by striking ''such check'' each place it appears and inserting ''such instrument''.

(b) EFFECTIVE DATES.—The amendments made by this section shall apply to instruments tendered after the date of the enactment of this Act.

SEC. 615. GRANTS FOR ENERGY EFFICIENT APPLIANCES IN LIEU OF TAX CREDIT.

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable.

SEC. 616. BUDGETARY EFFECTS OF LEGISLATION PASSED BY THE SENATE.

(a) ESTABLISHMENT OF WEB PAGE.—

(1) IN GENERAL.—Not later than 90 days after the enactment of this Act, the Secretary of the Senate shall establish on the official website of the United States Senate (www.senate.gov) a page entitled ''Information on the Budgetary Effects of Legislation Considered by the Senate'' which shall include—

(A) links to appropriate pages on the website of the Congressional Budget Office (www.cbo.gov) that contain cost estimates of legislation passed by the Senate; and

(B) as available, links to pages with any other information produced by the Congressional Budget Office that summarize or further explain the budgetary effects of legislation considered by the Senate.

(2) UPDATES.—The Secretary of the Senate shall update this page every 3 months.

(b) CBO REQUIREMENTS.—Nothing in this section shall be construed as imposing any new requirements on the Congressional Budget Office.

SEC. 617. SENATE SPENDING DISCLOSURE.

(a) IN GENERAL.—The Secretary of the Senate shall post prominently on the front page of the public website of the Senate (http://www.senate.gov/) the following information:

(1) The total amount of discretionary and direct spending passed by the Senate that has not been paid for, including emergency designated spending or spending otherwise exempted from PAYGO requirements.

(2) The total amount of net spending authorized in legislation passed by the Senate, as scored by CBO.

(3) The number of new government programs created in legislation passed by the Senate.

(4) The totals for paragraphs (1) through (3) as passed by both Houses of Congress and signed into law by the President.

(b) DISPLAY.—The information tallies required by subsection (a) shall be itemized by bill and date, updated weekly, and archived by calendar year.

(c) EFFECTIVE DATE.—The PAYGO tally required by subsection (a)(1) shall begin with the date of enactment of the Statutory Pay-As-You-Go Act of 2010 and the authorization tally required by subsection (a)(2) shall apply to all legislation passed beginning January 1, 2010.

SEC. 618. ALLOCATION OF GEOTHERMAL RECEIPTS.

Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

SEC. 619. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term ''qualifying contract'' means a contract that has not been terminated by the Bureau of Land Management for the sale of timber on lands administered by the Bureau of Land Management that meets all of the following criteria:

(A) The contract was awarded during the period beginning on January 1, 2005, and ending on December 31, 2008.

(B) There is unharvested volume remaining for the contract.

(C) The contract is not a salvage sale.

(D) The Secretary determined there is not an urgent need to harvest under the contract due to deteriorating timber conditions that developed after the award of the contract.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) TIMBER PURCHASER.—The term ''timber purchaser'' means the party to the qualifying contract for the sale of timber from lands administered by the Bureau of Land Management.

(b) MARKET-RELATED CONTRACT EXTENSION OPTION.—Upon a timber purchaser's written request, the Secretary may make a one-time modification to the qualifying contract to add 3 years to the contract expiration date if the written request—

(1) is received by the Secretary not later than 90 days after the date of enactment of this Act; and

(2) contains a provision releasing the United States from all liability, including further consideration or compensation, resulting from the modification under this subsection of the term of a qualifying contract.

(c) REPORTING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing a plan and timeline to promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(d) REGULATIONS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(e) NO SURRENDER OF CLAIMS.—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b).

SEC. 620. ARRA PLANNING AND REPORTING.

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 287) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by inserting ''PLANS AND'' after ''AGENCY'';

(B) by striking ''Not later than'' and inserting the following:

''(1) DEFINITION.—In this subsection, the term 'covered program' means a program for which funds are appropriated under this division—

''(A) in an amount that is—

''(i) more than $2,000,000,000; and

''(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

''(B) that did not exist before the date of enactment of this Act.

''(2) PLANS.—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

''(A) a description of the goals for the covered program using recovery funds;

''(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

''(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

''(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

''(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

''(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

''(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

''(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

''(3) REPORTS.—

''(A) IN GENERAL.—Not later than''; and

(C) by adding at the end the following:

''(B) REPORTS ON PLANS.—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

''(i) discusses the progress of the agency in implementing the plan;

''(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

''(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

''(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

''(v) discusses—

''(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

''(II) if the covered program has failed to meet the milestones, the reasons why; and

''(III) any changes in the milestones for the covered program, including the reasons for the change;

''(vi) discusses the performance of the covered program, including—

''(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

''(II) if the covered program has failed to meet the performance measures, the reasons why; and

''(III) any trends in information relating to the performance of the covered program; and

''(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.'';

(2) in subsection (f)—

(A) by striking ''Within 180 days'' and inserting the following:

''(1) IN GENERAL.—Within 180 days''; and

(B) by adding at the end the following:

''(2) PENALTIES.—

''(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the Attorney General may bring a civil action in an appropriate United States district court against a recipient of recovery funds from an agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. In a civil action under this paragraph, the court may impose a civil penalty on a recipient of recovery funds in an amount not more than $250,000. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

''(B) NOTIFICATION.—

''(i) IN GENERAL.—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

''(ii) LIMITATION.—A court may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

''(C) CONSIDERATIONS.—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, a court shall consider—

''(i) the number of times the recipient has failed to provide the information required under subsection (c);

''(ii) the amount of recovery funds provided to the recipient;

''(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

''(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

''(D) APPLICABILITY.—This paragraph shall apply to any report required to be submitted on or after the date of enactment of this paragraph.

''(E) NONEXCLUSIVITY.—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

''(3) TECHNICAL ASSISTANCE.—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

''(4) PUBLIC LISTING.—

''(A) IN GENERAL.—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), the Board shall make available on the website established under section 1526 a list of all recipients of recovery funds that did not provide the information required under subsection (c) for the calendar quarter.

''(B) CONTENTS.—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the Board, the reason for noncompliance.

''(5) REGULATIONS AND REPORTING.—

''(A) REGULATIONS.—Not later than 90 days after the date of enactment of this paragraph, the Attorney General, in consultation with the Director of the Office of Management and Budget and the Chairperson, shall promulgate regulations regarding implementation of this section.

''(B) REPORTING.—

''(i) IN GENERAL.—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include—

''(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

''(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

''(III) any other information determined appropriate by the Director.''; and

(3) by adding at the end the following:

''(i) TERMINATION.—The reporting requirements under this section shall terminate on September 30, 2013.''.

SEC. 621. GAO STUDY.

Not later than 180 days after the date of enactment of this Act, the Comptroller General shall report to Congress detailing—

(1) the pattern of job loss in the New England and Midwest States over the past 20 years;

(2) the role of the off-shoring of manufacturing jobs in overall job loss in the regions; and

(3) recommendations to attract industries and bring jobs to the region.

SEC. 622. EXTENSION AND MODIFICATION OF SECTION 45 CREDIT FOR REFINED COAL FROM STEEL INDUSTRY FUEL.

(a) CREDIT PERIOD.—

(1) IN GENERAL.—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

''(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 2 years after such date.''.

(2) CONFORMING AMENDMENT.—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) EXTENSION OF PLACED-IN-SERVICE DATE.—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking ''(or any modification to a facility)'', and

(2) by striking ''2010'' and inserting ''2011''.

(c) CLARIFICATIONS.—

(1) STEEL INDUSTRY FUEL.—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting '', a blend of coal and petroleum coke, or other coke feedstock'' after ''on coal''.

(2) OWNERSHIP INTEREST.—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

''With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person's rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.''.

(3) PRODUCTION AND SALE.—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

''(iii) PRODUCTION AND SALE.—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.''.

(d) SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting ''(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))'' after ''service''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall take effect on the date of the enactment of this Act.

(2) CLARIFICATIONS.—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

SEC. 623. MODIFICATIONS TO MINE RESCUE TEAM TRAINING CREDIT AND ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

(a) MINE RESCUE TEAM TRAINING CREDIT ALLOWABLE AGAINST AMT.—Subparagraph (B) of section 38(c)(4) is amended—

(1) by redesignating clauses (vi), (vii), and (viii) as clauses (vii), (viii), and (ix), respectively, and

(2) by inserting after clause (v) the following new clause:

''(vi) the credit determined under section 45N,''.

(b) ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT ALLOWABLE AGAINST AMT.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

''(vii) SPECIAL RULE FOR ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.—Clause (i) shall not apply to amounts deductible under section 179E.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 624. APPLICATION OF CONTINUOUS LEVY TO EMPLOYMENT TAX LIABILITY OF CERTAIN FEDERAL CONTRACTORS.

(a) IN GENERAL.—Section 6330(h) is amended by inserting ''or if the person subject to the levy (or any predecessor thereof) is a Federal contractor that was identified as owing such employment taxes through the Federal Payment Levy Program'' before the period at the end of the first sentence.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies issued after December 31, 2010.

TITLE VII—DETERMINATION OF BUDGETARY EFFECTS

SEC. 701. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION.—Sections 201, 211, and 232 of this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)) and section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. In the House of Representatives, sections 201, 211, and 232 of this Act are designated as an emergency for purposes of pay-as-you-go principles.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Levin moves that the House concur in the Senate amendment to H.R. 4213 with the amendment printed in part A of House Report 111–497, as modified by the amendment printed in part B of House Report 111–497 and the further amendment in section 2 of House Resolution 1403.

The SPEAKER pro tempore. The House amendment to the Senate amendment to the bill H.R. 4213 contains:

an emergency designation for the purposes of pay-as-you-go principles under clause 10(c) of rule XXI; and

an emergency designation pursuant to section 4(g)(1) of the Statutory Pay-As-You-Go Act of 2010.

Accordingly, the Chair must put the question of consideration under clause 10(c)(3) of rule XXI and under section 47(g)(2) of the Statutory Pay-As-You-Go Act of 2010.

The question is, Will the House now consider the motion to concur in the Senate amendment with an amendment?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. Pursuant to House Resolution 1403, the amendment printed in part A of House Report 111–497 as modified by the amendment printed in part B of the report and by the amendment printed in section 2 of House Resolution 1403 shall be considered as read.

The text of the House amendment to the Senate amendment is as follows:

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Jobs and Closing Tax Loopholes Act of 2010''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in titles I, II, and IV of this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—INFRASTRUCTURE INCENTIVES

SEC. 101. EXTENSION OF BUILD AMERICA BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 54AA(d)(1) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

(b) EXTENSION OF PAYMENTS TO ISSUERS.—

(1) IN GENERAL.—Section 6431 is amended—

(A) by striking ''January 1, 2011'' in subsection (a) and inserting ''January 1, 2013''; and

(B) by striking ''January 1, 2011'' in subsection (f)(1)(B) and inserting ''a particular date''.

(2) CONFORMING AMENDMENTS.—Subsection (g) of section 54AA is amended—

(A) by striking ''January 1, 2011'' and inserting ''January 1, 2013''; and

(B) by striking ''QUALIFIED BONDS ISSUED BEFORE 2011'' in the heading and inserting ''CERTAIN QUALIFIED BONDS''.

(c) REDUCTION IN PERCENTAGE OF PAYMENTS TO ISSUERS.—Subsection (b) of section 6431 is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) by striking ''35 percent'' and inserting ''the applicable percentage''; and

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

''(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means the percentage determined in accordance with the following table:

''In the case of a qualified bond issued during calendar year:	*The applicable percentage is:*
2009 or 2010	*35 percent*

''In the case of a qualified bond issued during calendar year:	The applicable percentage is:
2011	32 percent
2012	30 percent.''.

(d) CURRENT REFUNDINGS PERMITTED.—Subsection (g) of section 54AA is amended by adding at the end the following new paragraph:

''(3) TREATMENT OF CURRENT REFUNDING BONDS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified bond' includes any bond (or series of bonds) issued to refund a qualified bond if—

''(i) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

''(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

''(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

''(B) APPLICABLE PERCENTAGE.—In the case of a refunding bond referred to in subparagraph (A), the applicable percentage with respect to such bond under section 6431(b) shall be the lowest percentage specified in paragraph (2) of such section.

''(C) DETERMINATION OF AVERAGE MATURITY.—For purposes of subparagraph (A)(i), average maturity shall be determined in accordance with section 147(b)(2)(A).''.

(e) CLARIFICATION RELATED TO LEVEES AND FLOOD CONTROL PROJECTS.—Subparagraph (A) of section 54AA(g)(2) is amended by inserting ''(including capital expenditures for levees and other flood control projects)'' after ''capital expenditures''.

SEC. 102. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER SUPPLY FACILITIES.

(a) BONDS FOR WATER AND SEWAGE FACILITIES EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.—

(1) IN GENERAL.—Paragraph (3) of section 146(g) is amended by inserting ''(4), (5),'' after ''(2),''.

(2) CONFORMING AMENDMENT.—Paragraphs (2) and (3)(B) of section 146(k) are both amended by striking ''(4), (5), (6),'' and inserting ''(6)''.

(b) TAX-EXEMPT ISSUANCE BY INDIAN TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—Subsection (c) of section 7871 is amended by adding at the end the following new paragraph:

''(4) EXCEPTION FOR BONDS FOR WATER AND SEWAGE FACILITIES.—Paragraph (2) shall not apply to an exempt facility bond 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide facilities described in paragraph (4) or (5) of section 142(a).''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 7871(c) is amended by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 103. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2012''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2012''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 104. EXTENSION AND ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY.

(a) EXTENSION OF RECOVERY ZONE BOND AUTHORITY.—Section 1400U–2(b)(1) and section 1400U–3(b)(1)(B) are each amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY BASED ON UNEMPLOYMENT.—Section 1400U–1 is amended by adding at the end the following new subsection:

''(c) ALLOCATION OF 2010 RECOVERY ZONE BOND LIMITATIONS BASED ON UNEMPLOYMENT.—

''(1) IN GENERAL.—The Secretary shall allocate the 2010 national recovery zone economic development bond limitation and the 2010 national recovery zone facility bond limitation among the States in the proportion that each such State's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

''(2) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under paragraph (1) for each State to the extent necessary to ensure that no State (prior to any reduction under paragraph (3)) receives less than 0.9 percent of the 2010 national recovery zone economic development bond limitation and 0.9 percent of the 2010 national recovery zone facility bond limitation.

''(3) ALLOCATIONS BY STATES.—

''(A) IN GENERAL.—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation among the counties and large municipalities (as defined in subsection (a)(3)(B)) in such State in the proportion that each such county's or municipality's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all the counties and large municipalities (as so defined) in such State.

''(B) 2010 ALLOCATION REDUCED BY AMOUNT OF PREVIOUS ALLOCATION.—Each State shall reduce (but not below zero)—

''(i) the amount of the 2010 national recovery zone economic development bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone economic development bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof), and

''(ii) the amount of the 2010 national recovery zone facility bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone facility bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof).

''(C) WAIVER OF SUBALLOCATIONS.—A county or municipality may waive any portion of an allocation made under this paragraph. A county or municipality shall be treated as having waived any portion of an allocation made under this paragraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.

''(D) SPECIAL RULE FOR A MUNICIPALITY IN A COUNTY.—In the case of any large municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

''(4) 2009 UNEMPLOYMENT NUMBER.—For purposes of this subsection, the term '2009 unemployment number' means, with respect to any State, county or municipality, the number of individuals in such State, county, or municipality who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

''(5) 2010 NATIONAL LIMITATIONS.—

''(A) RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.—The 2010 national recovery zone economic development bond limitation is $10,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U–2 in the same manner as an allocation of national recovery zone economic development bond limitation.

''(B) RECOVERY ZONE FACILITY BONDS.—The 2010 national recovery zone facility bond limitation is $15,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U–3 in the same manner as an allocation of national recovery zone facility bond limitation.''.

(c) AUTHORITY OF STATE TO WAIVE CERTAIN 2009 ALLOCATIONS.—Subparagraph (A) of section 1400U–1(a)(3) is amended by adding at the end the following: ''A county or municipality shall be treated as having waived any portion of an allocation made under this subparagraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.''.

SEC. 105. ALLOWANCE OF NEW MARKETS TAX CREDIT AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by the Patient Protection and Affordable Care Act, is amended by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2012,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after March 15, 2010.

SEC. 106. EXTENSION OF TAX-EXEMPT ELIGIBILITY FOR LOANS GUARANTEED BY FEDERAL HOME LOAN BANKS.

Clause (iv) of section 149(b)(3)(A) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 107. EXTENSION OF TEMPORARY SMALL ISSUER RULES FOR ALLOCATION OF TAX-EXEMPT INTEREST EXPENSE BY FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Clauses (i), (ii), and (iii) of section 265(b)(3)(G) are each amended by striking ''or 2010'' and inserting '', 2010, or 2011''.

(b) CONFORMING AMENDMENT.—Subparagraph (G) of section 265(b)(3) is amended by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

TITLE II—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Energy

SEC. 201. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—Paragraph (3) of section 30B(k) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2009.

SEC. 202. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 203. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) IN GENERAL.—Clause (ii) of section 45(b)(4)(B) is amended—

(1) by striking ''5-year period'' and inserting ''6-year period''; and

(2) by adding at the end the following: ''In the case of the last year of the 6-year period described in the preceding sentence, the credit determined under subsection (a) with respect to electricity produced during such year shall not exceed 80 percent of such credit determined without regard to this sentence.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after December 31, 2009.

SEC. 204. EXTENSION AND MODIFICATION OF CREDIT FOR STEEL INDUSTRY FUEL.

(a) CREDIT PERIOD.—

(1) IN GENERAL.—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

''(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 2 years after such date.''.

(2) CONFORMING AMENDMENT.—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) EXTENSION OF PLACED-IN-SERVICE DATE.—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking ''(or any modification to a facility)''; and

(2) by striking ''2010'' and inserting ''2011''.

(c) CLARIFICATIONS.—

(1) STEEL INDUSTRY FUEL.—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting '', a blend of coal and petroleum coke, or other coke feedstock'' after ''on coal''.

(2) OWNERSHIP INTEREST.—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

''With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person's rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.''.

(3) PRODUCTION AND SALE.—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

''(iii) PRODUCTION AND SALE.—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.''.

(d) SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting ''(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))'' after ''service''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall take effect on the date of the enactment of this Act.

(2) CLARIFICATIONS.—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

SEC. 205. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.

(a) IN GENERAL.—Paragraph (1) of section 45K(g) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 206. NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

SEC. 207. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) is amended by striking ''after December 31, 2009'' and all that follows and inserting ''after—

''(A) September 30, 2014, in the case of liquefied hydrogen,

''(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of paragraph (2), and

''(C) December 31, 2009, in any other case.''.

(b) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) is amended by striking ''after December 31, 2009'' and all that follows and inserting ''after—

''(A) September 30, 2014, in the case of liquefied hydrogen,

''(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of subsection (d)(2), and

''(C) December 31, 2009, in any other case.''.

(c) PAYMENT AUTHORITY.—

(1) IN GENERAL.—Paragraph (6) of section 6427(e) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) any alternative fuel or alternative fuel mixture (as so defined) involving fuel described in subparagraph (A), (C), (F), or (G) of section 6426(d)(2) sold or used after December 31, 2010.''.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 6427(e)(6) is amended by inserting ''or (E)'' after ''subparagraph (D)''.

(d) EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.—The last sentence of section 6426(d)(2) is amended by striking ''or biodiesel'' and inserting ''biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 208. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) MODIFICATION OF DEFINITION OF INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Clause (i) of section 451(i)(4)(B) is amended to read as follows:

''(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 824b) or by declaratory order—

''(I) is not itself a market participant as determined by the Commission, and also is not controlled by any such market participant, or

''(II) to be independent from market participants or to be an independent transmission company within the meaning of such Commission's rules applicable to independent transmission providers, and''.

(2) RELATED PERSONS.—Paragraph (4) of section 451(i) is amended by adding at the end the following flush sentence:

''For purposes of subparagraph (B)(i)(I), a person shall be treated as controlled by another person if such persons would be treated as a single employer under section 52.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to dispositions after December 31, 2009.

(2) MODIFICATIONS.—The amendments made by subsection (b) shall apply to dispositions after the date of the enactment of this Act.

SEC. 209. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 210. DIRECT PAYMENT OF ENERGY EFFICIENT APPLIANCES TAX CREDIT.

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable. No amount shall be includible in gross income or alternative minimum taxable income by reason of this section.

SEC. 211. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Paragraph (4) of section 25C(c) is amended by striking ''unless'' and all that follows and inserting ''unless—

''(A) in the case of any component placed in service after the date which is 90 days after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

''(B) in the case of any component placed in service after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

''(C) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

Subtitle B—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

SEC. 221. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2009'' and inserting ''2009, or 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 222. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1) is amended by striking ''or 2009'' and inserting ''2009, or 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 223. DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 224. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 225. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

(c) TEMPORARY COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS.—In the case of any taxpayer for any taxable year beginning in 2010, no deduction shall be allowed under section 222 of the Internal Revenue Code of 1986 if—

(1) the taxpayer's net Federal income tax reduction which would be attributable to such deduction for such taxable year, is less than

(2) the credit which would be allowed to the taxpayer for such taxable year under section 25A of such Code (determined without regard to sections 25A(e) and 26 of such Code).

SEC. 226. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

SEC. 227. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

PART II—LOW-INCOME HOUSING CREDITS

SEC. 231. ELECTION FOR DIRECT PAYMENT OF LOW-INCOME HOUSING CREDIT FOR 2010.

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) ELECTION FOR DIRECT PAYMENT OF CREDIT.—

''(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State's 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

''(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term '2010 low-income housing refundable credit election amount' means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

''(A) the sum of—

''(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), and

''(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, multiplied by

''(B) 10.

''(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

''(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

''(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting 'January 1, 2012' for 'January 1, 2011'.''.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''42(n),'' after ''36C,''.

Subtitle C—Business Tax Relief

SEC. 241. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 242. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 243. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subparagraph (F) of section 45D(f)(1) is amended by inserting ''and 2010'' after ''2009''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 45D(f) is amended by striking ''2014'' and inserting ''2015''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2009.

SEC. 244. RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

SEC. 245. MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) CREDIT ALLOWABLE AGAINST AMT.—Subparagraph (B) of section 38(c)(4), as amended by section 105, is amended—

(1) by redesignating clauses (vii) through (x) as clauses (viii) through (xi), respectively; and

(2) by inserting after clause (vi) the following new clause:

''(vii) the credit determined under section 45N,''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(2) ALLOWANCE AGAINST AMT.—The amendments made by subsection (b) shall apply to credits determined for taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 246. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

SEC. 247. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.

(a) IN GENERAL.—Clause (vii) of section 168(e)(3)(B) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 248. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking ''if such building is placed in service after December 31, 2008, and before January 1, 2010,''.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 249. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 250. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 251. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 252. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 253. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 254. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 255. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

SEC. 256. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

SEC. 257. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking ''first 4 taxable years'' and inserting ''first 5 taxable years''; and

(2) by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 258. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

SEC. 259. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.

(a) IN GENERAL.—Subparagraph (K) of section 512(b)(19) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property acquired after December 31, 2009.

SEC. 260. TIMBER REIT MODERNIZATION.

(a) IN GENERAL.—Paragraph (8) of section 856(c) is amended by striking ''means'' and all that follows and inserting ''means December 31, 2010.''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking ''the first taxable year beginning after the date of the enactment of this subparagraph'' and inserting ''a taxable year beginning on or before the termination date''.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting ''in taxable years beginning'' after ''dispositions''.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting ''in a taxable year beginning'' after ''sale''.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting ''in a taxable year beginning'' after ''In the case of a sale''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 261. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 262. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

SEC. 263. EXCEPTIONS FOR ACTIVE FINANCING INCOME.

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 264. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 265. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 266. EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking ''December 31, 2009'' in subsection (d)(1)(A)(i) and inserting ''December 31, 2010''; and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking ''December 31, 2014'' and inserting ''December 31, 2015''; and

(2) by striking ''2014'' in the heading and inserting ''2015''.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2009.

SEC. 267. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''December 31, 2009'' each place it appears and inserting ''December 31, 2010''.

(b) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(2) LIMITATION ON PERIOD OF GAINS.—

(A) IN GENERAL.—Paragraph (2) of section 1400B(e) is amended—

(i) by striking ''December 31, 2014'' and inserting ''December 31, 2015''; and

(ii) by striking ''2014'' in the heading and inserting ''2015''.

(B) PARTNERSHIPS AND S-CORPS.—Paragraph (2) of section 1400B(g) is amended by striking ''December 31, 2014'' and inserting ''December 31, 2015''.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) HOMEBUYER CREDIT.—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

SEC. 268. RENEWAL COMMUNITY TAX INCENTIVES.

(a) IN GENERAL.—Subsection (b) of section 1400E is amended—

(1) by striking ''December 31, 2009'' in paragraphs (1)(A) and (3) and inserting ''December 31, 2010''; and

(2) by striking ''January 1, 2010'' in paragraph (3) and inserting ''January 1, 2011''.

(b) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400F(b) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(2) LIMITATION ON PERIOD OF GAINS.—Paragraph (2) of section 1400F(c) is amended—

(A) by striking ''December 31, 2014'' and inserting ''December 31, 2015''; and

(B) by striking ''2014'' in the heading and inserting ''2015''.

(3) CLERICAL AMENDMENT.—Subsection (d) of section 1400F is amended by striking ''and 'December 31, 2014' for 'December 31, 2014' ''.

(c) COMMERCIAL REVITALIZATION DEDUCTION.—

(1) IN GENERAL.—Subsection (g) of section 1400I is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 1400I(d)(2) is amended by striking ''after 2001 and before 2010'' and inserting ''which begins after 2001 and before the date referred to in subsection (g)''.

(d) INCREASED EXPENSING UNDER SECTION 179.—Subparagraph (A) of section 1400J(b)(1) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(e) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of a renewal community the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A) of section 1400E(b)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) ACQUISITIONS.—The amendments made by subsections (b)(1) and (d) shall apply to acquisitions after December 31, 2009.

(3) COMMERCIAL REVITALIZATION DEDUCTION.—

(A) IN GENERAL.—The amendment made by subsection (c)(1) shall apply to buildings placed in service after December 31, 2009.

(B) CONFORMING AMENDMENT.—The amendment made by subsection (c)(2) shall apply to calendar years beginning after December 31, 2009.

SEC. 269. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

SEC. 270. PAYMENT TO AMERICAN SAMOA IN LIEU OF EXTENSION OF ECONOMIC DEVELOPMENT CREDIT.

The Secretary of the Treasury (or his designee) shall pay $18,000,000 to the Government of American Samoa for purposes of economic development. The payment made under the preceding sentence shall be treated for purposes of section 1324 of title 31, United States Code, as a refund of internal revenue collections to which such section applies.

SEC. 271. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) IN GENERAL.—Section 53 is amended by adding at the end the following new subsection:

''(g) ELECTION FOR CORPORATIONS WITH NEW DOMESTIC INVESTMENTS.—

''(1) IN GENERAL.—If a corporation elects to have this subsection apply for its first taxable year beginning after December 31, 2009, the limitation imposed by subsection (c) for such taxable year shall be increased by the AMT credit adjustment amount.

''(2) AMT CREDIT ADJUSTMENT AMOUNT.—For purposes of paragraph (1), the term 'AMT credit adjustment amount' means, the lesser of—

''(A) 50 percent of a corporation's minimum tax credit for its first taxable year beginning after December 31, 2009, determined under subsection (b), or

''(B) 10 percent of new domestic investments made during such taxable year.

''(3) NEW DOMESTIC INVESTMENTS.—For purposes of this subsection, the term 'new domestic investments' means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

''(A) the original use of which commences with the taxpayer during the taxable year, and

''(B) which is placed in service in the United States by the taxpayer during such taxable year.

''(4) CREDIT REFUNDABLE.—For purposes of subsection (b) of section 6401, the aggregate increase in the credits allowable under this part for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C (and not under any other subpart). For purposes of section 6425, any amount treated as so allowed shall be treated as a payment of estimated income tax for the taxable year.

''(5) ELECTION.—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once made, may be revoked only with the consent of the Secretary. Not later than 90 days after the date of the enactment of this subsection, the Secretary shall issue guidance specifying such time and manner.

''(6) TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.—For purposes of this subsection, a corporation shall take into account its allocable share of any new domestic investments by a partnership for any taxable year if, and only if, more than 90 percent of the capital and profits interests in such partnership are owned by such corporation (directly or indirectly) at all times during such taxable year.

''(7) NO DOUBLE BENEFIT.—

''(A) IN GENERAL.—A corporation making an election under this subsection may not make an election under subparagraph (H) of section 172(b)(1).

''(B) SPECIAL RULES WITH RESPECT TO TAXPAYERS PREVIOUSLY ELECTING APPLICABLE NET OPERATING LOSSES.— In the case of a corporation which made an election under subparagraph (H) of section 172(b)(1) and elects the application of this subsection—

''(i) ELECTION OF APPLICABLE NET OPERATING LOSS TREATED AS REVOKED.—The election under such subparagraph (H) shall (notwithstanding clause (iii)(II) of such subparagraph) be treated as having been revoked by the taxpayer.

''(ii) COORDINATION WITH PROVISION FOR EXPEDITED REFUND.—The amount otherwise treated as a payment of estimated income tax under the last sentence of paragraph (4) shall be reduced (but not below zero) by the aggregate increase in unpaid tax liability determined under this chapter by reason of the revocation of the election under clause (i).

''(iii) APPLICATION OF STATUTE OF LIMITATIONS.—With respect to the revocation of an election under clause (i)—

''(I) the statutory period for the assessment of any deficiency attributable to such revocation shall not expire before the end of the 3-year period beginning on the date of the election to have this subsection apply, and

''(II) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

''(C) EXCEPTION FOR ELIGIBLE SMALL BUSINESSES.—Subparagraphs (A) and (B) shall not apply to an eligible small business as defined in section 172(b)(1)(H)(v)(II).

''(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including to prevent fraud and abuse under this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by inserting ''53(g),'' after ''53(e),''.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''53(g),'' after ''53(e),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 272. STUDY OF EXTENDED TAX EXPENDITURES.

(a) FINDINGS.—Congress finds the following:

(1) Currently, the aggregate cost of Federal tax expenditures rivals, or even exceeds, the amount of total Federal discretionary spending.

(2) Given the escalating public debt, a critical examination of this use of taxpayer dollars is essential.

(3) Additionally, tax expenditures can complicate the Internal Revenue Code of 1986 for taxpayers and complicate tax administration for the Internal Revenue Service.

(4) To facilitate a better understanding of tax expenditures in the future, it is constructive for legislation extending these provisions to include a study of such provisions.

(b) REQUIREMENT TO REPORT.—Not later than November 30, 2010, the Chief of Staff of the Joint Committee on Taxation, in consultation with the Comptroller General of the United States, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on each tax expenditure (as defined in section 3(3) of the Congressional Budget Impoundment Control Act of 1974 (2 U.S.C. 622(3)) extended by this title.

(c) ROLLING SUBMISSION OF REPORTS.—The Chief of Staff of the Joint Committee on Taxation shall initially submit the reports for each such tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) in order of the tax expenditure incurring the least aggregate cost to the greatest aggregate cost (determined by reference to the cost estimate of this Act by the Joint Committee on Taxation). Thereafter, such reports may be submitted in such order as the Chief of Staff determines appropriate.

(d) CONTENTS OF REPORT.—Such reports shall contain the following:

(1) An explanation of the tax expenditure and any relevant economic, social, or other context under which it was first enacted.

(2) A description of the intended purpose of the tax expenditure.

(3) An analysis of the overall success of the tax expenditure in achieving such purpose, and evidence supporting such analysis.

(4) An analysis of the extent to which further extending the tax expenditure, or making it permanent, would contribute to achieving such purpose.

(5) A description of the direct and indirect beneficiaries of the tax expenditure, including identifying any unintended beneficiaries.

(6) An analysis of whether the tax expenditure is the most cost-effective method for achieving the purpose for which it was intended, and a description of any more cost-effective methods through which such purpose could be accomplished.

(7) A description of any unintended effects of the tax expenditure that are useful in understanding the tax expenditure's overall value.

(8) An analysis of how the tax expenditure could be modified to better achieve its original purpose.

(9) A brief description of any interactions (actual or potential) with other tax expenditures or direct spending programs in the same or related budget function worthy of further study.

(10) A description of any unavailable information the staff of the Joint Committee on Taxation may need to complete a more thorough examination and analysis of the tax expenditure, and what must be done to make such information available.

(e) MINIMUM ANALYSIS BY DEADLINE.—In the event the Chief of Staff of the Joint Committee on Taxation concludes it will not be feasible to complete all reports by the date specified in subsection (a), at a minimum, the reports for each tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) shall be completed by such date.

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

SEC. 281. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.

(a) IN GENERAL.—Paragraph (11) of section 143(k) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) SPECIAL RULE FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—Paragraph (13) of section 143(k), as redesignated by subsection (c), is amended by striking ''January 1, 2010'' in subparagraphs (A)(i) and (B)(i) and inserting ''January 1, 2011''.

(c) TECHNICAL AMENDMENT.—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special rules for residences destroyed in federally declared disasters) as paragraph (13).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—The amendments made by subsection (b) shall apply with respect to disasters occurring after December 31, 2009.

(3) TECHNICAL AMENDMENT.—The amendment made by subsection (c) shall take effect as if included in section 709 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

SEC. 282. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subclause (I) of section 165(h)(3)(B)(i) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) $500 LIMITATION.—Paragraph (1) of section 165(h) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to federally declared disasters occurring after December 31, 2009.

(2) $500 LIMITATION.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

SEC. 283. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.

(a) IN GENERAL.—Subclause (I) of section 168(n)(2)(A)(ii) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

SEC. 284. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subclause (I) of section 172(j)(1)(A)(i) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

SEC. 285. EXPENSING OF QUALIFIED DISASTER EXPENSES.

(a) IN GENERAL.—Subparagraph (A) of section 198A(b)(2) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures on account of disasters occurring after December 31, 2009.

PART II—REGIONAL PROVISIONS

Subpart A—New York Liberty Zone

SEC. 291. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 1400L(b)(2) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 292. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Subparagraph (D) of section 1400L(d)(2) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

Subpart B—GO Zone

SEC. 295. INCREASE IN REHABILITATION CREDIT.

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 296. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''4-year'' and inserting ''5-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

SEC. 297. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

TITLE III—PENSION PROVISIONS

Subtitle A—Pension Funding Relief

PART 1—SINGLE-EMPLOYER PLANS

SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) ERISA AMENDMENTS.—

(1) IN GENERAL.—Section 303(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)(2)) is amended by adding at the end the following subparagraphs:

''(D) SPECIAL RULE.—

''(i) IN GENERAL.—In the case of the shortfall amortization base of a plan for any applicable plan year, the shortfall amortization installments are the amounts described in clause (ii) or (iii), if made applicable by an election under clause (iv). In the absence of a timely election, such installments shall be determined without regard to this subparagraph.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments described in this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the applicable plan year, interest on the shortfall amortization base (determined by using the effective interest rate for the applicable plan year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the balance of such shortfall amortization base in level annual installments over such last 7 plan years (determined using the segment rates determined under subparagraph (C) of subsection (h)(2) for the applicable plan year, applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments described in this clause are the amounts under subparagraphs (A) and (B) determined by substituting '15 plan-year period' for '7-plan-year period'.

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor may, with respect to a plan, elect, with respect to any of not more than 2 applicable plan years, to determine shortfall amortization installments under this subparagraph. An election under either clause (ii) or clause (iii) may be made with respect to either of such applicable plan years.

''(II) ELIGIBILITY FOR ELECTION.—An election may be made to determine shortfall amortization installments under this subparagraph with respect to a plan only if, as of the date of the election—

''(aa) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

''(bb) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971 of the Internal Revenue Code of 1986,

''(cc) there is no lien in favor of the plan under subsection (k) or under section 430(k) of such Code, and

''(dd) a distress termination has not been initiated for the plan under section 4041(c).

''(III) RULES RELATING TO ELECTION.—Such election shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary of the Treasury and shall be irrevocable, except under such limited circumstances, and subject to such conditions, as such Secretary may prescribe.

''(E) APPLICABLE PLAN YEAR.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'applicable plan year' means, subject to the election of the plan sponsor under subparagraph (D)(iv), each of not more than 2 of the plan years beginning in 2008, 2009, 2010, or 2011.

''(ii) SPECIAL RULE RELATING TO 2008.—A plan year may be elected as an applicable plan year pursuant to this subparagraph only if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after March 10, 2010.

''(F) INCREASES IN SHORTFALL AMORTIZATION INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR CERTAIN DIVIDENDS OR STOCK REDEMPTIONS.—

''(i) IN GENERAL.—If, with respect to an election for an applicable plan year under subparagraph (D), there is an installment acceleration amount with respect to a plan for any plan year in the restriction period (or if there is an installment acceleration amount carried forward to a plan year not in the restriction period), then the shortfall amortization installment otherwise determined and payable under this paragraph for such plan year shall be increased by such amount.

''(ii) BACK-END ADJUSTMENT TO AMORTIZATION SCHEDULE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an applicable plan year is required to be increased for any plan year under clause (i), subsequent shortfall amortization installments with respect to such base shall be reduced, in reverse order of the otherwise required installments beginning with the final scheduled installment, to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this subparagraph) to the present value of the remaining unamortized shortfall amortization base.

''(iii) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an applicable plan year, the sum of—

''(aa) the aggregate amount of excess employee compensation determined under clause (iv) for the plan year, plus

''(bb) the dividend and redemption amount determined under clause (v) for the plan year.

''(II) CUMULATIVE LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(aa) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under subparagraph (D) with respect to the shortfall amortization base with respect to an applicable year, determined without regard to subparagraph (D) and this subparagraph, over

''(bb) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of subparagraph (D) (and in the case of any preceding plan year, after application of this subparagraph).

''(III) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(aa) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to subclause (II)) exceeds the limitation under subclause (II), then, subject to item (bb), such excess shall be treated as an installment acceleration amount for the succeeding plan year.

''(bb) CAP TO APPLY.—If any amount treated as an installment acceleration amount under item (aa) or this item with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to subclause (II)) with respect to the plan year, exceeds the limitation under subclause (II), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(cc) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FORWARD.—No amount shall be carried forward under item (aa) or (bb) to a plan year which begins after the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under subparagraph (D)(iii)).

''(dd) ORDERING RULES.—For purposes of applying item (bb), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under subclause (II) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(iv) EXCESS EMPLOYEE COMPENSATION.—

''(I) IN GENERAL.—For purposes of this paragraph, the term 'excess employee compensation' means the sum of—

''(aa) with respect to any employee, for any plan year, the excess (if any) of—

''(AA) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(BB) $1,000,000, plus

''(bb) the amount of assets set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, during the calendar year by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor.

''(II) NO DOUBLE COUNTING.—No amount shall be taken into account under subclause (I) more than once.

''(III) EMPLOYEE; REMUNERATION.—For purposes of this clause, the term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of the Internal Revenue Code of 1986 for the taxable year ending during such calendar year, and the term 'remuneration' shall include earned income of such an individual.

''(IV) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—There shall not be taken into account under subclause (I)(aa) any remuneration consisting of nonqualified deferred compensation, restricted stock (or restricted stock units), stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(V) ONLY REMUNERATION FOR POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under subclause (I)(aa) only to the extent attributable to services performed by the employee for the plan sponsor after December 31, 2009.

''(VI) COMMISSIONS.—

''(aa) IN GENERAL.—There shall not be taken into account under subclause (I)(aa) any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(bb) SPECIFIED EMPLOYEES.—Item (aa) shall not apply in the case of any specified employee (within the meaning of section 409A(a)(2)(B)(i) of the Internal Revenue Code of 1986) or any employee who would be such a specified employee if the plan sponsor were a corporation described in such section.

''(VII) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under subclause (I)(aa)(BB) shall be increased by an amount equal to—

''(aa) such dollar amount, multiplied by

''(bb) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $20,000, such increase shall be rounded to the next lowest multiple of $20,000.

''(v) CERTAIN DIVIDENDS AND REDEMPTIONS.—

''(I) IN GENERAL.—The dividend and redemption amount determined under this clause for any plan year is the lesser of—

''(aa) the excess of—

''(AA) the sum of the dividends paid during the plan year by the plan sponsor, plus the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, over

''(BB) an amount equal to the average of adjusted annual net income of the plan sponsor for the last 5 fiscal years of the plan sponsor ending before such plan year, or

''(bb) the sum of—

''(AA) the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, plus

''(BB) the excess of dividends paid during the plan year by the plan sponsor over the dividend base amount.

''(II) DEFINITIONS.—

''(aa) ADJUSTED ANNUAL NET INCOME.—For purposes of subclause (I)(aa)(BB), the term 'adjusted annual net income' with respect to any fiscal year means annual net income, determined in accordance with generally accepted accounting principles (before after-tax gain or loss on any sale of assets), but without regard to any reduction by reason of depreciation or amortization, except that in no event shall adjusted annual net income for any fiscal year be less than zero.

''(bb) DIVIDEND BASE AMOUNT.—For purposes of this clause, the term 'dividend base amount' means, with respect to a plan year, an amount equal to the greater of—

''(AA) the median of the amounts of the dividends paid during each of the last 5 fiscal years of the plan sponsor ending before such plan year, or

''(BB) the amount of dividends paid during such plan year on preferred stock that was issued on or before May 21, 2010, or that is replacement stock for such preferred stock.

''(III) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of subclause (I) (other than for purposes of calculating the dividend base amount), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(IV) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under subclause (I).

''(V) EXCEPTION FOR STOCK DIVIDENDS.—Any distribution by the plan sponsor to its shareholders of stock issued by the plan sponsor shall not be taken into account under subclause (I).

''(VI) EXCEPTION FOR CERTAIN REDEMPTIONS.—The following shall not be taken into account under subclause (I):

''(aa) Redemptions of securities which, at the time of redemption, are not listed on an established securities market and—

''(AA) are made pursuant to a pension plan that is qualified under section 401 of the Internal Revenue Code of 1986 or a shareholder-approved program, or

''(BB) are made on account of an employee's termination of employment with the plan sponsor, or the death or disability of a shareholder.

''(bb) Redemptions of securities which are not, immediately after issuance, listed on an established securities market and are, or had previously been—

''(AA) held, directly or indirectly, by, or for the benefit of, the Federal Government or a Federal reserve bank, or

''(BB) held by a national government (or a government-related entity of such a government) or an employee benefit plan if such shares are substantially identical to shares described in subitem (AA).

''(vi) OTHER DEFINITIONS AND RULES.—For purposes of this subparagraph—

''(I) PLAN SPONSOR.—The term 'plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 302(d)(3)).

''(II) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any applicable plan year with respect to which an election is made under subparagraph (D)—

''(aa) except as provided in item (bb), the 3-year period beginning with the applicable plan year (or, if later, the first plan year beginning after December 31, 2009), or

''(bb) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the applicable plan year, the 5-year period beginning with such plan year (or, if later, the first plan year beginning after December 31, 2009).

''(III) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under subparagraph (D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this subparagraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in clause (i) (determined without regard to this subparagraph).

''(G) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of subparagraphs (D) and (F) in any case where there is a merger or acquisition involving a plan sponsor making the election under subparagraph (D).

''(H) REGULATIONS AND GUIDANCE.—The Secretary of the Treasury may prescribe such regulations and other guidance of general applicability as such Secretary may determine necessary to achieve the purposes of subparagraphs (D) and (F).''.

(2) NOTICE REQUIREMENT.—Section 204 of such Act (29 U.S.C. 1054) is amended—

(A) by redesignating subsection (k) as subsection (l); and

(B) by inserting after subsection (j) the following new subsection:

''(k) NOTICE IN CONNECTION WITH SHORTFALL AMORTIZATION ELECTION.—

''(1) IN GENERAL.—Not later 30 days after the date of an election under clause (iv) of section 303(c)(2)(D) in connection with a single-employer plan, the plan administrator shall provide notice of such election in accordance with this subsection to each plan participant and beneficiary, each labor organization representing such participants and beneficiaries, and the Pension Benefit Guaranty Corporation.

''(2) MATTERS INCLUDED IN NOTICE.—Each notice provided pursuant to this subsection shall set forth—

''(A) a statement that recently enacted legislation permits employers to delay pension funding;

''(B) with respect to required contributions—

''(i) the amount of contributions that would have been required had the election not been made;

''(ii) the amount of the reduction in required contributions for the applicable plan year that occurs on account of the election; and

''(iii) the number of plan years to which such reduction will apply;

''(C) with respect to a plan's funding status as of the end of the plan year preceding the applicable plan year—

''(i) the liabilities determined under section 4010(d)(1)(A); and

''(ii) the market value of assets of the plan; and

''(D) with respect to installment acceleration amounts (as defined in section 303(c)(2)(F)(iii)(I))—

''(i) an explanation of section 303(c)(2)(F) (relating to increases in shortfall amortization installments in cases of excess compensation or certain dividends or stock redemptions); and

''(ii) a statement that increases in required contributions may occur in the event of future payments of excess employee compensation or certain share repurchasing or dividend activity and that subsequent notices of any such payments or activity will be provided in the annual funding notice provided pursuant to section 101(f).

''(3) OTHER REQUIREMENTS.—

''(A) FORM.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant. The Secretary of the Treasury shall prescribe a model notice that a plan administrator may use to satisfy the requirements of paragraph (1).

''(B) PROVISION TO DESIGNATED PERSONS.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

''(4) EFFECT OF EGREGIOUS FAILURE.—

''(A) IN GENERAL.—In the case of any egregious failure to meet any requirement of this subsection with respect to any election, such election shall be treated as having not been made.

''(B) EGREGIOUS FAILURE.—For purposes of subparagraph (A), there is an egregious failure to meet the requirements of this subsection if such failure is in the control of the plan sponsor and is—

''(i) an intentional failure (including any failure to promptly provide the required notice or information after the plan administrator discovers an unintentional failure to meet the requirements of this subsection),

''(ii) a failure to provide most of the participants and beneficiaries with most of the information they are entitled to receive under this subsection, or

''(iii) a failure which is determined to be egregious under regulations prescribed by the Secretary of the Treasury.

''(5) USE OF NEW TECHNOLOGIES.—The Secretary of the Treasury may, in consultation with the Secretary, by regulations or other guidance of general applicability, allow any notice under this subsection to be provided using new technologies.''.

(C) SUBSEQUENT SUPPLEMENTAL NOTICES.—Section 101(f)(2)(C) of such Act (29 U.S.C. 1021(f)(2)(C)) is amended—

(i) by striking ''and'' at the end of clause (i);

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following new clause:

''(ii) any excess employee compensation amounts and any dividends and redemptions amounts determined under section 303(c)(2)(F) for the preceding plan year with respect to the plan, and''.

(3) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS IN DETERMINING QUARTERLY CONTRIBUTIONS.—Section 303(j)(3) of such Act (29 U.S.C. 1083(j)(3)) is amended by adding at the end the following new subparagraph:

''(F) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(2)(F).''.

(4) CONFORMING AMENDMENT.—Section 303(c)(1) of such Act (29 U.S.C. 1083(c)(1)) is amended by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection''.

(b) IRC AMENDMENTS.—

(1) IN GENERAL.—Section 430(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following subparagraphs:

''(D) SPECIAL RULE.—

''(i) IN GENERAL.—In the case of the shortfall amortization base of a plan for any applicable plan year, the shortfall amortization installments are the amounts described in clause (ii) or (iii), if made applicable by an election under clause (iv). In the absence of a timely election, such installments shall be determined without regard to this subparagraph.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments described in this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the applicable plan year, interest on the shortfall amortization base (determined by using the effective interest rate for the applicable plan year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the balance of such shortfall amortization base in level annual installments over such last 7 plan years (determined using the segment rates determined under subparagraph (C) of subsection (h)(2) for the applicable plan year, applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments described in this clause are the amounts under subparagraphs (A) and (B) determined by substituting '15 plan-year period' for '7-plan-year period'.

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor may, with respect to a plan, elect, with respect to any of not more than 2 applicable plan years, to determine shortfall amortization installments under this subparagraph. An election under either clause (ii) or clause (iii) may be made with respect to either of such applicable plan years.

''(II) ELIGIBILITY FOR ELECTION.—An election may be made to determine shortfall amortization installments under this subparagraph with respect to a plan only if, as of the date of the election—

''(aa) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

''(bb) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971,

''(cc) there is no lien in favor of the plan under subsection (k) or under section 303(k) of the Employee Retirement Income Security Act of 1974, and

''(dd) a distress termination has not been initiated for the plan under section 4041(c) of such Act.

''(III) RULES RELATING TO ELECTION.—Such election shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary and shall be irrevocable, except under such limited circumstances, and subject to such conditions, as the Secretary may prescribe.

''(E) APPLICABLE PLAN YEAR.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'applicable plan year' means, subject to the election of the plan sponsor under subparagraph (D)(iv), each of not more than 2 of the plan years beginning in 2008, 2009, 2010, or 2011.

''(ii) SPECIAL RULE RELATING TO 2008.—A plan year may be elected as an applicable plan year pursuant to this subparagraph only if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after March 10, 2010.

''(F) INCREASES IN SHORTFALL AMORTIZATION INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR CERTAIN DIVIDENDS OR STOCK REDEMPTIONS.—

''(i) IN GENERAL.—If, with respect to an election for an applicable plan year under subparagraph (D), there is an installment acceleration amount with respect to a plan for any plan year in the restriction period (or if there is an installment acceleration amount carried forward to a plan year not in the restriction period), then the shortfall amortization installment otherwise determined and payable under this paragraph for such plan year shall be increased by such amount.

''(ii) BACK-END ADJUSTMENT TO AMORTIZATION SCHEDULE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an applicable plan year is required to be increased for any plan year under clause (i), subsequent shortfall amortization installments with respect to such base shall be reduced, in reverse order of the otherwise required installments beginning with the final scheduled installment, to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this subparagraph) to the present value of the remaining unamortized shortfall amortization base.

''(iii) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an applicable plan year, the sum of—

''(aa) the aggregate amount of excess employee compensation determined under clause (iv) for the plan year, plus

''(bb) the dividend and redemption amount determined under clause (v) for the plan year.

''(II) CUMULATIVE LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(aa) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under subparagraph (D) with respect to the shortfall amortization base with respect to an applicable year, determined without regard to subparagraph (D) and this subparagraph, over

''(bb) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application

of subparagraph (D) (and in the case of any preceding plan year, after application of this subparagraph).

''(III) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(aa) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to subclause (II)) exceeds the limitation under subclause (II), then, subject to item (bb), such excess shall be treated as an installment acceleration amount for the succeeding plan year.

''(bb) CAP TO APPLY.—If any amount treated as an installment acceleration amount under item (aa) or this item with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to subclause (II)) with respect to the plan year, exceeds the limitation under subclause (II), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(cc) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FORWARD.—No amount shall be carried forward under item (aa) or (bb) to a plan year which begins after the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under subparagraph (D)(iii)).

''(dd) ORDERING RULES.—For purposes of applying item (bb), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under subclause (II) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(iv) EXCESS EMPLOYEE COMPENSATION.—

''(I) IN GENERAL.—For purposes of this paragraph, the term 'excess employee compensation' means the sum of—

''(aa) with respect to any employee, for any plan year, the excess (if any) of—

''(AA) the aggregate amount includible in income under chapter 1 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(BB) $1,000,000, plus

''(bb) the amount of assets set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, during the calendar year by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor.

''(II) NO DOUBLE COUNTING.—No amount shall be taken into account under subclause (I) more than once.

''(III) EMPLOYEE; REMUNERATION.—For purposes of this clause, the term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term 'remuneration' shall include earned income of such an individual.

''(IV) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—There shall not be taken into account under subclause (I) any remuneration consisting of nonqualified deferred compensation, restricted stock (or restricted stock units), stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(V) ONLY REMUNERATION FOR POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under subclause (I)(aa) only to the extent attributable to services performed by the employee for the plan sponsor after December 31, 2009.

''(VI) COMMISSIONS.—

''(aa) IN GENERAL.—There shall not be taken into account under subclause (I)(aa) any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(bb) SPECIFIED EMPLOYEES.—Item (aa) shall not apply in the case of any specified employee (within the meaning of section 409A(a)(2)(B)(i)) or any employee who would be such a specified employee if the plan sponsor were a corporation described in such section.

''(VII) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under subclause (I)(aa)(BB) shall be increased by an amount equal to—

''(aa) such dollar amount, multiplied by

''(bb) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $20,000, such increase shall be rounded to the next lowest multiple of $20,000.

''(v) CERTAIN DIVIDENDS AND REDEMPTIONS.—

''(I) IN GENERAL.—The dividend and redemption amount determined under this clause for any plan year is the lesser of—

''(aa) the excess of—

''(AA) the sum of the dividends paid during the plan year by the plan sponsor, plus the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, over

''(BB) an amount equal to the average of adjusted annual net income of the plan sponsor for the last 5 fiscal years of the plan sponsor ending before such plan year, or

''(bb) the sum of—

''(AA) the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, plus

''(BB) the excess of dividends paid during the plan year by the plan sponsor over the dividend base amount.

''(II) DEFINITIONS.—

''(aa) ADJUSTED ANNUAL NET INCOME.—For purposes of subclause (I)(aa)(BB), the term 'adjusted annual net income' with respect to any fiscal year means annual net income, determined in accordance with generally accepted accounting principles (before after-tax gain or loss on any sale of assets), but without regard to any reduction by reason of depreciation or amortization, except that in no event shall adjusted annual net income for any fiscal year be less than zero.

''(bb) DIVIDEND BASE AMOUNT.—For purposes of this clause, the term 'dividend base amount' means, with respect to a plan year, an amount equal to the greater of—

''(AA) the median of the amounts of the dividends paid during each of the last 5 fiscal years of the plan sponsor ending before such plan year, or

''(BB) the amount of dividends paid during such plan year on preferred stock that was issued on or before May 21, 2010, or that is replacement stock for such preferred stock.

''(III) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of subclause (I) (other than for purposes of calculating the dividend base amount), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(IV) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under subclause (I).

''(V) EXCEPTION FOR STOCK DIVIDENDS.—Any distribution by the plan sponsor to its shareholders of stock issued by the plan sponsor shall not be taken into account under subclause (I).

''(VI) EXCEPTION FOR CERTAIN REDEMPTIONS.—The following shall not be taken into account under subclause (I):

''(aa) Redemptions of securities which, at the time of redemption, are not listed on an established securities market and—

''(AA) are made pursuant to a pension plan that is qualified under section 401 or a shareholder-approved program, or

''(BB) are made on account of an employee's termination of employment with the plan sponsor, or the death or disability of a shareholder.

''(bb) Redemptions of securities which are not, immediately after issuance, listed on an established securities market and are, or had previously been—

''(AA) held, directly or indirectly, by, or for the benefit of, the Federal Government or a Federal reserve bank, or

''(BB) held by a national government (or a government-related entity of such a government) or an employee benefit plan if such shares are substantially identical to shares described in subitem (AA).

''(vi) OTHER DEFINITIONS AND RULES.—For purposes of this subparagraph—

''(I) PLAN SPONSOR.—The term 'plan sponsor' includes any group of which the plan sponsor is a member and which is treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

''(II) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any applicable plan year with respect to which an election is made under subparagraph (D)—

''(aa) except as provided in item (bb), the 3-year period beginning with the applicable plan year (or, if later, the first plan year beginning after December 31, 2009), or

''(bb) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the applicable plan year, the 5-year period beginning with such plan year (or, if later, the first plan year beginning after December 31, 2009).

''(III) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under subparagraph (D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this subparagraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in clause (i) (determined without regard to this subparagraph).

''(G) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of subparagraphs (D) and (F) in any case where there is a merger or acquisition involving a plan sponsor making the election under subparagraph (D).

''(H) REGULATIONS AND GUIDANCE.—The Secretary may prescribe such regulations and other guidance of general applicability as the Secretary may determine necessary to achieve the purposes of subparagraphs (D) and (F).''.

(2) NOTICE REQUIREMENT.—

(A) IN GENERAL.—Section 4980F of such Code is amended—

(i) by striking ''subsection (e)'' each place it appears in subsection (a) and paragraphs (1) and (3) of subsection (c) and inserting ''subsections (e) and (f)'';

(ii) by striking ''subsection (e)'' in subsection (c)(2)(A) and inserting ''subsection (e), (f), or both, as the case may be''; and

(iii) by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) NOTICE IN CONNECTION WITH SHORTFALL AMORTIZATION ELECTION.—

''(1) IN GENERAL.—Not later 30 days after the date of an election under clause (iv) of section 430(c)(2)(D) in connection with a plan, the plan administrator shall provide notice of such election in accordance with this subsection to each plan participant and beneficiary, each labor organization representing such participants and

beneficiaries, and the Pension Benefit Guaranty Corporation.

''(2) MATTERS INCLUDED IN NOTICE.—Each notice provided pursuant to this subsection shall set forth—

''(A) a statement that recently enacted legislation permits employers to delay pension funding;

''(B) with respect to required contributions—

''(i) the amount of contributions that would have been required had the election not been made;

''(ii) the amount of the reduction in required contributions for the applicable plan year that occurs on account of the election; and

''(iii) the number of plan years to which such reduction will apply;

''(C) with respect to a plan's funding status as of the end of the plan year preceding the applicable plan year—

''(i) the liabilities determined under section 4010(d)(1)(A) of the Employee Retirement Income Security Act of 1974; and

''(ii) the market value of assets of the plan; and

''(D) with respect to installment acceleration amounts (as defined in section 430(c)(2)(F)(iii)(I))—

''(i) an explanation of section 430(c)(2)(F) (relating to increases in shortfall amortization installments in cases of excess compensation or certain dividends or stock redemptions); and

''(ii) a statement that increases in required contributions may occur in the event of future payments of excess employee compensation or certain share repurchasing or dividend activity and that subsequent notices of any such payments or activity will be provided in the annual funding notice provided pursuant to section 101(f) of the Employee Retirement Income Security Act of 1974.

''(3) OTHER REQUIREMENTS.—

''(A) FORM.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations or other guidance of general applicability prescribed by the Secretary) to allow plan participants and beneficiaries to understand the effect of the election. The Secretary shall prescribe a model notice that a plan administrator may use to satisfy the requirements of paragraph (1).

''(B) PROVISION TO DESIGNATED PERSONS.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.''.

(B) CONFORMING AMENDMENT.—Subsection (g) of section 4980F of such Code is amended by inserting ''or (f)'' after ''subsection (e)''.

(3) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS IN DETERMINING QUARTERLY CONTRIBUTIONS.—Section 430(j)(3) of such Code is amended by adding at the end the following new subparagraph:

''(F) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(2)(F).''.

(4) CONFORMING AMENDMENT.—Paragraph (1) of section 430(c) of such Code is amended by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

''SEC. 107. APPLICATION OF FUNDING RELIEF TO PLANS WITH DELAYED EFFECTIVE DATE.

''(a) ALTERNATIVE ELECTIONS.—

''(1) IN GENERAL.—Subject to this section, a plan sponsor of a plan to which section 104, 105, or 106 of this Act applies may either elect the application of subsection (b) with respect to the plan for not more than 2 applicable plan years or elect the application of subsection (c) with respect to the plan for 1 applicable plan year.

''(2) ELIGIBILITY FOR ELECTIONS.—An election may be made by a plan sponsor under paragraph (1) with respect to a plan only if at the time of the election—

''(A) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

''(B) there are no accumulated funding deficiencies (as defined in section 302(a)(2) of the Employee Retirement Income Security Act of 1974 (as in effect immediately before the enactment of this Act) or in section 412(a) of the Internal Revenue Code of 1986 (as so in effect)) with respect to the plan,

''(C) there is no lien in favor of the plan under section 302(d) (as so in effect) or under section 412(n) of such Code (as so in effect), and

''(D) a distress termination has not been initiated for the plan under section 4041(c) of the Employee Retirement Income Security Act of 1974.

''(b) ALTERNATIVE ADDITIONAL FUNDING CHARGE.—If the plan sponsor elects the application of this subsection with respect to the plan, for purposes of applying section 302(d) of the Employee Retirement Income Security Act of 1974 (as in effect before the amendments made by this subtitle and subtitle B) and section 412(l) of the Internal Revenue Code of 1986 (as so in effect)—

''(1) the deficit reduction contribution under paragraph (2) of such section 302(d) and paragraph (2) of such section 412(l) for such plan for any applicable plan year, shall be zero, and

''(2) the additional funding charge under paragraph (1) of such section 302(d) and paragraph (1) of such section 412(l) for such plan for any applicable plan year shall be increased by an amount equal to the installment acceleration amount (as defined in sections 303(c)(2)(F)(iii)(I) of such Act (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and 430(c)(2)(F)(iii)(I) of such Code (as so amended)) with respect to the plan sponsor for such plan year, determined by treating the later of such plan year or the first plan year beginning after December 31, 2009, as the restriction period.

''(c) APPLICATION OF 15-YEAR AMORTIZATION.—If the plan sponsor elects the application of this subsection with respect to the plan, for purposes of applying section 302(d) of such Act (as in effect before the amendments made by this subtitle and subtitle B) and section 412(l) of such Code (as so in effect)—

''(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in paragraph (4)(C) of such section 302(d) and paragraph (4)(C) of such section 412(l) for any pre-effective date plan year beginning with or after the applicable plan year shall be the ratio of—

''(A) the annual installments payable in each plan year if the increased unfunded new liability for such plan year were amortized in equal installments over the period beginning with such plan year and ending with the last plan year in the period of 15 plan years beginning with the applicable plan year, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

''(B) the increased unfunded new liability for such plan year,

''(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section, and

''(3) the additional funding charge with respect to the plan for a plan year shall be increased by an amount equal to the installment acceleration amount (as defined in section 303(c)(2)(F)(iii) of such Act (as amended by the American Jobs and Closing Tax Loopholes Act of 2010 and section 430(c)(2)(F)(iii) of such Code (as so amended)) with respect to the plan sponsor for such plan year, determined without regard to subclause (II) of such sections 303(c)(2)(F)(iii) and 430(c)(2)(F)(iii).

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) APPLICABLE PLAN YEAR.—

''(A) IN GENERAL.—The term 'applicable plan year' with respect to a plan means, subject to the election of the plan sponsor under subsection (a), a plan year beginning in 2009, 2010, or 2011.

''(B) ELECTION.—

''(i) IN GENERAL.—The election described in subsection (a) shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary of the Treasury.

''(ii) REDUCTION IN YEARS WHICH MAY BE ELECTED.—The number of applicable plan years for which an election may be made under section 303(c)(2)(D) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) or section 430(c)(2)(D) of the Internal Revenue Code of 1986 (as so amended) shall be reduced by the number of applicable plan years for which an election under this section is made.

''(C) ALLOCATION OF INSTALLMENT ACCELERATION AMOUNT FOR MULTIPLE PLAN ELECTION.—In the case of an election under this section with respect to 2 or more plans by the same plan sponsor, the installment acceleration amount shall be apportioned ratably with respect to such plans in proportion to the deficit reduction contributions of the plans determined without regard to subsection (b)(1).

''(2) PLAN SPONSOR.—The term 'plan sponsor' shall have the meaning provided such term in section 303(c)(2)(F)(vi)(I) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and section 430(c)(2)(F)(vi)(I) of the Internal Revenue Code of 1986 (as so amended).

''(3) PRE-EFFECTIVE DATE PLAN YEAR.—The term 'pre-effective date plan year' means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

''(4) INCREASED UNFUNDED NEW LIABILITY.—The term 'increased unfunded new liability' means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act (as in effect before the amendments made by this subtitle and subtitle B) and section 412(c)(2) of such Code (as so in effect) equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act (as so in effect) and 412(l)(8)(B) of such Code (as so in effect)) of the plan for the second plan year preceding the first applicable plan year of such plan for which an election under this section is made.

''(5) OTHER DEFINITIONS.—The terms 'unfunded new liability' and 'current liability' shall have the meanings set forth in section 302(d) of such Act (as so in effect) and section 412(l) of such Code (as so in effect).

''(6) ADDITIONAL FUNDING CHARGE INCREASE NOT TO EXCEED RELIEF.—

''(A) ELECTION UNDER SUBSECTION (B).—In the case of an election under subsection (b), an increase resulting from the application of subsection (b)(2) in the additional funding charge with respect to a plan for a plan year shall not exceed the excess (if any) of—

''(i) the deficit reduction contribution under section 302(d)(2) of such Act (as so in effect) and section 412(l)(2) of such Code (as so in effect) for

such plan year, determined as if the election had not been made, over

''(ii) the deficit reduction contribution under such sections for such plan (determined without regard to any increase under subsection (b)(2)).

''(B) ELECTION UNDER SUBSECTION (C).—An increase resulting from the application of subsection (c)(3) in the additional funding charge with respect to a plan for a plan year shall not exceed the excess (if any) of—

''(i) the sum of the deficit reduction contributions under section 302(d)(2) of such Act (as so in effect) and section 412(l)(2) of such Code (as so in effect) for such plan for such plan year and for all preceding plan years beginning with or after the applicable plan year, determined as if the election had not been made, over

''(ii) the sum of the deficit reduction contributions under such sections for such plan years (determined without regard to any increase under subsection (c)(3)).

''(e) NOTICE.—Not later 30 days after the date of an election under subsection (a) in connection with a plan, the plan administrator shall provide notice pursuant to, and subject to, rules similar to the rules of sections 204(k) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and 4980F(f) of the Internal Revenue Code of 1986 (as so amended).''.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of such Act is amended—

(1) by striking ''eligible cooperative plan'' wherever it appears in subsections (a) and (b) and inserting ''eligible cooperative plan or an eligible charity plan''; and

(2) by adding at the end the following new subsection:

''(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if—

''(1) the plan is maintained by one or more employers employing employees who are accruing benefits based on service for the plan year,

''(2) such employees are employed in at least 20 States,

''(3) each such employee (other than a de minimis number of employees) is employed by an employer described in section 501(c)(3) of such Code and the primary exempt purpose of each such employer is to provide services with respect to children, and

''(4) the plan sponsor elects (at such time and in such form and manner as shall be prescribed by the Secretary of the Treasury) to be so treated.

Any election under this subsection may be revoked only with the consent of the Secretary of the Treasury.''.

(c) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out the purposes of the amendments made by this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2009.

(2) ELIGIBLE CHARITY PLANS.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2009.

SEC. 303. SUSPENSION OF CERTAIN FUNDING LEVEL LIMITATIONS.

(a) LIMITATIONS ON BENEFIT ACCRUALS.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 (Public Law 110–458; 122 Stat. 5118) is amended—

(1) by striking ''the first plan year beginning during the period beginning on October 1, 2008, and ending on September 30, 2009'' and inserting ''any plan year beginning during the period beginning on October 1, 2008, and ending on December 31, 2011'';

(2) by striking ''substituting'' and all that follows through ''for such plan year'' and inserting ''substituting for such percentage the plan's adjusted funding target attainment percentage for the last plan year ending before September 30, 2009,''; and

(3) by striking ''for the preceding plan year is greater'' and inserting ''for such last plan year is greater''.

(b) SOCIAL SECURITY LEVEL-INCOME OPTIONS.—

(1) ERISA AMENDMENT.—Section 206(g)(3)(E) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new sentence: ''For purposes of applying clause (i) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 204(b)(1)(G)).''.

(2) IRC AMENDMENT.—Section 436(d)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''For purposes of applying subparagraph (A) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 411(a)(9)).''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to annuity payments the annuity starting date for which occurs on or after January 1, 2011.

(B) PERMITTED APPLICATION.—A plan shall not be treated as failing to meet the requirements of sections 206(g) of the Employee Retirement Income Security Act of 1974 (as amended by this subsection) and section 436(d) of the Internal Revenue Code of 1986 (as so amended) if the plan sponsor elects to apply the amendments made by this subsection to payments the annuity starting date for which occurs on or after the date of the enactment of this Act and before January 1, 2011.

(c) APPLICATION OF CREDIT BALANCE WITH RESPECT TO LIMITATIONS ON SHUTDOWN BENEFITS AND UNPREDICTABLE CONTINGENT EVENT BENEFITS.—With respect to plan years beginning on or before December 31, 2011, in applying paragraph (5)(C) of subsection (g) of section 206 of the Employee Retirement Income Security Act of 1974 and subsection (f)(3) of section 436 of the Internal Revenue Code of 1986 in the case of unpredictable contingent events (within the meaning of section 206(g)(1)(C) of such Act and section 436(b)(3) of such Code) occurring on or after January 1, 2010, the references, in clause (i) of such paragraph (5)(C) and subparagraph (A) of such subsection (f)(3), to paragraph (1)(B) of such subsection (g) and subsection (b)(2) of such section 436 shall be disregarded.

SEC. 304. LOOKBACK FOR CREDIT BALANCE RULE.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN PLAN YEARS.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after June 30, 2009, and on or before December 31, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

''(I) such ratio, as determined without regard to this subparagraph, or

''(II) the ratio for such plan for the plan year beginning after June 30, 2007, and on or before June 30, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2008, and on or before December 31, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before July 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.''.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN PLAN YEARS.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after June 30, 2009, and on or before December 31, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

''(I) such ratio, as determined without regard to this subparagraph, or

''(II) the ratio for such plan for the plan year beginning after June 30, 2007, and on or before June 30, 2008, as determined under rules prescribed by the Secretary.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2008, and on or before December 31, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before July 1, 2007, as determined under rules prescribed by the Secretary.''.

SEC. 305. INFORMATION REPORTING.

(a) IN GENERAL.—Section 4010(b) of the Employee Retirement Security Act of 1974 (29 U.S.C. 1310(b)) is amended by striking paragraph (1) and inserting the following:

''(1) either of the following requirements are met:

''(A) the funding target attainment percentage (as defined in subsection (d)(2)(B)) at the end of the preceding plan year of a plan maintained by the contributing sponsor or any member of its controlled group is less than 80 percent; or

''(B) the aggregate unfunded vested benefits (as determined under section 4006(a)(3)(E)(iii)) of plans maintained by the contributing sponsor and the members of its controlled group exceed $75,000,000 (disregarding plans with no unfunded vested benefits);''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after 2009.

SEC. 306. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.

(a) GENERAL RULES.—

(1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.—A qualified airline employee who has contributed an airline payment amount to a Roth IRA that is treated as a qualified rollover contribution pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008 may transfer to a traditional IRA, in a trustee-to-trustee transfer, all or any part of the contribution (together with any net income allocable to such contribution), and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer

may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier. No amount so transferred to a traditional IRA may be treated as a qualified rollover contribution with respect to a Roth IRA within the 5-taxable year period beginning with the taxable year in which such transfer was made.

(3) EXTENSION OF TIME TO FILE CLAIM FOR REFUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2011).

(b) TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term ''airline payment amount'' means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007; and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term ''qualified airline employee'' means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code; and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) TRADITIONAL IRA.—The term ''traditional IRA'' means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) ROTH IRA.—The term ''Roth IRA'' has the meaning given such term by section 408A(b) of such Code.

(d) SURVIVING SPOUSE.—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

PART 2—MULTIEMPLOYER PLANS

SEC. 311. OPTIONAL USE OF 30-YEAR AMORTIZATION PERIODS.

(a) ELECTIVE SPECIAL RELIEF RULES.—

(1) ERISA AMENDMENT.—Section 304(b) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new paragraph:

''(8) ELECTIVE SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—The plan sponsor of a multiemployer plan with respect to which the solvency test under subparagraph (B) is met may elect to treat the portion of any experience loss or gain for a plan year that is attributable to the allocable portion of the net investment losses incurred in either or both of the first two plan years ending on or after June 30, 2008, as an experience loss separate from other experience losses or gains to be amortized in equal annual installments (until fully amortized) over the period—

''(I) beginning with the plan year for which the allocable portion is determined, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year following the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If an election is made under clause (i) for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the plan year for which the election under this subparagraph is made, such extension shall not result in such amortization period exceeding 30 years.

''(iii) DEFINITIONS AND RULES.—For purposes of this subparagraph—

''(I) NET INVESTMENT LOSSES.—

''(aa) IN GENERAL.—The net investment loss incurred by a plan in a plan year is equal to the excess of—

''(AA) the expected value of the assets as of the end of the plan year, over

''(BB) the market value of the assets as of the end of the plan year,

including any difference attributable to a criminally fraudulent investment arrangement.

''(bb) EXPECTED VALUE.—For purposes of item (aa), the expected value of the assets as of the end of a plan year is the excess of—

''(AA) the market value of the assets at the beginning of the plan year plus contributions made during the plan year, over

''(BB) disbursements made during the plan year.

The amounts described in subitems (AA) and (BB) shall be adjusted with interest at the valuation rate to the end of the plan year.

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

''(III) AMOUNT ATTRIBUTABLE TO ALLOCABLE PORTION OF NET INVESTMENT LOSS.—The amount attributable to the allocable portion of the net investment loss for a plan year shall be an amount equal to the allocable portion of net investment loss for the plan year under subclauses (IV) and (V), increased with interest at the valuation rate determined from the plan year after the plan year in which the net investment loss was incurred.

''(IV) ALLOCABLE PORTION OF NET INVESTMENT LOSSES.—Except as provided in subclause (V), the net investment loss incurred in a plan year shall be allocated among the 5 plan years following the plan year in which the investment loss is incurred in accordance with the following table:

''Plan year after the plan year in which the net investment loss was incurred	*Allocable portion of net investment loss*
1st	*½*
2nd	*0*
3rd	*⅙*
4th	*⅙*
5th	*⅙*

''(V) SPECIAL RULE FOR PLANS THAT ADOPT LONGER SMOOTHER PERIOD.—If a plan sponsor elects an extended smoothing period for its asset valuation method under subsection (c)(2)(B), then the allocable portion of net investment loss for the first two plan years following the plan year the investment loss is incurred is the same as determined under subclause (IV), but the remaining ½ of the net investment loss is allocated ratably over the period beginning with the third plan year following the plan year the net investment loss is incurred and ending with the last plan year in the extended smoothing period.

''(VI) SPECIAL RULE FOR OVERSTATEMENT OF LOSS.—If, for a plan year, there is an experience loss for the plan and the amount described in subclause (III) exceeds the total amount of the experience loss for the plan year, then the excess shall be treated as an experience gain.

''(VII) SPECIAL RULE IN YEARS FOR WHICH OVERALL EXPERIENCE IS GAIN.—If, for a plan year, there is no experience loss for the plan, then, in addition to amortization of net investment losses under clause (i), the amount described in subclause (III) shall be treated as an experience gain in addition to any other experience gain.

''(B) SOLVENCY TEST.—

''(i) IN GENERAL.—An election may be made under this paragraph if the election includes certification by the plan actuary in connection with the election that the plan is projected to have a funded percentage at the end of the first 15 plan years that is not less than 100 percent of the funded percentage for the plan year of the election.

''(ii) FUNDED PERCENTAGE.— For purposes of clause (i), the term 'funded percentage' has the meaning provided in section 305(i)(2), except that the value of the plan's assets referred to in section 305(i)(2)(A) shall be the market value of such assets.

''(iii) ACTUARIAL ASSUMPTIONS.—In making any certification under this subparagraph, the plan actuary shall use the same actuarial estimates, assumptions, and methods as those applicable for the most recent certification under section 305, except that the plan actuary may take into account benefit reductions and increases in contribution rates, under either funding improvement plans adopted under section 305(c) or under section 432(c) of the Internal Revenue Code of 1986 or rehabilitation plans adopted under section 305(e) or under section 432(e) of such Code, that the plan actuary reasonably anticipates will occur without regard to any change in status of the plan resulting from the election.

''(C) ADDITIONAL RESTRICTION ON BENEFIT INCREASES.—If an election is made under subparagraph (A), then, in addition to any other applicable restrictions on benefit increases, a plan amendment which is adopted on or after March 10, 2010, and which increases benefits may not go into effect during the period beginning on such date and ending with the second plan year beginning after such date unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the election to have this paragraph apply to the plan, and

''(II) the plan's funded percentage and projected credit balances for the first 3 plan years ending on or after such date are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

''(D) TIME, FORM, AND MANNER OF ELECTION.—An election under this paragraph shall be made not later than June 30, 2011, and shall be made in such form and manner as the Secretary of the Treasury may prescribe.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such election to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Pension Benefit Guaranty Corporation may prescribe.''.

(2) IRC AMENDMENT.—Section 431(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(8) ELECTIVE SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—The plan sponsor of a multiemployer plan with respect to which the solvency test under subparagraph (B) is met may elect to treat the portion of any experience loss or gain for a plan year that is attributable to the allocable portion of the net investment losses incurred in either or both of the first two plan years ending on or after June 30, 2008, as an experience loss separate from other experience losses and gains to be amortized in equal annual installments (until fully amortized) over the period—

''(I) beginning with the plan year for which the allocable portion is determined, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year following the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If an election is made under clause (i) for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the plan year for which the election under this subparagraph is made, such extension shall not result in such amortization period exceeding 30 years.

''(iii) DEFINITIONS AND RULES.—For purposes of this subparagraph—

''(I) NET INVESTMENT LOSSES.—

''(aa) IN GENERAL.—The net investment loss incurred by a plan in a plan year is equal to the excess of—

''(AA) the expected value of the assets as of the end of the plan year, over

''(BB) the market value of the assets as of the end of the plan year,

including any difference attributable to a criminally fraudulent investment arrangement.

''(bb) EXPECTED VALUE.—For purposes of item (aa), the expected value of the assets as of the end of a plan year is the excess of—

''(AA) the market value of the assets at the beginning of the plan year plus contributions made during the plan year, over

''(BB) disbursements made during the plan year.

The amounts described in subitems (AA) and (BB) shall be adjusted with interest at the valuation rate to the end of the plan year.

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

''(III) AMOUNT ATTRIBUTABLE TO ALLOCABLE PORTION OF NET INVESTMENT LOSS.—The amount attributable to the allocable portion of the net investment loss for a plan year shall be an amount equal to the allocable portion of net investment loss for the plan year under subclauses (IV) and (V), increased with interest at the valuation rate determined from the plan year after the plan year in which the net investment loss was incurred.

''(IV) ALLOCABLE PORTION OF NET INVESTMENT LOSSES.—Except as provided in subclause (V), the net investment loss incurred in a plan year shall be allocated among the 5 plan years following the plan year in which the investment loss is incurred in accordance with the following table:

''Plan year after the plan year in which the net investment loss was incurred	Allocable portion of net investment loss
1st	½ nd 0
3rd	⅙
4th	⅙
5th	⅙

''(V) SPECIAL RULE FOR PLANS THAT ADOPT LONGER SMOOTHER PERIOD.—If a plan sponsor elects an extended smoothing period for its asset valuation method under subsection (c)(2)(B), then the allocable portion of net investment loss for the first two plan years following the plan year the investment loss is incurred is the same as determined under subclause (IV), but the remaining ½ of the net investment loss is allocated ratably over the period beginning with the third plan year following the plan year the net investment loss is incurred and ending with the last plan year in the extended smoothing period.

''(VI) SPECIAL RULE FOR OVERSTATEMENT OF LOSS.—If, for a plan year, there is an experience loss for the plan and the amount described in subclause (III) exceeds the total amount of the experience loss for the plan year, then the excess shall be treated as an experience gain.

''(VII) SPECIAL RULE IN YEARS FOR WHICH OVERALL EXPERIENCE IS GAIN.—If, for a plan year, there is no experience loss for the plan, then, in addition to amortization of net investment losses under clause (i), the amount described in subclause (III) shall be treated as an experience gain in addition to any other experience gain.

''(B) SOLVENCY TEST.—

''(i) IN GENERAL.—An election may be made under this paragraph if the election includes certification by the plan actuary in connection with the election that the plan is projected to have a funded percentage at the end of the first 15 plan years that is not less than 100 percent of the funded percentage for the plan year of the election.

''(ii) FUNDED PERCENTAGE.— For purposes of clause (i), the term 'funded percentage' has the meaning provided in section 432(i)(2), except that the value of the plan's assets referred to in section 432(i)(2)(A) shall be the market value of such assets.

''(iii) ACTUARIAL ASSUMPTIONS.—In making any certification under this subparagraph, the plan actuary shall use the same actuarial estimates, assumptions, and methods as those applicable for the most recent certification under section 432, except that the plan actuary may take into account benefit reductions and increases in contribution rates, under either funding improvement plans adopted under section 432(c) or under section 305(c) of the Employee Retirement Income Security Act of 1974 or rehabilitation plans adopted under section 432(e) or under section 305(e) of such Act, that the plan actuary reasonably anticipates will occur without regard to any change in status of the plan resulting from the election.

''(C) ADDITIONAL RESTRICTION ON BENEFIT INCREASES.—If an election is made under subparagraph (A), then, in addition to any other applicable restrictions on benefit increases, a plan amendment which is adopted on or after March 10, 2010, and which increases benefits may not go into effect during the period beginning on such date and ending with the second plan year beginning after such date unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the election to have this paragraph apply to the plan, and

''(II) the plan's funded percentage and projected credit balances for the first 3 plan years ending on or after such date are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I or to comply with other applicable law.

''(D) TIME, FORM, AND MANNER OF ELECTION.—An election under this paragraph shall be made not later than June 30, 2011, and shall be made in such form and manner as the Secretary may prescribe.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such election to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Pension Benefit Guaranty Corporation may prescribe.''.

(b) ASSET SMOOTHING FOR MULTIEMPLOYER PLANS.—

(1) ERISA AMENDMENT.—Section 304(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(c)(2)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) EXTENDED ASSET SMOOTHING PERIOD FOR CERTAIN INVESTMENT LOSSES.—The Secretary of the Treasury shall not treat the asset valuation method of a multiemployer plan as unreasonable solely because such method spreads the difference between expected and actual returns for either or both of the first 2 plan years ending on or after June 30, 2008, over a period of not more than 10 years. Any change in valuation method to so spread such difference shall be treated as approved, but only if, in the case that the plan sponsor has made an election under subsection (b)(8), any resulting change in asset value is treated for purposes of amortization as a net experience loss or gain.''.

(2) IRC AMENDMENT.—Section 431(c)(2) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) EXTENDED ASSET SMOOTHING PERIOD FOR CERTAIN INVESTMENT LOSSES.—The Secretary shall not treat the asset valuation method of a multiemployer plan as unreasonable solely because such method spreads the difference between expected and actual returns for either or both of the first 2 plan years ending on or after June 30, 2008, over a period of not more than 10 years. Any change in valuation method to so spread such difference shall be treated as approved, but only if, in the case that the plan sponsor has made an election under subsection (b)(8), any resulting change in asset value is treated for purposes of amortization as a net experience loss or gain.''.

(c) EFFECTIVE DATE AND SPECIAL RULES.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as of the first day of the first plan year beginning after June 30, 2008, except that any election a plan sponsor makes pursuant to this section or the amendments made thereby that affects the plan's funding standard account for any plan year beginning before October 1, 2009, shall be disregarded for purposes of applying the provisions

of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to that plan year.

(2) DEEMED APPROVAL FOR CERTAIN FUNDING METHOD CHANGES.—In the case of a multiemployer plan with respect to which an election has been made under section 304(b)(8) of the Employee Retirement Income Security Act of 1974 (as amended by this section) or section 431(b)(8) of the Internal Revenue Code of 1986 (as so amended)—

(A) any change in the plan's funding method for a plan year beginning on or after July 1, 2008, and on or before December 31, 2010, from a method that does not establish a base for experience gains and losses to one that does establish such a base shall be treated as approved by the Secretary of the Treasury; and

(B) any resulting funding method change base shall be treated for purposes of amortization as a net experience loss or gain.

SEC. 312. OPTIONAL LONGER RECOVERY PERIODS FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) ERISA AMENDMENTS.—

(1) FUNDING IMPROVEMENT PERIOD.—Section 305(c)(4) of the Employee Retirement Income Security Act of 1974 is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

''(C) ELECTION TO EXTEND PERIOD.—The plan sponsor of an endangered or seriously endangered plan may elect to extend the applicable funding improvement period by up to 5 years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary of the Treasury may prescribe.''.

(2) REHABILITATION PERIOD.—Section 305(e)(4) of such Act is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in last sentence of subparagraph (A), by striking ''subparagraph (B)'' each place it appears and inserting ''subparagraph (C)''; and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) ELECTION TO EXTEND PERIOD.—The plan sponsor of a plan in critical status may elect to extend the rehabilitation period by up to five years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary of the Treasury may prescribe.''.

(b) IRC AMENDMENTS.—

(1) FUNDING IMPROVEMENT PERIOD.—Section 432(c)(4) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

''(C) ELECTION TO EXTEND PERIOD.—The plan sponsor of an endangered or seriously endangered plan may elect to extend the applicable funding improvement period by up to 5 years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary may prescribe.''.

(2) REHABILITATION PERIOD.—Section 432(e)(4) of such Code is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in last sentence of subparagraph (A), by striking ''subparagraph (B)'' each place it appears and inserting ''subparagraph (C)''; and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) ELECTION TO EXTEND PERIOD.—The plan sponsor of a plan in critical status may elect to extend the rehabilitation period by up to five years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary may prescribe.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to funding improvement periods and rehabilitation periods in connection with funding improvement plans and rehabilitation plans adopted or updated on or after the date of the enactment of this Act.

SEC. 313. MODIFICATION OF CERTAIN AMORTIZATION EXTENSIONS UNDER PRIOR LAW.

(a) IN GENERAL.—In the case of an amortization extension that was granted to a multiemployer plan under the terms of section 304 of the Employee Retirement Income Security Act of 1974 (as in effect immediately prior to enactment of the Pension Protection Act of 2006) or section 412(e) of the Internal Revenue Code (as so in effect), the determination of whether any financial condition on the amortization extension is satisfied shall be made by assuming that for any plan year that contains some or all of the period beginning June 30, 2008, and ending October 31, 2008, the actual rate of return on the plan assets was equal to the interest rate used for purposes of charging or crediting the funding standard account in such plan year, unless the plan sponsor elects otherwise in such form and manner as shall be prescribed by the Secretary of Treasury.

(b) REVOCATION OF AMORTIZATION EXTENSIONS.—The plan sponsor of a multiemployer plan may, in such form and manner and after such notice as may be prescribed by the Secretary, revoke any amortization extension described in subsection (a), effective for plan years following the date of the revocation.

SEC. 314. ALTERNATIVE DEFAULT SCHEDULE FOR PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) ERISA AMENDMENTS.—

(1) ENDANGERED STATUS.—Section 305(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(c)(7)) is amended by adding at the end the following new subparagraph:

''(D) ALTERNATIVE DEFAULT SCHEDULE.—

''(i) IN GENERAL.—A plan sponsor may, for purposes of this paragraph, designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (A).

''(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.''.

(2) CRITICAL STATUS.—Section 305(e)(3) of such Act (29 U.S.C. 1085(e)(3)) is amended by adding at the end the following new subparagraph:

''(D) ALTERNATIVE DEFAULT SCHEDULE.—

''(i) IN GENERAL.—A plan sponsor may, for purposes of subparagraph (C), designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (C)(i).

''(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.''.

(b) INTERNAL REVENUE CODE AMENDMENTS.—

(1) ENDANGERED STATUS.—Section 432(c)(7) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) ALTERNATIVE DEFAULT SCHEDULE.—

''(i) IN GENERAL.—A plan sponsor may, for purposes of this paragraph, designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (A).

''(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.''.

(2) CRITICAL STATUS.—Section 432(e)(3) of such Code is amended by adding at the end the following new subparagraph:

''(D) ALTERNATIVE DEFAULT SCHEDULE.—

''(i) IN GENERAL.—A plan sponsor may, for purposes of subparagraph (C), designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (C)(i).

''(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to designations of default schedules by plan sponsors on or after the date of the enactment of this Act.

(d) CROSS-REFERENCE.—For sunset of the amendments made by this section, see section 221(c) of the Pension Protection Act of 2006.

SEC. 315. TRANSITION RULE FOR CERTIFICATIONS OF PLAN STATUS.

(a) IN GENERAL.—A plan actuary shall not be treated as failing to meet the requirements of section 305(b)(3)(A) of the Employee Retirement Income Security Act of 1974 and section 432(b)(3)(A) of the Internal Revenue Code of 1986 in connection with a certification required under such sections the deadline for which is after the date of the enactment of this Act if the plan actuary makes such certification at any time earlier than 75 days after the date of the enactment of this Act.

(b) REVISION OF PRIOR CERTIFICATION.—

(1) IN GENERAL.—If—

(A) a plan sponsor makes an election under section 304(b)(8) of the Employee Retirement Income Security Act of 1974 and section 431(b)(8) of the Internal Revenue Code of 1986, or under section 304(c)(2)(B) of such Act and section 432(c)(2)(B) such Code, with respect to a plan for a plan year beginning on or after October 1, 2009; and

(B) the plan actuary's certification of the plan status for such plan year (hereinafter in this subsection referred to as ''original certification'') did not take into account any election so made,

then the plan sponsor may direct the plan actuary to make a new certification with respect to the plan for the plan year which takes into account such election (hereinafter in this subsection referred to as ''new certification'') if the plan's status under section 305 of such Act and section 432 of such Code would change as a result of such election. Any such new certification shall be treated as the most recent certification referred to in section 304(b)(3)(B)(iii) of such Act and section 431(b)(8)(B)(iii) of such Code.

(2) DUE DATE FOR NEW CERTIFICATION.—Any such new certification shall be made pursuant to section 305(b)(3) of such Act and section 432(b)(3) of such Code; except that any such new certification shall be made not later than 75 days after the date of the enactment of this Act.

(3) NOTICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any such new certification shall be treated as the original certification for purposes of section 305(b)(3)(D) of such Act and section 432(b)(3)(D) of such Code.

(B) NOTICE ALREADY PROVIDED.—In any case in which notice has been provided under such sections with respect to the original certification, not later than 30 days after the new certification is made, the plan sponsor shall provide notice of any change in status under rules similar to the rules such sections.

(4) EFFECT OF CHANGE IN STATUS.—If a plan ceases to be in critical status pursuant to the new certification, then the plan shall, not later than 30 days after the due date described in paragraph (2), cease any restriction of benefit payments, and imposition of contribution surcharges, under section 305 of such Act and section 432 of such Code by reason of the original certification.

Subtitle B—Fee Disclosure

SEC. 321. SHORT TITLE OF SUBTITLE.

This subtitle may be cited as the ''Defined Contribution Fee Disclosure Act of 2010''.

SEC. 322. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) REQUIREMENTS RELATING TO SERVICE PROVIDERS AND PLAN ADMINISTRATORS OF INDIVIDUAL ACCOUNT PLANS.—

(1) IN GENERAL.—Part 1 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended—

(A) by redesignating section 111 (29 U.S.C. 1031) as section 113; and

(B) by inserting after section 110 (29 U.S.C. 1030) the following new sections:

''SEC. 111. REQUIREMENT TO PROVIDE NOTICE OF PLAN FEE INFORMATION TO PLAN ADMINISTRATORS.

''(a) INITIAL STATEMENT OF SERVICES PROVIDED AND REVENUES RECEIVED.—

''(1) IN GENERAL.—In any case in which a service provider enters into a contract or arrangement to provide services to an individual account plan, the service provider shall, before entering into such contract or arrangement, provide to the plan administrator a single written statement which includes, with respect to the first plan year covered under such contract or arrangement, the following information:

''(A) A detailed description of the services which will be provided to the plan by the service provider, the amount of total expected annual revenue with respect to such services, the manner in which such revenue will be collected, and the extent to which such revenue varies between specific investment options.

''(B)(i) In the case of a service provider who is providing recordkeeping services with respect to any investment option, such information as is necessary for the plan administrator to satisfy the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and paragraphs (1) and (3) of section 112(a) with respect to such option, including specifying the method used by the service provider in disclosing or estimating expenses under subparagraphs (C)(iv) and (E) of section 105(a)(2).

''(ii) To the extent provided in regulations issued by the Secretary, clause (i) shall not apply in the case of a service provider described in such clause if the service provider receives a written notification from the plan administrator that the information described in such clause in connection with the investment option is provided by another service provider pursuant to a contract or arrangement to provide services to the plan.

''(C) A statement indicating—

''(i) the identity of any investment options offered under the plan with respect to which the service provider provides substantial investment, trustee, custodial, or administrative services, and

''(ii) in the case of any investment option, whether the service provider expects to receive any component of total expected annual revenue described in paragraph (2)(A)(ii)(II) with respect to such option and the amount of any such component.

''(D) The portion of total expected annual revenue which is properly allocable to each of the following:

''(i) Administration and recordkeeping.

''(ii) Investment management.

''(iii) Other services or amounts not described in clause (i) or (ii).

''(2) DEFINITION OF TOTAL EXPECTED ANNUAL REVENUE.—For purposes of this section—

''(A) IN GENERAL.—The term 'total expected annual revenue' means, with respect to any plan year—

''(i) any amount expected to be received during such plan year from the plan (including amounts paid from participant accounts), any participant or beneficiary, or any plan sponsor in connection with the contract or arrangement referred to in paragraph (1), and

''(ii) any amount not taken into account under clause (i) which is expected to be received during such plan year by the service provider in connection with—

''(I) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by the service provider with respect to the plan, or

''(II) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by any other person with respect to the plan.

''(B) EXPRESSED AS DOLLAR AMOUNT OR PERCENTAGE OF ASSETS.—Total expected annual revenue and any amount indicated under paragraph (1)(C)(ii) may be expressed as a dollar amount or as a percentage of assets (or a combination thereof), as appropriate. To the extent that total expected annual revenue is expressed as a percentage of assets, such percentage shall be properly allocated among clauses (i), (ii), and (iii) of paragraph (1)(D).

''(C) PROVISION OF FEE SCHEDULE FOR CERTAIN PARTICIPANT INITIATED TRANSACTIONS.—In the case of amounts expected to be received from participants or beneficiaries under the plan (or from an account of a participant or beneficiary) as a fee or charge in connection with a transaction initiated by the participant (other than loads, commissions, brokerage fees, and other investment related transactions)—

''(i) such amounts shall not be taken into account in determining total expected annual revenue, and

''(ii) the service provider shall provide to the plan administrator, as part of the statement referred to in paragraph (1), a fee schedule which describes each such fee or charge, the amount thereof, and the manner in which such amount is collected.

''(D) ESTIMATIONS.—In determining under this subsection any amount which is expected to be received by the service provider, the service provider shall provide a reasonable estimate of such amount and shall indicate in the statement referred to in paragraph (1) whether such amount disclosed is an estimate. Any such estimate shall be based on reasonable assumptions specified in such statement.

''(3) ALLOCATION RULES.—The Secretary shall provide rules for defining total expected annual revenue and for the appropriate and consistent allocation of total expected annual revenue among clauses (i), (ii), and (iii) of paragraph (1)(D), except that the entire amount of such revenue shall be allocated among such clauses and no amount may be taken into account under more than one clause.

''(4) DISCLOSURE OF DIFFERENT PRICING OF INVESTMENT OPTIONS.—In the case of investment options with more than one share class or price level, the Secretary shall prescribe regulations for the disclosure of the different share classes or price levels available as part of the statement in paragraph (1). Such regulations shall provide guidance with respect to the disclosure of the basis for qualifying for such share classes or price levels, which may include amounts invested, number of participants, or other factors.

''(5) DISCLOSURE OF INVESTMENT TRANSACTION COSTS.—To the extent provided in regulations issued by the Secretary, a service provider shall separately disclose the transaction costs (including sales commissions) for each investment option for the preceding year or the plan's allocable share of such costs for the preceding year.

''(b) ANNUAL STATEMENTS.—With respect to each plan year after the plan year covered by the statement described in subsection (a), the service provider shall provide the plan administrator a single written statement which includes the information described in subsection (a) with respect to such subsequent plan year.

''(c) MATERIAL CHANGE STATEMENTS.—In the case of any event or other change during a plan year which causes the information included in any statement described in subsection (a) or (b) with respect to such plan year to become materially incorrect, the service provider shall provide the plan administrator a written statement providing the corrected information not later than 30 days after the service provider knows, or exercising reasonable diligence would have known, of such event or other change.

''(d) TIME AND MANNER OF PROVIDING STATEMENT AND OTHER MATERIALS.—The statement referred to in subsections (a)(1) and (b) shall be made at such time and in such manner as the Secretary may provide. Other materials required to be provided under this section shall be provided in such manner as the Secretary may provide. All information included in such statements and other materials shall be presented in a manner which is easily understood by the typical plan administrator.

''(e) EXCEPTION FOR SMALL SERVICE PROVIDERS.—The requirements of this section shall not apply with respect to any contract or arrangement for services provided with respect to an individual account plan for any plan year if—

''(1) the total annual revenue expected by the service provider to be received with respect to the plan for such plan year is less than $5,000, and

''(2) the service provider provides a written statement to the plan administrator that the total annual revenue expected by the service provider to be received with respect to the plan is less than $5,000.

Service providers who expect to receive de minimis annual revenue from the plan need not provide the written statement described in paragraph (2). The Secretary may by regulation or other guidance adjust the dollar amount specified in this subsection.

''(f) DEFINITION OF SERVICE PROVIDER.—For purposes of this section—

''(1) IN GENERAL.—The term 'service provider' includes any person providing administration, recordkeeping, consulting, investment management services, or investment advice to an individual account plan under a contract or arrangement.

''(2) CONTROLLED GROUPS TREATED AS ONE SERVICE PROVIDER.—All persons which would be treated as a single employer under subsection (b) or (c) of section 414 of the Internal Revenue Code of 1986 if section 1563(a)(1) of such Code were applied—

''(A) except as provided by subparagraph (B), by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears therein, or

''(B) for purposes of subsection (a)(1)(C)(i), by substituting 'at least 20 percent' for 'at least 80 percent' each place it appears therein,

shall be treated as one person for purposes of this section.

"SEC. 112. REQUIREMENT TO PROVIDE NOTICE TO PARTICIPANTS OF PLAN FEE INFORMATION.

''(a) DISCLOSURES TO PARTICIPANTS AND BENEFICIARIES.—

''(1) ADVANCE NOTICE OF AVAILABLE INVESTMENT OPTIONS.—

''(A) IN GENERAL.—The plan administrator of an applicable individual account plan shall provide to the participant or beneficiary notice of the investment options available under the plan before—

''(i) the earliest date provided for under the plan for the participant's initial investment of any contribution made on behalf of such participant, and

''(ii) the effective date of any change in the list of investment options available under the plan, unless such advance notice is impracticable, and in such case, as soon as is practicable.

''(B) INFORMATION INCLUDED IN NOTICE.—The notice required under subparagraph (A) shall—

''(i) set forth, with respect to each available investment option—

''(I) the name of the option,

''(II) a general description of the option's investment objectives and principal investment strategies, principal risk and return characteristics, and the name of the option's investment manager,

''(III) whether the investment option is designed to be a comprehensive, stand-alone investment for retirement that provides varying degrees of long-term appreciation and capital preservation through a mix of equity and fixed income exposures,

''(IV) the extent to which the investment option is actively managed or passively managed in relation to an index and the difference between active management and passive management,

''(V) where, and the manner in which, additional plan-specific, option-specific, and generally available investment information may be obtained, and

''(VI) a statement explaining that investment options should not be evaluated solely on the basis of the charges for each option but should also be based on consideration of other key factors, including the risk level of the option, the investment objectives of the option, historical returns of the option, and the participant's personal investment objectives,

''(ii) include a statement of the right under paragraph (2) of participants and beneficiaries to request, and a description of how a participant or beneficiary may request, a copy of the statements received by the plan administrator under section 111 with respect to the plan, and

''(iii) include the plan fee comparison chart described in subparagraph (C).

''(C) PLAN FEE COMPARISON CHART.—

''(i) IN GENERAL.—

''(I) IN GENERAL.—The notice provided under this paragraph shall include a plan fee comparison chart consisting of a comparison of the service and investment charges that will or could be assessed against the account of the participant or beneficiary with respect to the plan year.

''(II) EXPRESSED AS DOLLAR AMOUNT OR FORMULA.—For purposes of this subparagraph, such charges shall be provided in the form of a dollar amount or as a formula (such as a percentage of assets), as appropriate.

''(ii) CATEGORIZATION OF CHARGES.—The plan fee comparison chart shall provide information in relation to the following categories of charges that will or could be assessed against the account of the participant or beneficiary:

''(I) ASSET-BASED CHARGES SPECIFIC TO INVESTMENT.—Charges that vary depending on the investment options selected by the participant or beneficiary, including the annual operating expenses of the investment option and investment-specific asset-based charges (such as loads, commissions, brokerage fees, exchange fees, redemption fees, and surrender charges). Except as provided by the Secretary in regulations under this section, the information relating to such charges shall include a statement noting any charges for 1 or more investment options which pay for services other than investment management.

''(II) RECURRING ASSET-BASED CHARGES NOT SPECIFIC TO INVESTMENT.—Charges that are assessed as a percentage of the total assets in the account of the participant or beneficiary, regardless of the investment option selected.

''(III) ADMINISTRATIVE AND TRANSACTION-BASED CHARGES.—Administration and transaction-based charges, including fees charged to participants to cover plan administration, compliance, and recordkeeping costs, plan loan origination fees, possible redemption fees, and possible surrender charges, that are not assessed as a percentage of the total assets in the account and are either automatically deducted each year or result from certain transactions engaged in by the participant or beneficiary.

''(IV) OTHER CHARGES.—Any other charges which may be deducted from participants' or beneficiaries' accounts and which are not described in subclauses (I), (II), and (III).

''(iii) FEES AND HISTORICAL RETURNS.—The plan fee comparison chart shall include—

''(I) the historical returns, net of fees and expenses, for the previous year, 5 years, and 10 years (or for the period since inception, if shorter) with respect to such investment option, and

''(II) the historical returns of an appropriate benchmark, index, or other point of comparison for each such period.

''(D) MODEL NOTICES.—The Secretary shall prescribe one or more model notices that may be used for purposes of satisfying the requirements of this paragraph, including model plan fee comparison charts.

''(E) ESTIMATIONS.—For purposes of providing the notice required under this paragraph, the plan administrator may provide a reasonable and representative estimate for any charges or percentages disclosed under subparagraph (B) or (C) and shall indicate whether the amount of any such charges or percentages disclosed is an estimate.

''(2) DISCLOSURE OF SERVICE PROVIDER STATEMENTS.—The plan administrator shall provide to any participant or beneficiary a copy of any statement received pursuant to section 111 within 30 days after receipt of a request for such a statement.

''(3) NOTICE OF MATERIAL CHANGES.—In the case of any event or other change which causes the information included in any notice described in paragraph (1) to become materially incorrect, the plan administrator shall provide participants and beneficiaries a written statement providing the corrected information not later than 30 days after the plan administrator knows, or exercising reasonable diligence would have known, of such event or other change.

''(4) TIME AND MANNER OF PROVIDING NOTICES AND DISCLOSURES.—

''(A) IN GENERAL.—The notices described in paragraph (1) shall be provided at such times and in such manner as the Secretary may provide. Other notices and materials required to be provided under this subsection shall be provided in such manner as the Secretary may provide.

''(B) MANNER OF PRESENTATION.—

''(i) IN GENERAL.—All information included in such notices or explanations shall be presented in a manner which is easily understood by the typical participant.

''(ii) GENERIC EXAMPLE OF OPERATING EXPENSES OF INVESTMENT OPTIONS.—The information described in paragraph (1)(C)(ii)(I) shall include a generic example describing the charges that would apply during an annual period with respect to a $10,000 investment in the investment option.

''(b) APPLICABLE INDIVIDUAL ACCOUNT PLAN.—For purposes of this section, the term 'applicable individual account plan' means the portion of any individual account plan which permits a participant or beneficiary to exercise control over assets in his or her account.

''(c) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which—

''(1) provide a later deadline for providing the notice of investment menu changes described in subsection (a)(3) in appropriate circumstances, and

''(2) provide guidelines, and a safe harbor, for the selection of an appropriate benchmark, index, or other point of comparison for an investment option under subsection (a)(1)(C)(iii)(II).''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 111 and inserting the following new items:

''Sec. 111. Requirement to provide notice of plan fee information to plan administrators.

''Sec. 112. Requirement to provide notice to participants of plan fee information.

''Sec. 113. Repeal and effective date.''.

(b) QUARTERLY BENEFIT STATEMENTS.—Section 105 of such Act (29 U.S.C. 1025) is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (G);

(B) in subparagraph (B)(ii)—

(i) in subclause (II), by striking ''diversified, and'' and inserting ''diversified,'';

(ii) in subclause (III) by striking the period and inserting '', and''; and

(iii) by adding after subclause (III) the following new subclause:

''(IV) with respect to the portion of a participant's account for which the participant has the right to direct the investment of assets, the information described in subparagraph (C).''; and

(C) by inserting after subparagraph (B) the following new subparagraphs:

''(C) QUARTERLY BENEFIT STATEMENTS.—The plan administrator shall provide to each participant and beneficiary, at least once each calendar quarter, an explanation describing the investment options in which the participant's or beneficiary's account is invested as of the last day of the preceding quarter. Such explanation shall provide, to the extent applicable, the following for the preceding quarter:

''(i) As of the last day of the quarter, a statement of the different asset classes that the participant's or beneficiary's account is invested in and the percentage of the account allocated to each asset class.

''(ii) A statement of the starting and ending balance of the participant's or beneficiary's account for such quarter.

''(iii) A statement of the total contributions made to the participant's or beneficiary's account during the quarter and a separate statement of—

''(I) the amount of such contributions, and the total amount of any restorative payments, which were made by the employer during the quarter, and

''(II) the amount of such contributions which were made by the employee.

''(iv) A statement of the total fees and expenses which were directly deducted from the participant's or beneficiary's account during the quarter and an itemization of such fees and expenses.

''(v) A statement of the net returns for the year to date, expressed as a percentage, and a statement as to whether the net returns include amounts described in clause (iv).

''(vi) With respect to each investment option in which the participant or beneficiary was invested as of the last day of the quarter, the following:

''(I) A statement of the percentage of the participant's or beneficiary's account that is invested in such option as of the last day of such quarter.

''(II) A statement of the starting and ending balance of the participant's or beneficiary's account that is invested in such option for such quarter.

''(III) A statement of the annual operating expenses of the investment option.

''(IV) A statement of whether the disclosure described in clause (iv) includes the annual operating expenses of the investment options of the participant or beneficiary.

''(vii) The statement described in section 112(a)(1)(B)(i)(VI).

''(viii) A statement regarding how a participant or beneficiary may access the information required to be disclosed under section 112(a)(1).

''(D) MODEL EXPLANATIONS.—The Secretary shall prescribe one or more model explanations that may be used for purposes of satisfying the requirements of subparagraph (C).

''(E) DETERMINATION OF EXPENSES.—For purposes of subparagraph (C)(vi)(III)—

''(i) Expenses may be expressed as a dollar amount or as a percentage of assets (or a combination thereof).

''(ii) The plan administrator may provide disclosure of the expenses for the quarter or may provide a reasonable and representative estimate of such expenses and shall indicate any such estimate as being an estimate. Any such estimate shall be based on reasonable assumptions stated together with such estimate.

''(iii) To the extent that estimated expenses are expressed as a percentage of assets, the disclosure shall also include one of the following, stated in dollar amounts:

''(I) an estimate of the expenses for the quarter based on the amount invested in the option; or

''(II) an example describing the expenses that would apply during the quarter with respect to a hypothetical $10,000 investment in the option.

''(F) ANNUAL COMPLIANCE FOR SMALL PLANS.—A plan that has fewer than 100 participants and beneficiaries as of the first day of the plan year may provide the explanation described in subparagraph (C) on an annual rather than a quarterly basis.''.

(c) ASSISTANCE FROM THE DEPARTMENT OF LABOR.—Section 105 of such Act (29 U.S.C. 1025) is amended by adding at the end the following new subsections:

''(d) ASSISTANCE TO SMALL EMPLOYERS.—The Secretary shall make available to employers with 100 or fewer employees—

''(1) educational and compliance materials designed to assist such employers in selecting and monitoring service providers for individual account plans which permit a participant or beneficiary to exercise control over the assets in the account of the participant or beneficiary, investment options under such plans, and charges relating to such options, and

''(2) services designed to assist such employers in finding and understanding affordable investment options for such plans and in comparing the investment performance of, and charges for, such options on an ongoing basis against appropriate benchmarks or other appropriate measures.

''(e) ASSISTANCE TO PLAN SPONSORS AND PLAN PARTICIPANTS AND BENEFICIARIES.—The Secretary shall provide plan administrators and plan sponsors of individual account plans and participants and beneficiaries under such plans assistance with any questions or problems regarding compliance with the requirements of subparagraphs (B)(ii)(IV) and (C) of subsection (a)(2) and section 112.''.

(d) ENFORCEMENT.—

(1) PENALTIES.—Section 502 of such Act (29 U.S.C. 1132) is amended—

(A) in subsection (a)(6), by striking ''under paragraph (2)'' and all that follows through ''subsection (c)'' and inserting ''under paragraph (2), (4), (5), (6), (7), (8), (9), (10), (11), or (12) of subsection (c)''; and

(B) in subsection (c), by redesignating the second paragraph (10) as paragraph (13), and by inserting after the first paragraph (10) the following new paragraphs:

''(11)(A) In the case of any failure by a service provider (as defined in section 111(f)(1)) to provide a statement in violation of section 111, the service provider may be assessed by the Secretary a civil penalty of up to $1,000 for each day in the noncompliance period.

''(B) For purposes of subparagraph (A), the noncompliance period with respect to the failure to provide any statement is the period beginning on the date that such statement was required to be provided and ending on the date that such statement is provided or the failure is otherwise corrected.

''(C)(i) The total amount of a penalty assessed under this paragraph on any service provider with respect to any individual account plan for any plan year shall not exceed an amount equal to the lesser of—

''(I) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

''(II) $1,000,000.

''(ii) No penalty shall be imposed by subparagraph (A) on any failure if—

''(I) the service provider subject to liability for the penalty under subparagraph (A) exercised reasonable diligence to meet the requirement with respect to which the failure relates, and

''(II) such service provider provides the information required under section 111 during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

''(iii) In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty under subparagraph (A) to the extent that the payment of such penalty would be excessive or otherwise inequitable relative to the failure involved.

''(D) The penalty imposed under this paragraph with respect to any failure shall be reduced by the amount of any tax imposed on such person with respect to such failure under section 4980J of the Internal Revenue Code of 1986.

''(12)(A) Any plan administrator with respect to a plan who fails or refuses to provide a notice, explanation, or statement to participants and beneficiaries in accordance with subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112 may be assessed by the Secretary a civil penalty of up to $110 for each day in the noncompliance period.

''(B) For purposes of subparagraph (A), the noncompliance period with respect to the failure to provide any notice, explanation, or statement referred to in subparagraph (B)(ii)(IV) or (C) of section 105(a)(2) or section 112 with respect to any participant or beneficiary is the period beginning on the date that such notice, explanation, or statement was required to be provided and ending on the date that such notice, explanation, or statement is provided or the failure is otherwise corrected.

''(C)(i) The total amount of penalty assessed under this paragraph with respect to any plan for any plan year shall not exceed an amount equal to the lesser of—

''(I) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

''(II) $500,000.

''(ii) No penalty shall be imposed under subparagraph (A) on any failure to meet the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112 if—

''(I) any person subject to liability for the penalty under subparagraph (A) exercised reasonable diligence to meet such requirements, and

''(II) such person provides the notice, explanation, or statement to which the failure relates during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

''(iii) In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary shall waive part or all of the penalty under subparagraph (A) to the extent that the payment of such penalty would be excessive or otherwise inequitable relative to the failure involved.

''(iv) The penalty imposed under this paragraph with respect to any failure shall be reduced by the amount of any tax imposed on such person with respect to such failure under section 4980K of the Internal Revenue Code of 1986.''.

(2) ENFORCEMENT COORDINATION AND REVIEW BY THE DEPARTMENT OF LABOR.—Section 502 of such Act (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

''(n) ENFORCEMENT COORDINATION OF CERTAIN DISCLOSURE REQUIREMENTS RELATING TO INDIVIDUAL ACCOUNT PLANS AND REVIEW BY THE DEPARTMENT OF LABOR.—

''(1) NOTIFICATION AND ACTION RELATING TO SERVICE PROVIDERS.—The Secretary shall notify the applicable regulatory authority in any case in which the Secretary determines that a service provider is engaged in a pattern or practice that precludes compliance by plan administrators with subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112. The Secretary shall, in consultation with the applicable authority, take such timely enforcement action under this title as is necessary to assure that such pattern or practice ceases and desists and assess any appropriate penalties.

''(2) ANNUAL AUDIT OF REPRESENTATIVE SAMPLING OF INDIVIDUAL ACCOUNT PLANS.—The Secretary shall annually audit a representative sampling of individual account plans covered by this title to determine compliance with the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2), section 111, and section 112. The Secretary shall annually report the results of such audit and any related recommendations of the Secretary to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.''.

(e) REVIEW AND REPORT TO THE CONGRESS BY SECRETARY OF LABOR RELATING TO REPORTING AND DISCLOSURE REQUIREMENTS.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor shall review the reporting and disclosure requirements of part 1 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 and related provisions of the Pension Protection Act of 2006.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of the Treasury, shall make such recommendations as the Secretary of Labor considers appropriate to the appropriate committees of the Congress to consolidate, simplify, standardize, and improve the applicable reporting and disclosure requirements so as to simplify reporting for employee pension benefit plans and ensure that needed understandable information is provided to participants and beneficiaries of such plans.

SEC. 323. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc. plans) is amended by adding at the end the following new sections:

''SEC. 4980J. FAILURE TO PROVIDE NOTICE OF PLAN FEE INFORMATION TO PLAN ADMINISTRATORS.

''(a) IMPOSITION OF TAX.—

''(1) IN GENERAL.—There is hereby imposed a tax on each failure of a service provider to meet the requirements of paragraph (2) with respect to any applicable defined contribution plan.

''(2) FAILURES DESCRIBED.—The failures described in this paragraph are—

''(A) any failure to provide an initial statement described in subsection (d),

''(B) any failure to provide an annual statement described in subsection (e), and

''(C) any failure to provide a material change statement described in subsection (f).

''(b) AMOUNT OF TAX.—

''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure shall be $1,000 for each day in the noncompliance period.

''(2) NONCOMPLIANCE PERIOD.—For purposes of paragraph (1), the noncompliance period with respect to the failure to provide any statement is the period beginning on the date that such statement was required to be provided and ending on the date that such statement is provided or the failure is otherwise corrected.

''(c) LIMITATIONS.—

''(1) AGGREGATE LIMITATION.—The total amount of tax imposed by this section on any service provider with respect to any applicable defined contribution plan for any plan year shall not exceed an amount equal to the lesser of—

''(A) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

''(B) $1,000,000.

''(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

''(A) the service provider subject to liability for the tax under subsection (a) exercised reasonable diligence to meet the requirement with respect to which the failure relates, and

''(B) such service provider provides the information required under subsection (a) during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

''(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

''(d) INITIAL STATEMENT OF SERVICES PROVIDED AND REVENUES RECEIVED.—

''(1) IN GENERAL.—Before entering into any contract or arrangement to provide services to an applicable defined contribution plan, the service provider shall provide to the plan administrator a single written statement which includes, with respect to the first plan year covered under such contract or arrangement, the following:

''(A) A detailed description of the services which will be provided to the plan by the service provider, the amount of total expected annual revenue with respect to such services, the manner in which such revenue will be collected, and the extent to which such revenue varies between specific investment options.

''(B)(i) In the case of a service provider who is providing recordkeeping services with respect to any investment option, such information as is necessary for the plan administrator to satisfy the requirements of paragraphs (1), (2) and (4) of section 4980K(e) with respect to such option, including specifying the method used by the service provider in disclosing or estimating expenses under subparagraphs (A)(iv) and (C) of such paragraph (2).

''(ii) To the extent provided in regulations issued by the Secretary of Labor, clause (i) shall not apply in the case of a service provider described in such clause if the service provider receives a written notification from the plan administrator that the information described in such clause in connection with the investment option is provided by another service provider pursuant to a contract or arrangement to provide services to the plan.

''(C) A statement indicating—

''(i) the identity of any investment options offered under the plan with respect to which the service provider provides substantial investment, trustee, custodial, or administrative services, and

''(ii) in the case of any investment option, whether the service provider expects to receive any component of total expected annual revenue described in paragraph (2)(A)(ii)(II) with respect to such option and the amount of any such component.

''(D) The portion of total expected annual revenue which is properly allocable to each of the following:

''(i) Administration and recordkeeping.

''(ii) Investment management.

''(iii) Other services or amounts not described in clause (i) or (ii).

''(2) DEFINITION OF TOTAL EXPECTED ANNUAL REVENUE.—For purposes of this section—

''(A) IN GENERAL.—The term 'total expected annual revenue' means, with respect to any plan year—

''(i) any amount expected to be received during such plan year from the plan (including amounts paid from participant accounts), any participant or beneficiary, or any plan sponsor in connection with the contract or arrangement referred to in paragraph (1), and

''(ii) any amount not taken into account under clause (i) which is expected to be received during such plan year by the service provider in connection with—

''(I) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by the service provider with respect to the plan, or

''(II) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by any other person with respect to the plan.

''(B) EXPRESSED AS DOLLAR AMOUNT OR PERCENTAGE OF ASSETS.—Total expected annual revenue and any amount indicated under paragraph (1)(C)(ii) may be expressed as a dollar amount or as a percentage of assets (or a combination thereof), as appropriate. To the extent that total expected annual revenue is expressed as a percentage of assets, such percentage shall be properly allocated among clauses (i), (ii), and (iii) of paragraph (1)(D).

''(C) PROVISION OF FEE SCHEDULE FOR CERTAIN PARTICIPANT INITIATED TRANSACTIONS.—In the case of amounts expected to be received from participants or beneficiaries under the plan (or from the account of a participant or beneficiary) as a fee or charge in connection with a transaction initiated by the participant (other than loads, commissions, brokerage fees, and other investment related transactions)—

''(i) such amounts shall not be taken into account in determining total expected annual revenue, and

''(ii) the service provider shall provide to the plan administrator, as part of the statement referred to in paragraph (1), a fee schedule which describes each such fee or charge, the amount thereof, and the manner in which such amount is collected.

''(D) ESTIMATIONS.—In determining under this subsection any amount which is expected to be received by the service provider, the service provider shall provide a reasonable estimate of such amount and shall indicate in the statement referred to in paragraph (1) whether such amount disclosed is an estimate. Any such estimate shall be based on reasonable assumptions specified in such statement.

''(3) ALLOCATION RULES.—The Secretary of Labor shall provide rules for defining total expected annual revenue and for the appropriate and consistent allocation of total expected annual revenue among clauses (i), (ii), and (iii) of paragraph (1)(D), except that the entire amount of such revenue shall be allocated among such clauses and no amount may be taken into account under more than one clause.

''(4) DISCLOSURE OF DIFFERENT PRICING OF INVESTMENT OPTIONS.—In the case of investment options with more than one share class or price level, the Secretary of Labor shall prescribe regulations for the disclosure of the different share classes or price levels available as part of the statement in paragraph (1). Such regulations shall provide guidance with respect to the disclosure of the basis for qualifying for such share classes or price levels, which may include amounts invested, number of participants, or other factors.

''(5) DISCLOSURE OF INVESTMENT TRANSACTION COSTS.—To the extent provided in regulations issued by the Secretary of Labor, a service provider shall separately disclose the transaction costs (including sales commissions) for each investment option for the preceding year or the plan's allocable share of such costs for the preceding year.

''(e) ANNUAL STATEMENTS.—With respect to each plan year after the plan year covered by the statement described in subsection (d), the service provider shall provide the plan administrator a single written statement which includes the information described in subsection (d) with respect to such subsequent plan year.

''(f) MATERIAL CHANGE STATEMENTS.—In the case of any event or other change during a plan year which causes the information included in any statement described in subsection (d) or (e) with respect to such plan year to become materially incorrect, the service provider shall provide the plan administrator a written statement providing the corrected information not later than 30 days after the service provider knows, or exercising reasonable diligence would have known, of such event or other change.

''(g) TIME AND MANNER OF PROVIDING STATEMENT AND OTHER MATERIALS.—The statement referred to in subsections (d)(1) and (e) shall be made at such time and in such manner as the Secretary of Labor may provide. Other materials required to be provided under this section shall be provided in such manner as such Secretary may provide. All information included in such statements and other materials shall be presented in a manner which is easily understood by the typical plan administrator.

''(h) EXCEPTION FOR SMALL SERVICE PROVIDERS.—The requirements of this section shall not apply with respect to any contract or arrangement for services provided with respect to an individual account plan for any plan year if—

''(1) the total annual revenue expected by the service provider to be received with respect to the plan for such plan year is less than $5,000, and

''(2) the service provider provides a written statement to the plan administrator that the total annual revenue expected by the service provider to be received with respect to the plan is less than $5,000.

Service providers who expect to receive de minimis annual revenue from the plan need not provide the written statement described in paragraph (2). The Secretary of Labor may by regulation or other guidance adjust the dollar amount specified in this subsection.

''(i) DEFINITIONS.—For purposes of this section—

''(1) SERVICE PROVIDER.—

''(A) IN GENERAL.—The term 'service provider' includes any person providing administration, recordkeeping, consulting, investment management services, or investment advice to an applicable defined contribution plan under a contract or arrangement.

''(B) CONTROLLED GROUPS TREATED AS ONE SERVICE PROVIDER.—All persons which would be treated as a single employer under subsection (b) or (c) of section 414 if section 1563(a)(1) were applied—

''(i) except as provided by subparagraph (B), by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears therein, or

''(ii) for purposes of subsection (d)(1)(C)(i), by substituting 'at least 20 percent' for 'at least 80 percent' each place it appears therein,

shall be treated as one person for purposes of this section.

''(2) APPLICABLE DEFINED CONTRIBUTION PLAN.—The term 'applicable defined contribution plan' means any defined contribution plan

described in clauses (iii) through (vi) of section 402(c)(8)(B).

''(3) PLAN ADMINISTRATOR.—The term 'plan administrator' has the meaning given such term by section 414(g).

''SEC. 4980K. FAILURE TO PROVIDE NOTICE TO PARTICIPANTS OF PLAN FEE INFORMATION.

''(a) IMPOSITION OF TAX.—

''(1) IN GENERAL.—There is hereby imposed a tax on each failure of a plan administrator of an applicable defined contribution plan to meet the requirements of paragraph (2) with respect to any participant or beneficiary.

''(2) FAILURES DESCRIBED.—The failures described in this paragraph are—

''(A) any failure to provide an advance notice of available investment options described in subsection (e)(1),

''(B) any failure to provide an account explanation described in subsection (e)(2),

''(C) any failure to provide a service provider statement referred to in subsection (e)(3), and

''(D) any failure to provide a notice of material change described in subsection (e)(4).

''(b) AMOUNT OF TAX.—

''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any participant or beneficiary shall be $100 for each day in the noncompliance period.

''(2) NONCOMPLIANCE PERIOD.—For purposes of paragraph (1), the noncompliance period with respect to the failure to provide any notice, explanation, or statement referred to in subsection (a)(2) with respect to any participant or beneficiary is the period beginning on the date that such notice, explanation, or statement was required to be provided and ending on the date that such notice, explanation, or statement is provided or the failure is otherwise corrected.

''(c) LIMITATIONS ON AMOUNT OF TAX.—

''(1) AGGREGATE LIMITATION.—The total amount of tax imposed by this section with respect to any plan for any plan year shall not exceed an amount equal to the lesser of—

''(A) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

''(B) $500,000.

''(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

''(A) any person subject to liability for the tax under subsection (a) exercised reasonable diligence to meet the requirements of subsection (e), and

''(B) such person provides the notice, explanation, or statement to which the failure relates during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

''(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary shall waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

''(d) LIABILITY FOR TAX.—The plan administrator shall be liable for the tax imposed by subsection (a).

''(e) DISCLOSURES TO PARTICIPANTS AND BENEFICIARIES.—

''(1) ADVANCE NOTICE OF AVAILABLE INVESTMENT OPTIONS.—

''(A) IN GENERAL.—The plan administrator of an applicable defined contribution plan shall provide to the participant or beneficiary notice of the investment options available under the plan before—

''(i) the earliest date provided for under the plan for the participant's initial investment of any contribution made on behalf of such participant, and

''(ii) the effective date of any change in the list of investment options available under the plan, unless such advance notice is impracticable, and in such case, as soon as is practicable.

''(B) INFORMATION INCLUDED IN NOTICE.—The notice required under subparagraph (A) shall—

''(i) set forth, with respect to each available investment option—

''(I) the name of the option,

''(II) a general description of the option's investment objectives and principal investment strategies, principal risk and return characteristics, and the name of the option's investment manager,

''(III) whether the investment option is designed to be a comprehensive, stand-alone investment for retirement that provides varying degrees of long-term appreciation and capital preservation through a mix of equity and fixed income exposures,

''(IV) the extent to which the investment option is actively managed or passively managed in relation to an index and the difference between active management and passive management,

''(V) where, and the manner in which, additional plan-specific, option-specific, and generally available investment information may be obtained, and

''(VI) a statement explaining that investment options should not be evaluated solely on the basis of the charges for each option but should also be based on consideration of other key factors, including the risk level of the option, the investment objectives of the option, historical returns of the option, and the participant's personal investment objectives,

''(ii) include a statement of the right under paragraph (3) of participants and beneficiaries to request, and a description of how participant or beneficiary may request, a copy of the statements received by the plan administrator under section 4980J with respect to the plan, and

''(iii) include the plan fee comparison chart described in subparagraph (C).

''(C) PLAN FEE COMPARISON CHART.—

''(i) IN GENERAL.—

''(I) IN GENERAL.—The notice provided under this paragraph shall include a plan fee comparison chart consisting of a comparison of the service and investment charges that will or could be assessed against the account of the participant or beneficiary with respect to the plan year.

''(II) EXPRESSED AS DOLLAR AMOUNT OR FORMULA.—For purposes of this subparagraph, such charges shall be provided in the form of a dollar amount or as a formula (such as a percentage of assets), as appropriate.

''(ii) CATEGORIZATION OF CHARGES.—The plan fee comparison chart shall provide information in relation to the following categories of charges that will or could be assessed against the account of the participant or beneficiary:

''(I) ASSET-BASED CHARGES SPECIFIC TO INVESTMENT.—Charges that vary depending on the investment options selected by the participant or beneficiary, including the annual operating expenses of the investment option and investment-specific asset-based charges (such as loads, commissions, brokerage fees, exchange fees, redemption fees, and surrender charges). Except as provided by the Secretary of Labor in regulations under this section, the information relating to such charges shall include a statement noting any charges for 1 or more investment options which pay for services other than investment management.

''(II) RECURRING ASSET-BASED CHARGES NOT SPECIFIC TO INVESTMENT.—Charges that are assessed as a percentage of the total assets in the account of the participant or beneficiary, regardless of the investment option selected.

''(III) ADMINISTRATIVE AND TRANSACTION-BASED CHARGES.—Administration and transaction-based charges, including fees charged to participants to cover plan administration, compliance, and recordkeeping costs, plan loan origination fees, possible redemption fees, and possible surrender charges, that are not assessed as a percentage of the total assets in the account and are either automatically deducted each year or result from certain transactions engaged in by the participant or beneficiary.

''(IV) OTHER CHARGES.—Any other charges which may be deducted from participants' or beneficiaries' accounts and which are not described in subclauses (I), (II), and (III).

''(iii) FEES AND HISTORICAL RETURNS.—The plan fee comparison chart shall include—

''(I) the historical returns, net of fees and expenses, for the previous year, 5 years, and 10 years (or for the period since inception, if shorter) with respect to such investment option, and

''(II) the historical returns of an appropriate benchmark, index, or other point of comparison for each such period.

''(D) MODEL NOTICES.—The Secretary of Labor shall prescribe one or more model notices that may be used for purposes of satisfying the requirements of this paragraph, including model plan fee comparison charts.

''(E) ESTIMATIONS.—For purposes of providing the notice required under this paragraph, the plan administrator may provide a reasonable and representative estimate for any charges or percentages disclosed under subparagraph (B) or (C) and shall indicate whether the amount of any such charges or percentages disclosed is an estimate.

''(2) QUARTERLY BENEFIT STATEMENT.—

''(A) REQUIREMENTS.—The plan administrator shall provide to each participant and beneficiary, at least once each calendar quarter, an explanation describing the investment options in which the participant's or beneficiary's account is invested as of the last day of the preceding quarter. Such explanation shall provide, to the extent applicable, the following for the preceding quarter:

''(i) As of the last day of the quarter, a statement of the different asset classes that the participant's or beneficiary's account is invested in and the percentage of the account allocated to each asset class.

''(ii) A statement of the starting and ending balance of the participant's or beneficiary's account for such quarter.

''(iii) A statement of the total contributions made to the participant's or beneficiary's account during the quarter and a separate statement of—

''(I) the amount of such contributions, and the total amount of any restorative payments, which were made by the employer during the quarter, and

''(II) the amount of such contributions which were made by the employee.

''(iv) A statement of the total fees and expenses which were directly deducted from the participant's or beneficiary's account during the quarter and an itemization of such fees and expenses.

''(v) A statement of the net returns for the year to date, expressed as a percentage, and a statement as to whether the net returns include amounts described in clause (iv).

''(vi) With respect to each investment option in which the participant or beneficiary was invested as of the last day of the quarter, the following:

''(I) A statement of the percentage of the participant's or beneficiary's account that is invested in such option as of the last day of such quarter.

''(II) A statement of the starting and ending balance of the participant's or beneficiary's account that is invested in such option for such quarter.

''(III) A statement of the annual operating expenses of the investment option.

''(IV) A statement of whether the disclosure described in clause (iv) includes the annual operating expenses of the investment options of the participant or beneficiary.

''(vii) The statement described in paragraph (1)(B)(i)(VI).

''(viii) A statement regarding how a participant or beneficiary may access the information required to be disclosed under paragraph (1).

''(B) MODEL EXPLANATIONS.—The Secretary of Labor shall prescribe one or more model explanations that may be used for purposes of satisfying the requirements of this paragraph.

''(C) DETERMINATION OF EXPENSES.—For purposes of subparagraph (A)(vi)(III)—

''(i) Expenses may be expressed as a dollar amount or as a percentage of assets (or a combination thereof).

''(ii) The plan administrator may provide disclosure of the expenses for the quarter or may provide a reasonable and representative estimate of such expenses and shall indicate any such estimate as being an estimate. Any such estimate shall be based on reasonable assumptions stated together with such estimate.

''(iii) To the extent that estimated expenses are expressed as a percentage of assets, the disclosure shall also include one of the following, stated in dollar amounts:

''(I) an estimate of the expenses for the quarter based on the amount invested in the option; or

''(II) an example describing the expenses that would apply during the quarter with respect to a hypothetical $10,000 investment in the option.

''(3) DISCLOSURE OF SERVICE PROVIDER STATEMENTS.—The plan administrator shall provide to any participant or beneficiary a copy of any statement received pursuant to section 4980J within 30 days after receipt of a request for such a statement.

''(4) NOTICE OF MATERIAL CHANGES.—In the case of any event or other change which causes the information included in any notice described in paragraph (1) to become materially incorrect, the plan administrator shall provide participants and beneficiaries a written statement providing the corrected information not later than 30 days after the plan administrator knows, or exercising reasonable diligence would have known, of such event or other change.

''(5) TIME AND MANNER OF PROVIDING NOTICES AND DISCLOSURES.—

''(A) IN GENERAL.—The notices described in paragraph (1) shall be provided at such times and in such manner as the Secretary of Labor may provide. Other notices and materials required to be provided under this subsection shall be provided in such manner as such Secretary may provide.

''(B) MANNER OF PRESENTATION.—

''(i) IN GENERAL.—All information included in such notices or explanations shall be presented in a manner which is easily understood by the typical participant.

''(ii) GENERIC EXAMPLE OF OPERATING EXPENSES OF INVESTMENT OPTIONS.—The information described in paragraphs (1)(C)(ii)(I) shall include a generic example describing the charges that would apply during an annual period with respect to a $10,000 investment in the investment option.

''(C) ANNUAL COMPLIANCE FOR SMALL PLANS.—A plan that has fewer than 100 participants and beneficiaries as of the first day of the plan year may provide the explanation described in paragraph (2) on an annual rather than a quarterly basis.

''(f) DEFINITIONS.—

''(1) APPLICABLE DEFINED CONTRIBUTION PLAN.—The term 'applicable defined contribution plan' means the portion of any defined contribution plan which—

''(A) permits a participant or beneficiary to exercise control over assets in his or her account, and

''(B) is described in clauses (iii) through (vi) of section 402(c)(8)(B).

''(2) PLAN ADMINISTRATOR.—The term 'plan administrator' has the meaning given such term by section 414(g).

''(g) REGULATIONS.—The Secretary of Labor shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which—

''(1) provide a later deadline for providing the notice of investment menu changes described in subsection (e)(4) in appropriate circumstances, and

''(2) provide guidelines, and a safe harbor, for the selection of an appropriate benchmark, index, or other point of comparison for an investment option under subsection (e)(1)(C)(iii)(II).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new items:

''Sec. 4980J. Failure to provide notice of plan fee information to plan administrators.

''Sec. 4980K. Failure to provide notice to participants of plan fee information.''.

SEC. 324. REGULATORY AUTHORITY AND COORDINATION.

(a) REGULATORY AUTHORITY.—The Secretary of Labor shall prescribe regulations or other guidance to the extent the Secretary determines necessary or appropriate to carry out the purposes of sections 105, 111, and 112 of the Employee Retirement Income Security Act of 1974 and sections 4980J and 4980K of the Internal Revenue Code of 1986, including regulations or other guidance which—

(1) provide safe harbor and simplified methods for making the allocations described in subsection (a)(1)(D) of such section 111 and subsection (d)(1)(D) of such section 4980J; and

(2) provide special rules for the application of such sections to—

(A) investments with a guaranteed rate of return;

(B) investments with an insurance component; and

(C) employer sponsored retirement plans funded through an individual retirement account.

(3) address notices with respect to investments provided through participant directed brokerage trading;

(4) address the disclosure of information that is not proprietary to the service provider; and

(5) provide rules to allow service providers to consolidate information to satisfy the requirements of such sections with respect to all such service providers.

(b) CERTAIN ELECTRONIC DISCLOSURES PERMITTED.—Any disclosure required under section 112 of the Employee Retirement Income Security Act of 1974 or section 4980K of the Internal Revenue Code of 1986 may be provided through an electronic medium under such rules as shall be prescribed under such section by the Secretary of Labor not later than 1 year after the date of the enactment of this Act. Such rules shall be similar to those applicable under the Internal Revenue Code of 1986 with respect to notices to participants in pension plans. Such Secretary shall regularly modify such rules as appropriate to take into account new developments, including new forms of electronic media, and to fairly take into consideration the interests of plan sponsors, service providers, and participants. The rules prescribed by such Secretary pursuant to this subsection shall provide for a method for the typical participant or beneficiary to obtain without undue burden any such disclosure in writing on paper in lieu of receipt through an electronic medium.

SEC. 325. EFFECTIVE DATE OF SUBTITLE.

(a) IN GENERAL.—The amendments made by this subtitle shall apply to plan years beginning after December 31, 2011.

(b) APPLICATION OF SERVICE PROVIDER DISCLOSURES TO EXISTING CONTRACTS AND ARRANGEMENTS.—For purposes of section 111 of the Employee Retirement Income Security Act of 1974 and section 4980J of the Internal Revenue Code of 1986, any contract or arrangement to provide services to a plan which is in effect on January 1, 2012, shall be treated as a new contract or arrangement entered into on such date.

(c) SPECIAL RULE FOR COMPLIANCE WITH SUBTITLE.—Until 12 months after final regulations are issued by the Secretary of Labor pursuant to the amendments made by this subtitle, a service provider or plan administrator shall be treated as having complied with such amendments if such service provider or plan administrator complies with a reasonable good faith interpretation of such amendments.

TITLE IV—REVENUE OFFSETS

Subtitle A—Foreign Provisions

SEC. 401. RULES TO PREVENT SPLITTING FOREIGN TAX CREDITS FROM THE INCOME TO WHICH THEY RELATE.

(a) IN GENERAL.—Subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new section:

''SEC. 909. SUSPENSION OF TAXES AND CREDITS UNTIL RELATED INCOME TAKEN INTO ACCOUNT.

''(a) IN GENERAL.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by the taxpayer, such tax shall not be taken into account for purposes of this title before the taxable year in which the related income is taken into account under this chapter by the taxpayer.

''(b) SPECIAL RULES WITH RESPECT TO SECTION 902 CORPORATIONS.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by a section 902 corporation, such tax shall not be taken into account—

''(1) for purposes of section 902 or 960, or

''(2) for purposes of determining earnings and profits under section 964(a),

before the taxable year in which the related income is taken into account under this chapter by such section 902 corporation or a domestic corporation which meets the ownership requirements of subsection (a) or (b) of section 902 with respect to such section 902 corporation.

''(c) SPECIAL RULES.—For purposes of this section—

''(1) APPLICATION TO PARTNERSHIPS, ETC.—In the case of a partnership, subsections (a) and (b) shall be applied at the partner level. Except as otherwise provided by the Secretary, a rule similar to the rule of the preceding sentence shall apply in the case of any S corporation or trust.

''(2) TREATMENT OF FOREIGN TAXES AFTER SUSPENSION.—In the case of any foreign income tax not taken into account by reason of subsection (a) or (b), except as otherwise provided by the Secretary, such tax shall be so taken into account in the taxable year referred to in such subsection (other than for purposes of section 986(a)) as a foreign income tax paid or accrued in such taxable year.

''(d) DEFINITIONS.—For purposes of this section—

''(1) FOREIGN TAX CREDIT SPLITTING EVENT.—There is a foreign tax credit splitting event with respect to a foreign income tax if the related income is (or will be) taken into account under this chapter by a covered person.

''(2) FOREIGN INCOME TAX.—The term 'foreign income tax' means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

''(3) RELATED INCOME.—The term 'related income' means, with respect to any portion of any foreign income tax, the income (or, as appropriate, earnings and profits) to which such portion of foreign income tax relates.

''(4) COVERED PERSON.—The term 'covered person' means, with respect to any person who pays or accrues a foreign income tax (hereafter in this paragraph referred to as the 'payor')—

''(A) any entity in which the payor holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value),

''(B) any person which holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value) in the payor,

''(C) any person which bears a relationship to the payor described in section 267(b) or 707(b), and

''(D) any other person specified by the Secretary for purposes of this paragraph.

''(5) SECTION 902 CORPORATION.—The term 'section 902 corporation' means any foreign corporation with respect to which one or more domestic corporations meets the ownership requirements of subsection (a) or (b) of section 902.

''(e) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

''(1) appropriate exceptions from the provisions of this section, and

''(2) for the proper application of this section with respect to hybrid instruments.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new item:

''Sec. 909. Suspension of taxes and credits until related income taken into account.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) foreign income taxes (as defined in section 909(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued after May 20, 2010; and

(2) foreign income taxes (as so defined) paid or accrued by a section 902 corporation (as so defined) on or before such date (and not deemed paid under section 902(a) or 960 of such Code on or before such date), but only for purposes of applying sections 902 and 960 with respect to periods after such date.

Section 909(b)(2) of the Internal Revenue Code of 1986, as added by this section, shall not apply to foreign income taxes described in paragraph (2).

SEC. 402. DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.

(a) IN GENERAL.—Section 901 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.—

''(1) IN GENERAL.—In the case of a covered asset acquisition, the disqualified portion of any foreign income tax determined with respect to the income or gain attributable to the relevant foreign assets—

''(A) shall not be taken into account in determining the credit allowed under subsection (a), and

''(B) in the case of a foreign income tax paid by a section 902 corporation (as defined in section 909(d)(5)), shall not be taken into account for purposes of section 902 or 960.

''(2) COVERED ASSET ACQUISITION.—For purposes of this section, the term 'covered asset acquisition' means—

''(A) a qualified stock purchase (as defined in section 338(d)(3)) to which section 338(a) applies,

''(B) any transaction which—

''(i) is treated as an acquisition of assets for purposes of this chapter, and

''(ii) is treated as the acquisition of stock of a corporation (or is disregarded) for purposes of the foreign income taxes of the relevant jurisdiction,

''(C) any acquisition of an interest in a partnership which has an election in effect under section 754, and

''(D) to the extent provided by the Secretary, any other similar transaction.

''(3) DISQUALIFIED PORTION.—For purposes of this section—

''(A) IN GENERAL.—The term 'disqualified portion' means, with respect to any covered asset acquisition, for any taxable year, the ratio (expressed as a percentage) of—

''(i) the aggregate basis differences (but not below zero) allocable to such taxable year under subparagraph (B) with respect to all relevant foreign assets, divided by

''(ii) the income on which the foreign income tax referred to in paragraph (1) is determined (or, if the taxpayer fails to substantiate such income to the satisfaction of the Secretary, such income shall be determined by dividing the amount of such foreign income tax by the highest marginal tax rate applicable to such income in the relevant jurisdiction).

''(B) ALLOCATION OF BASIS DIFFERENCE.—For purposes of subparagraph (A)(i)—

''(i) IN GENERAL.—The basis difference with respect to any relevant foreign asset shall be allocated to taxable years using the applicable cost recovery method under this chapter.

''(ii) SPECIAL RULE FOR DISPOSITION OF ASSETS.—Except as otherwise provided by the Secretary, in the case of the disposition of any relevant foreign asset—

''(I) the basis difference allocated to the taxable year which includes the date of such disposition shall be the excess of the basis difference with respect to such asset over the aggregate basis difference with respect to such asset which has been allocated under clause (i) to all prior taxable years, and

''(II) no basis difference with respect to such asset shall be allocated under clause (i) to any taxable year thereafter.

''(C) BASIS DIFFERENCE.—

''(i) IN GENERAL.—The term 'basis difference' means, with respect to any relevant foreign asset, the excess of—

''(I) the adjusted basis of such asset immediately after the covered asset acquisition, over

''(II) the adjusted basis of such asset immediately before the covered asset acquisition.

''(ii) BUILT-IN LOSS ASSETS.—In the case of a relevant foreign asset with respect to which the amount described in clause (i)(II) exceeds the amount described in clause (i)(I), such excess shall be taken into account under this subsection as a basis difference of a negative amount.

''(iii) SPECIAL RULE FOR SECTION 338 ELECTIONS.—In the case of a covered asset acquisition described in paragraph (2)(A), the covered asset acquisition shall be treated for purposes of this subparagraph as occurring at the close of the acquisition date (as defined in section 338(h)(2)).

''(4) RELEVANT FOREIGN ASSETS.—For purposes of this section, the term 'relevant foreign asset' means, with respect to any covered asset acquisition, any asset (including any goodwill, going concern value, or other intangible) with respect to such acquisition if income, deduction, gain, or loss attributable to such asset is taken into account in determining the foreign income tax referred to in paragraph (1).

''(5) FOREIGN INCOME TAX.—For purposes of this section, the term 'foreign income tax' means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

''(6) TAXES ALLOWED AS A DEDUCTION, ETC.—Sections 275 and 78 shall not apply to any tax which is not allowable as a credit under subsection (a) by reason of this subsection.

''(7) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including to exempt from the application of this subsection certain covered asset acquisitions, and relevant foreign assets with respect to which the basis difference is de minimis.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to covered asset acquisitions (as defined in section 901(m)(2) of the Internal Revenue Code of 1986, as added by this section) after—

(A) May 20, 2010, if the transferor and the transferee are related; and

(B) the date of the enactment of this Act in any other case.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any covered asset acquisition (as so defined) with respect to which the transferor and the transferee are not related if such acquisition is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(3) RELATED PERSONS.—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

SEC. 403. SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATION, ETC., TO ITEMS RESOURCED UNDER TREATIES.

(a) IN GENERAL.—Subsection (d) of section 904 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

''(6) SEPARATE APPLICATION TO ITEMS RESOURCED UNDER TREATIES.—

''(A) IN GENERAL.—If—

''(i) without regard to any treaty obligation of the United States, any item of income would be treated as derived from sources within the United States,

''(ii) under a treaty obligation of the United States, such item would be treated as arising from sources outside the United States, and

''(iii) the taxpayer chooses the benefits of such treaty obligation,

subsections (a), (b), and (c) of this section and sections 902, 907, and 960 shall be applied separately with respect to each such item.

''(B) COORDINATION WITH OTHER PROVISIONS.—This paragraph shall not apply to any item of income to which subsection (h)(10) or section 865(h) applies.

''(C) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance which provides that related items of income may be aggregated for purposes of this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 404. LIMITATION ON THE AMOUNT OF FOREIGN TAXES DEEMED PAID WITH RESPECT TO SECTION 956 INCLUSIONS.

(a) IN GENERAL.—Section 960 is amended by adding at the end the following new subsection:

''(c) LIMITATION WITH RESPECT TO SECTION 956 INCLUSIONS.—

''(1) IN GENERAL.—If there is included under section 951(a)(1)(B) in the gross income of a domestic corporation any amount attributable to the earnings and profits of a foreign corporation which is a member of a qualified group (as defined in section 902(b)) with respect to the domestic corporation, the amount of any foreign income taxes deemed to have been paid during the taxable year by such domestic corporation under section 902 by reason of subsection (a) with respect to such inclusion in gross income shall not exceed the amount of the foreign income taxes which would have been deemed to have been paid during the taxable year by such domestic corporation if cash in an amount equal to the amount of such inclusion in gross income were distributed as a series of distributions (determined without regard to any foreign taxes which would be imposed on an actual distribution) through the chain of ownership which begins with such foreign corporation and ends with such domestic corporation.

''(2) AUTHORITY TO PREVENT ABUSE.—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which prevent the inappropriate use of the foreign corporation's foreign income taxes not deemed paid by reason of paragraph (1).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to acquisitions of United States property (as defined in section 956(c) of the Internal Revenue Code of 1986) after May 20, 2010.

SEC. 405. SPECIAL RULE WITH RESPECT TO CERTAIN REDEMPTIONS BY FOREIGN SUBSIDIARIES.

(a) IN GENERAL.—Paragraph (5) of section 304(b) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) SPECIAL RULE IN CASE OF FOREIGN ACQUIRING CORPORATION.—In the case of any acquisition to which subsection (a) applies in which the acquiring corporation is a foreign corporation, no earnings and profits shall be taken into account under paragraph (2)(A) (and subparagraph (A) shall not apply) if more than 50 percent of the dividends arising from such acquisition (determined without regard to this subparagraph) would not—

''(i) be subject to tax under this chapter for the taxable year in which the dividends arise, or

''(ii) be includible in the earnings and profits of a controlled foreign corporation (as defined in section 957 and without regard to section 953(c)).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to acquisitions after May 20, 2010.

SEC. 406. MODIFICATION OF AFFILIATION RULES FOR PURPOSES OF RULES ALLOCATING INTEREST EXPENSE.

(a) IN GENERAL.—Subparagraph (A) of section 864(e)(5) is amended by adding at the end the following: ''Notwithstanding the preceding sentence, a foreign corporation shall be treated as a member of the affiliated group if—

''(i) more than 50 percent of the gross income of such foreign corporation for the taxable year is effectively connected with the conduct of a trade or business within the United States, and

''(ii) at least 80 percent of either the vote or value of all outstanding stock of such foreign corporation is owned directly or indirectly by members of the affiliated group (determined with regard to this sentence).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 407. TERMINATION OF SPECIAL RULES FOR INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.

(a) IN GENERAL.—Paragraph (1) of section 861(a) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) GRANDFATHER RULE WITH RESPECT TO WITHHOLDING ON INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.—

(1) IN GENERAL.—Subparagraph (B) of section 871(i)(2) is amended to read as follows:

''(B) The active foreign business percentage of—

''(i) any dividend paid by an existing 80/20 company, and

''(ii) any interest paid by an existing 80/20 company.''.

(2) DEFINITIONS AND SPECIAL RULES.—Section 871 is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and by inserting after subsection (k) the following new subsection:

''(l) RULES RELATING TO EXISTING 80/20 COMPANIES.—For purposes of this subsection and subsection (i)(2)(B)—

''(1) EXISTING 80/20 COMPANY.—

''(A) IN GENERAL.—The term 'existing 80/20 company' means any corporation if—

''(i) such corporation met the 80-percent foreign business requirements of section 861(c)(1) (as in effect before the enactment of this subsection) for such corporation's last taxable year beginning before January 1, 2011,

''(ii) such corporation meets the 80-percent foreign business requirements of subparagraph (B) with respect to each taxable year after the taxable year referred to in clause (i), and

''(iii) there has not been an addition of a substantial line of business with respect to such corporation after the date of the enactment of this subsection.

''(B) FOREIGN BUSINESS REQUIREMENTS.—

''(i) IN GENERAL.—A corporation meets the 80-percent foreign business requirements of this subparagraph if it is shown to the satisfaction of the Secretary that at least 80 percent of the gross income from all sources of such corporation for the testing period is active foreign business income.

''(ii) ACTIVE FOREIGN BUSINESS INCOME.—For purposes of clause (i), the term 'active foreign business income' means gross income which—

''(I) is derived from sources outside the United States (as determined under this subchapter), and

''(II) is attributable to the active conduct of a trade or business in a foreign country or possession of the United States.

''(iii) TESTING PERIOD.—For purposes of this subsection, the term 'testing period' means the 3-year period ending with the close of the taxable year of the corporation preceding the payment (or such part of such period as may be applicable). If the corporation has no gross income for such 3-year period (or part thereof), the testing period shall be the taxable year in which the payment is made.

''(2) ACTIVE FOREIGN BUSINESS PERCENTAGE.—The term 'active foreign business percentage' means, with respect to any existing 80/20 company, the percentage which—

''(A) the active foreign business income of such company for the testing period, is of

''(B) the gross income of such company for the testing period from all sources.

''(3) AGGREGATION RULES.—For purposes of applying paragraph (1) (other than subparagraph (A)(i) thereof) and paragraph (2)—

''(A) IN GENERAL.—The corporation referred to in paragraph (1)(A) and all of such corporation's subsidiaries shall be treated as one corporation.

''(B) SUBSIDIARIES.—For purposes of subparagraph (A), the term 'subsidiary' means any corporation in which the corporation referred to in subparagraph (A) owns (directly or indirectly) stock meeting the requirements of section 1504(a)(2) (determined by substituting '50 percent' for '80 percent' each place it appears and without regard to section 1504(b)(3)).

''(4) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide for the proper application of the aggregation rules described in paragraph (3).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 861 is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Paragraph (9) of section 904(h) is amended to read as follows:

''(9) TREATMENT OF CERTAIN DOMESTIC CORPORATIONS.—In the case of any dividend treated as not from sources within the United States under section 861(a)(2)(A), the corporation paying such dividend shall be treated for purposes of this subsection as a United States-owned foreign corporation.''.

(3) Subsection (c) of section 2104 is amended in the last sentence by striking ''or to a debt obligation of a domestic corporation'' and all that follows and inserting a period.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) GRANDFATHER RULE FOR OUTSTANDING DEBT OBLIGATIONS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to payments of interest on obligations issued before the date of the enactment of this Act.

(B) EXCEPTION FOR RELATED PARTY DEBT.—Subparagraph (A) shall not apply to any interest which is payable to a related person (determined under rules similar to the rules of section 954(d)(3)).

(C) SIGNIFICANT MODIFICATIONS TREATED AS NEW ISSUES.—For purposes of subparagraph (A), a significant modification of the terms of any obligation (including any extension of the term of such obligation) shall be treated as a new issue.

SEC. 408. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) AMOUNTS SOURCED WITHIN THE UNITED STATES.—Subsection (a) of section 861 is amended by adding at the end the following new paragraph:

''(9) GUARANTEES.—Amounts—

''(A) received from noncorporate residents or domestic corporations with respect to guarantees, and

''(B) paid by any foreign person with respect to guarantees if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.''.

(b) AMOUNTS SOURCED WITHOUT THE UNITED STATES.—Subsection (a) of section 862 is amended by striking ''and'' at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ''; and'', and by adding at the end the following new paragraph:

''(9) amounts received with respect to guarantees other than those derived from sources within the United States as provided in section 861(a)(9).''.

(c) CONFORMING AMENDMENT.—Clause (ii) of section 864(c)(4)(B) is amended by striking ''dividends or interest'' and inserting ''dividends, interest, or amounts with respect to guarantees''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

SEC. 409. LIMITATION ON EXTENSION OF STATUTE OF LIMITATIONS FOR FAILURE TO NOTIFY SECRETARY OF CERTAIN FOREIGN TRANSFERS.

(a) IN GENERAL.—Paragraph (8) of section 6501(c) is amended—

(1) by striking ''In the case of any information'' and inserting the following:

''(A) IN GENERAL.—In the case of any information''; and

(2) by adding at the end the following:

''(B) APPLICATION TO FAILURES DUE TO REASONABLE CAUSE.—If the failure to furnish the information referred to in subparagraph (A) is due to reasonable cause and not willful neglect, subparagraph (A) shall apply only to the item or items related to such failure.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 513 of the Hiring Incentives to Restore Employment Act.

Subtitle B—Personal Service Income Earned in Pass-thru Entities

SEC. 411. PARTNERSHIP INTERESTS TRANSFERRED IN CONNECTION WITH PERFORMANCE OF SERVICES.

(a) MODIFICATION TO ELECTION TO INCLUDE PARTNERSHIP INTEREST IN GROSS INCOME IN YEAR OF TRANSFER.—Subsection (c) of section 83 is amended by redesignating paragraph (4) as

paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) PARTNERSHIP INTERESTS.—Except as provided by the Secretary, in the case of any transfer of an interest in a partnership in connection with the provision of services to (or for the benefit of) such partnership—

''(A) the fair market value of such interest shall be treated for purposes of this section as being equal to the amount of the distribution which the partner would receive if the partnership sold (at the time of the transfer) all of its assets at fair market value and distributed the proceeds of such sale (reduced by the liabilities of the partnership) to its partners in liquidation of the partnership, and

''(B) the person receiving such interest shall be treated as having made the election under subsection (b)(1) unless such person makes an election under this paragraph to have such subsection not apply.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 83(b) is amended by inserting ''or subsection (c)(4)(B)'' after ''paragraph (1)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interests in partnerships transferred after the date of the enactment of this Act.

SEC. 412. INCOME OF PARTNERS FOR PERFORMING INVESTMENT MANAGEMENT SERVICES TREATED AS ORDINARY INCOME RECEIVED FOR PERFORMANCE OF SERVICES.

(a) IN GENERAL.—Part I of subchapter K of chapter 1 is amended by adding at the end the following new section:

''SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIP.

''(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—

''(1) IN GENERAL.—Notwithstanding section 702(b)—

''(A) any net income with respect to such interest for any partnership taxable year shall be treated as ordinary income, and

''(B) any net loss with respect to such interest for such year, to the extent not disallowed under paragraph (2) for such year, shall be treated as an ordinary loss.

All items of income, gain, deduction, and loss which are taken into account in computing net income or net loss shall be treated as ordinary income or ordinary loss (as the case may be).

''(2) TREATMENT OF LOSSES.—

''(A) LIMITATION.—Any net loss with respect to such interest shall be allowed for any partnership taxable year only to the extent that such loss does not exceed the excess (if any) of—

''(i) the aggregate net income with respect to such interest for all prior partnership taxable years, over

''(ii) the aggregate net loss with respect to such interest not disallowed under this subparagraph for all prior partnership taxable years.

''(B) CARRYFORWARD.—Any net loss for any partnership taxable year which is not allowed by reason of subparagraph (A) shall be treated as an item of loss with respect to such partnership interest for the succeeding partnership taxable year.

''(C) BASIS ADJUSTMENT.—No adjustment to the basis of a partnership interest shall be made on account of any net loss which is not allowed by reason of subparagraph (A).

''(D) PRIOR PARTNERSHIP YEARS.—Any reference in this paragraph to prior partnership taxable years shall only include prior partnership taxable years to which this section applies.

''(3) NET INCOME AND LOSS.—For purposes of this section—

''(A) NET INCOME.—The term 'net income' means, with respect to any investment services partnership interest for any partnership taxable year, the excess (if any) of—

''(i) all items of income and gain taken into account by the holder of such interest under section 702 with respect to such interest for such year, over

''(ii) all items of deduction and loss so taken into account.

''(B) NET LOSS.—The term 'net loss' means, with respect to such interest for such year, the excess (if any) of the amount described in subparagraph (A)(ii) over the amount described in subparagraph (A)(i).

''(4) SPECIAL RULE FOR DIVIDENDS.—Any dividend taken into account in determining net income or net loss for purposes of paragraph (1) shall not be treated as qualified dividend income for purposes of section 1(h).

''(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

''(1) GAIN.—Any gain on the disposition of an investment services partnership interest shall be—

''(A) treated as ordinary income, and

''(B) recognized notwithstanding any other provision of this subtitle.

''(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—

''(A) the aggregate net income with respect to such interest for all partnership taxable years to which this section applies, over

''(B) the aggregate net loss with respect to such interest allowed under subsection (a)(2) for all partnership taxable years to which this section applies.

''(3) EXCEPTION FOR THE DISPOSITION OF AN INTEREST IN A PUBLICLY TRADED PARTNERSHIP BY AN INDIVIDUAL.—Paragraphs (1) and (2) shall not apply in the case of the disposition by an individual of an investment services partnership interest which is an interest in a publicly traded partnership (as defined in section 7704) if neither such individual nor any member of such individual's family (within the meaning of section 318(a)(1)) has (at any time) provided any of the services described in subsection (c)(1) with respect to assets held (directly or indirectly) by such publicly traded partnership.

''(4) ELECTION WITH RESPECT TO CERTAIN EXCHANGES.—Paragraph (1)(B) shall not apply to the contribution of an investment services partnership interest to a partnership in exchange for an interest in such partnership if—

''(A) the taxpayer makes an irrevocable election to treat the partnership interest received in the exchange as an investment services partnership interest, and

''(B) the taxpayer agrees to comply with such reporting and recordkeeping requirements as the Secretary may prescribe.

''(5) DISPOSITION OF PORTION OF INTEREST.—In the case of any disposition of an investment services partnership interest, the amount of net loss which otherwise would have (but for subsection (a)(2)(C)) applied to reduce the basis of such interest shall be disregarded for purposes of this section for all succeeding partnership taxable years.

''(6) DISTRIBUTIONS OF PARTNERSHIP PROPERTY.—In the case of any distribution of property by a partnership with respect to any investment services partnership interest held by a partner—

''(A) the excess (if any) of—

''(i) the fair market value of such property at the time of such distribution, over

''(ii) the adjusted basis of such property in the hands of the partnership,

shall be taken into account as an increase in such partner's distributive share of the taxable income of the partnership (except to the extent such excess is otherwise taken into account in determining the taxable income of the partnership),

''(B) such property shall be treated for purposes of subpart B of part II as money distributed to such partner in an amount equal to such fair market value, and

''(C) the basis of such property in the hands of such partner shall be such fair market value. Subsection (b) of section 734 shall be applied without regard to the preceding sentence. In the case of a taxpayer which satisfies requirements similar to the requirements of subparagraphs (A) and (B) of paragraph (4), this paragraph and paragraph (1)(B) shall not apply to the distribution of a partnership interest if such distribution is in connection with a contribution (or deemed contribution) of any property of the partnership to which section 721 applies pursuant to a transaction described in paragraph (1)(B) or (2) of section 708(b).

''(7) APPLICATION OF SECTION 751.—In applying section 751, an investment services partnership interest shall be treated as an inventory item.

''(c) INVESTMENT SERVICES PARTNERSHIP INTEREST.—For purposes of this section—

''(1) IN GENERAL.—The term 'investment services partnership interest' means any interest in a partnership which is held (directly or indirectly) by any person if it was reasonably expected (at the time that such person acquired such interest) that such person (or any person related to such person) would provide (directly or indirectly) a substantial quantity of any of the following services with respect to assets held (directly or indirectly) by the partnership:

''(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.

''(B) Managing, acquiring, or disposing of any specified asset.

''(C) Arranging financing with respect to acquiring specified assets.

''(D) Any activity in support of any service described in subparagraphs (A) through (C).

''(2) SPECIFIED ASSET.—The term 'specified asset' means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), real estate held for rental or investment, interests in partnerships, commodities (as defined in section 475(e)(2)), or options or derivative contracts with respect to any of the foregoing.

''(3) EXCEPTION FOR FAMILY FARMS.—The term 'specified asset' shall not include any farm used for farming purposes if such farm is held by a partnership all of the interests in which are held (directly or indirectly) by members of the same family. Terms used in the preceding sentence which are also used in section 2032A shall have the same meaning as when used in such section.

''(4) RELATED PERSONS.—A person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b).

''(d) EXCEPTION FOR CERTAIN CAPITAL INTERESTS.—

''(1) IN GENERAL.—In the case of any portion of an investment services partnership interest which is a qualified capital interest, all items of income, gain, loss, and deduction which are allocated to such qualified capital interest shall not be taken into account under subsection (a) if—

''(A) allocations of items are made by the partnership to such qualified capital interest in the same manner as such allocations are made to other qualified capital interests held by partners who do not provide any services described in subsection (c)(1) and who are not related to the partner holding the qualified capital interest, and

''(B) the allocations made to such other interests are significant compared to the allocations made to such qualified capital interest.

''(2) AUTHORITY TO PROVIDE EXCEPTIONS TO ALLOCATION REQUIREMENTS.—To the extent provided by the Secretary in regulations or other guidance—

''(A) ALLOCATIONS TO PORTION OF QUALIFIED CAPITAL INTEREST.—Paragraph (1) may be applied separately with respect to a portion of a qualified capital interest.

''(B) NO OR INSIGNIFICANT ALLOCATIONS TO NONSERVICE PROVIDERS.—In any case in which the requirements of paragraph (1)(B) are not

satisfied, items of income, gain, loss, and deduction shall not be taken into account under subsection (a) to the extent that such items are properly allocable under such regulations or other guidance to qualified capital interests.

''(C) ALLOCATIONS TO SERVICE PROVIDERS' QUALIFIED CAPITAL INTERESTS WHICH ARE LESS THAN OTHER ALLOCATIONS.—Allocations shall not be treated as failing to meet the requirement of paragraph (1)(A) merely because the allocations to the qualified capital interest represent a lower return than the allocations made to the other qualified capital interests referred to in such paragraph.

''(3) SPECIAL RULE FOR CHANGES IN SERVICES.—In the case of an interest in a partnership which is not an investment services partnership interest and which, by reason of a change in the services with respect to assets held (directly or indirectly) by the partnership, would (without regard to the reasonable expectation exception of subsection (c)(1)) have become such an interest—

''(A) notwithstanding subsection (c)(1), such interest shall be treated as an investment services partnership interest as of the time of such change, and

''(B) for purposes of this subsection, the qualified capital interest of the holder of such partnership interest immediately after such change shall not be less than the fair market value of such interest (determined immediately before such change).

''(4) SPECIAL RULE FOR TIERED PARTNERSHIPS.—Except as otherwise provided by the Secretary, in the case of tiered partnerships, all items which are allocated in a manner which meets the requirements of paragraph (1) to qualified capital interests in a lower-tier partnership shall retain such character to the extent allocated on the basis of qualified capital interests in any upper-tier partnership.

''(5) EXCEPTION FOR NO-SELF-CHARGED CARRY AND MANAGEMENT FEE PROVISIONS.—Except as otherwise provided by the Secretary, an interest shall not fail to be treated as satisfying the requirement of paragraph (1)(A) merely because the allocations made by the partnership to such interest do not reflect the cost of services described in subsection (c)(1) which are provided (directly or indirectly) to the partnership by the holder of such interest (or a related person).

''(6) SPECIAL RULE FOR DISPOSITIONS.—In the case of any investment services partnership interest any portion of which is a qualified capital interest, subsection (b) shall not apply to so much of any gain or loss as bears the same proportion to the entire amount of such gain or loss as—

''(A) the distributive share of gain or loss that would have been allocated to the qualified capital interest (consistent with the requirements of paragraph (1)) if the partnership had sold all of its assets at fair market value immediately before the disposition, bears to

''(B) the distributive share of gain or loss that would have been so allocated to the investment services partnership interest of which such qualified capital interest is a part.

''(7) QUALIFIED CAPITAL INTEREST.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified capital interest' means so much of a partner's interest in the capital of the partnership as is attributable to—

''(i) the fair market value of any money or other property contributed to the partnership in exchange for such interest (determined without regard to section 752(a)),

''(ii) any amounts which have been included in gross income under section 83 with respect to the transfer of such interest, and

''(iii) the excess (if any) of—

''(I) any items of income and gain taken into account under section 702 with respect to such interest, over

''(II) any items of deduction and loss so taken into account.

''(B) ADJUSTMENT TO QUALIFIED CAPITAL INTEREST.—

''(i) DISTRIBUTIONS AND LOSSES.—The qualified capital interest shall be reduced by distributions from the partnership with respect to such interest and by the excess (if any) of the amount described in subparagraph (A)(iii)(II) over the amount described in subparagraph (A)(iii)(I).

''(ii) SPECIAL RULE FOR CONTRIBUTIONS OF PROPERTY.—In the case of any contribution of property described in subparagraph (A)(i) with respect to which the fair market value of such property is not equal to the adjusted basis of such property immediately before such contribution, proper adjustments shall be made to the qualified capital interest to take into account such difference consistent with such regulations or other guidance as the Secretary may provide.

''(8) TREATMENT OF CERTAIN LOANS.—

''(A) PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS QUALIFIED CAPITAL INTEREST OF SERVICE PROVIDING PARTNERS.—For purposes of this subsection, an investment services partnership interest shall not be treated as a qualified capital interest to the extent that such interest is acquired in connection with the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any other partner or the partnership (or any person related to any such other partner or the partnership).

''(B) REDUCTION IN ALLOCATIONS TO QUALIFIED CAPITAL INTERESTS FOR LOANS FROM NONSERVICE PROVIDING PARTNERS TO THE PARTNERSHIP.—For purposes of this subsection, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services described in subsection (c)(1) to the partnership (or any person related to such partner) shall be taken into account in determining the qualified capital interests of the partners in the partnership.

''(e) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

''(1) IN GENERAL.—If—

''(A) a person performs (directly or indirectly) investment management services for any entity,

''(B) such person holds (directly or indirectly) a disqualified interest with respect to such entity, and

''(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed, any income or gain with respect to such interest shall be treated as ordinary income. Rules similar to the rules of subsections (a)(4) and (d) shall apply for purposes of this subsection.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) DISQUALIFIED INTEREST.—

''(i) IN GENERAL.—The term 'disqualified interest' means, with respect to any entity—

''(I) any interest in such entity other than indebtedness,

''(II) convertible or contingent debt of such entity,

''(III) any option or other right to acquire property described in subclause (I) or (II), and

''(IV) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.

''(ii) EXCEPTIONS.—Such term shall not include—

''(I) a partnership interest,

''(II) except as provided by the Secretary, any interest in a taxable corporation, and

''(III) except as provided by the Secretary, stock in an S corporation.

''(B) TAXABLE CORPORATION.—The term 'taxable corporation' means—

''(i) a domestic C corporation, or

''(ii) a foreign corporation substantially all of the income of which is—

''(I) effectively connected with the conduct of a trade or business in the United States, or

''(II) subject to a comprehensive foreign income tax (as defined in section 457A(d)(2)).

''(C) INVESTMENT MANAGEMENT SERVICES.—The term 'investment management services' means a substantial quantity of any of the services described in subsection (c)(1).

''(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance to—

''(1) provide modifications to the application of this section (including treating related persons as not related to one another) to the extent such modification is consistent with the purposes of this section,

''(2) prevent the avoidance of the purposes of this section, and

''(3) coordinate this section with the other provisions of this title.

''(g) SPECIAL RULES FOR INDIVIDUALS.—In the case of an individual—

''(1) IN GENERAL.—Subsection (a)(1) shall apply only to the applicable percentage of the net income or net loss referred to in such subsection.

''(2) DISPOSITIONS, ETC.—The amount which (but for this paragraph) would be treated as ordinary income by reason of subsection (b) or (e) shall be the applicable percentage of such amount.

''(3) PRO RATA ALLOCATION TO ITEMS.—For purposes of applying subsections (a) and (e) the aggregate amount treated as ordinary income for any such taxable year shall be allocated ratably among the items of income, gain, loss, and deduction taken into account in determining such amount.

''(4) SPECIAL RULE FOR RECOGNITION OF GAIN.—Gain which (but for this section) would not be recognized shall be recognized by reason of subsection (b) only to the extent that such gain is treated as ordinary income after application of paragraph (2).

''(5) COORDINATION WITH LIMITATION ON LOSSES.—For purposes of applying paragraph (2) of subsection (a) with respect to any net loss for any taxable year—

''(A) such paragraph shall only apply with respect to the applicable percentage of such net loss for such taxable year,

''(B) in the case of a prior partnership taxable year referred to in clause (i) or (ii) of subparagraph (A) of such paragraph, only the applicable percentage (as in effect for such prior taxable year) of net income or net loss for such prior partnership taxable year shall be taken into account, and

''(C) any net loss carried forward to the succeeding partnership taxable year under subparagraph (B) of such paragraph shall—

''(i) be taken into account in such succeeding year without reduction under this subsection, and

''(ii) in lieu of being taken into account as an item of loss in such succeeding year, shall be taken into account—

''(I) as an increase in net loss or as a reduction in net income (including below zero), as the case may be, and

''(II) after any reduction in the amount of such net loss or net income under this subsection.

A rule similar to the rule of the preceding sentence shall apply for purposes of subsection (b)(2)(A).

''(6) COORDINATION WITH TREATMENT OF DIVIDENDS.—Subsection (a)(4) shall only apply to the applicable percentage of dividends described therein.

''(7) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means 75 percent (50 percent in the case of any taxable year beginning before January 1, 2013).

''(h) CROSS REFERENCE.—For 40 percent penalty on certain underpayments due to the avoidance of this section, see section 6662.''.

(b) TREATMENT FOR PURPOSES OF SECTION 7704.—Subsection (d) of section 7704 is amended

by adding at the end the following new paragraph:

''(6) INCOME FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS NOT QUALIFIED.—

''(A) IN GENERAL.—Items of income and gain shall not be treated as qualifying income if such items are treated as ordinary income by reason of the application of section 710 (relating to special rules for partners providing investment management services to partnership). The preceding sentence shall not apply to any item described in paragraph (1)(E) (or so much of paragraph (1)(F) as relates to paragraph (1)(E)).

''(B) SPECIAL RULES FOR CERTAIN PARTNERSHIPS.—

''(i) CERTAIN PARTNERSHIPS OWNED BY REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

''(I) Such partnership is treated as publicly traded under this section solely by reason of interests in such partnership being convertible into interests in a real estate investment trust which is publicly traded.

''(II) 50 percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate investment trust (determined with the application of section 267(c)).

''(III) Such partnership meets the requirements of paragraphs (2), (3), and (4) of section 856(c).

''(ii) CERTAIN PARTNERSHIPS OWNING OTHER PUBLICLY TRADED PARTNERSHIPS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

''(I) Substantially all of the assets of such partnership consist of interests in one or more publicly traded partnerships (determined without regard to subsection (b)(2)).

''(II) Substantially all of the income of such partnership is ordinary income or section 1231 gain (as defined in section 1231(a)(3)).

''(C) TRANSITIONAL RULE.—Subparagraph (A) shall not apply to any taxable year of the partnership beginning before the date which is 10 years after the date of the enactment of this paragraph.''.

(c) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (7) the following new paragraph:

''(8) The application of subsection (e) of section 710 or the regulations prescribed under section 710(f) to prevent the avoidance of the purposes of section 710.''.

(2) AMOUNT OF PENALTY.—

(A) IN GENERAL.—Section 6662 is amended by adding at the end the following new subsection:

''(k) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(8), subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.''.

(B) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended by striking ''or (i)'' and inserting '', (i), or (k)''.

(3) SPECIAL RULES FOR APPLICATION OF REASONABLE CAUSE EXCEPTION.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(B) by striking ''paragraph (3)'' in paragraph (5)(A), as so redesignated, and inserting ''paragraph (4)''; and

(C) by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULE FOR UNDERPAYMENTS ATTRIBUTABLE TO INVESTMENT MANAGEMENT SERVICES.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any portion of an underpayment to which this section applies by reason of subsection (b)(8) unless—

''(i) the relevant facts affecting the tax treatment of the item are adequately disclosed,

''(ii) there is or was substantial authority for such treatment, and

''(iii) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

''(B) RULES RELATING TO REASONABLE BELIEF.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of subparagraph (A)(iii).''.

(d) INCOME AND LOSS FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS TAKEN INTO ACCOUNT IN DETERMINING NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) INTERNAL REVENUE CODE.—Section 1402(a) is amended by striking ''and'' at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting ''; and'', and by inserting after paragraph (17) the following new paragraph:

''(18) notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(1) with respect to any entity, any amount treated as ordinary income or ordinary loss of such individual under section 710 with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.''.

(2) SOCIAL SECURITY ACT.—Section 211(a) of the Social Security Act is amended by striking ''and'' at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ''; and'', and by inserting after paragraph (16) the following new paragraph:

''(17) Notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(1) of the Internal Revenue Code of 1986 with respect to any entity, any amount treated as ordinary income or ordinary loss of such individual under section 710 of such Code with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.''.

(e) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 731 is amended by inserting ''section 710(b)(4) (relating to distributions of partnership property),'' after ''to the extent otherwise provided by''.

(2) Section 741 is amended by inserting ''or section 710 (relating to special rules for partners providing investment management services to partnership)'' before the period at the end.

(3) The table of sections for part I of subchapter K of chapter 1 is amended by adding at the end the following new item:

''Sec. 710. Special rules for partners providing investment management services to partnership.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after December 31, 2010.

(2) PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes December 31, 2010, the amount of the net income referred to in such section shall be treated as being the lesser of the net income for the entire partnership taxable year or the net income determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.

(3) DISPOSITIONS OF PARTNERSHIP INTERESTS.—Section 710(b) of the Internal Revenue Code of 1986 (as added by this section) shall apply to dispositions and distributions after December 31, 2010.

(4) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—Section 710(e) of such Code (as added by this section) shall take effect on December 31, 2010.

SEC. 413. EMPLOYMENT TAX TREATMENT OF PROFESSIONAL SERVICE BUSINESSES.

(a) IN GENERAL.—Section 1402 is amended by adding at the end the following new subsection:

''(m) SPECIAL RULES FOR PROFESSIONAL SERVICE BUSINESSES.—

''(1) SHAREHOLDERS PROVIDING SERVICES TO DISQUALIFIED S CORPORATIONS.—

''(A) IN GENERAL.—In the case of any disqualified S corporation, each shareholder of such disqualified S corporation who provides substantial services with respect to the professional service business referred to in subparagraph (C) shall take into account such shareholder's pro rata share of all items of income or loss described in section 1366 which are attributable to such business in determining the shareholder's net earnings from self-employment.

''(B) TREATMENT OF FAMILY MEMBERS.—Except as otherwise provided by the Secretary, the shareholder's pro rata share of items referred to in subparagraph (A) shall be increased by the pro rata share of such items of each member of such shareholder's family (within the meaning of section 318(a)(1)) who does not provide substantial services with respect to such professional service business.

''(C) DISQUALIFIED S CORPORATION.—For purposes of this subsection, the term 'disqualified S corporation' means—

''(i) any S corporation which is a partner in a partnership which is engaged in a professional service business if substantially all of the activities of such S corporation are performed in connection with such partnership, and

''(ii) any other S corporation which is engaged in a professional service business if the principal asset of such business is the reputation and skill of 3 or fewer employees.

''(2) PARTNERS.—In the case of any partnership which is engaged in a professional service business, subsection (a)(13) shall not apply to any partner who provides substantial services with respect to such professional service business.

''(3) PROFESSIONAL SERVICE BUSINESS.—For purposes of this subsection, the term 'professional service business' means any trade or business if substantially all of the activities of such trade or business involve providing services in the fields of health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.

''(4) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, including regulations which prevent the avoidance of the purposes of this subsection through tiered entities or otherwise.

''(5) CROSS REFERENCE.—For employment tax treatment of wages paid to shareholders of S corporations, see subtitle C.''.

(b) CONFORMING AMENDMENT.—Section 211 of the Social Security Act is amended by adding at the end the following new subsection:

''(l) SPECIAL RULES FOR PROFESSIONAL SERVICE BUSINESSES.—

''(1) SHAREHOLDERS PROVIDING SERVICES TO DISQUALIFIED S CORPORATIONS.—

''(A) IN GENERAL.—In the case of any disqualified S corporation, each shareholder of such disqualified S corporation who provides substantial services with respect to the professional service business referred to in subparagraph (C) shall take into account such shareholder's pro rata share of all items of income or loss described in section 1366 of the Internal Revenue Code of 1986 which are attributable to such business in determining the shareholder's net earnings from self-employment.

''(B) TREATMENT OF FAMILY MEMBERS.—Except as otherwise provided by the Secretary of the Treasury, the shareholder's pro rata share of items referred to in subparagraph (A) shall be

increased by the pro rata share of such items of each member of such shareholder's family (within the meaning of section 318(a)(1) of the Internal Revenue Code of 1986) who does not provide substantial services with respect to such professional service business.

''(C) DISQUALIFIED S CORPORATION.—For purposes of this subsection, the term 'disqualified S corporation' means—

''(i) any S corporation which is a partner in a partnership which is engaged in a professional service business if substantially all of the activities of such S corporation are performed in connection with such partnership, and

''(ii) any other S corporation which is engaged in a professional service business if the principal asset of such business is the reputation and skill of 3 or fewer employees.

''(2) PARTNERS.—In the case of any partnership which is engaged in a professional service business, subsection (a)(12) shall not apply to any partner who provides substantial services with respect to such professional service business.

''(3) PROFESSIONAL SERVICE BUSINESS.—For purposes of this subsection, the term 'professional service business' means any trade or business if substantially all of the activities of such trade or business involve providing services in the fields of health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

Subtitle C—Corporate Provisions

SEC. 421. TREATMENT OF SECURITIES OF A CONTROLLED CORPORATION EXCHANGED FOR ASSETS IN CERTAIN REORGANIZATIONS.

(a) IN GENERAL.—Section 361 (relating to nonrecognition of gain or loss to corporations; treatment of distributions) is amended by adding at the end the following new subsection:

''(d) SPECIAL RULES FOR TRANSACTIONS INVOLVING SECTION 355 DISTRIBUTIONS.—In the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 355—

''(1) this section shall be applied by substituting 'stock other than nonqualified preferred stock (as defined in section 351(g)(2))' for 'stock or securities' in subsections (a) and (b)(1), and

''(2) the first sentence of subsection (b)(3) shall apply only to the extent that the sum of the money and the fair market value of the other property transferred to such creditors does not exceed the adjusted bases of such assets transferred (reduced by the amount of the liabilities assumed (within the meaning of section 357(c))).''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 361(b) is amended by striking the last sentence.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on March 15, 2010, and at all times thereafter;

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

SEC. 422. TAXATION OF BOOT RECEIVED IN REORGANIZATIONS.

(a) IN GENERAL.—Paragraph (2) of section 356(a) is amended—

(1) by striking ''If an exchange'' and inserting ''Except as otherwise provided by the Secretary—

''(A) IN GENERAL.—If an exchange'';

(2) by striking ''then there shall be'' and all that follows through ''February 28, 1913'' and inserting ''then the amount of other property or money shall be treated as a dividend to the extent of the earnings and profits of the corporation''; and

(3) by adding at the end the following new subparagraph:

''(B) CERTAIN REORGANIZATIONS.—In the case of a reorganization described in section 368(a)(1)(D) to which section 354(b)(1) applies or any other reorganization specified by the Secretary, in applying subparagraph (A)—

''(i) the earnings and profits of each corporation which is a party to the reorganization shall be taken into account, and

''(ii) the amount which is a dividend (and source thereof) shall be determined under rules similar to the rules of paragraphs (2) and (5) of section 304(b).''.

(b) EARNINGS AND PROFITS.—Paragraph (7) of section 312(n) is amended by adding at the end the following: ''A similar rule shall apply to an exchange to which section 356(a)(1) applies.''.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 356(a) is amended by striking ''then the gain'' and inserting ''then (except as provided in paragraph (2)) the gain''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange between unrelated persons pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter;

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described in a public announcement or filing with the Securities and Exchange Commission on or before such date.

(3) RELATED PERSONS.—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

Subtitle D—Other Provisions

SEC. 431. MODIFICATIONS WITH RESPECT TO OIL SPILL LIABILITY TRUST FUND.

(a) EXTENSION OF APPLICATION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—Paragraph (2) of section 4611(f) is amended by striking ''December 31, 2017'' and inserting ''December 31, 2020''.

(b) INCREASE IN OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—Subparagraph (B) of section 4611(c)(2) is amended to read as follows:

''(B) the Oil Spill Liability Trust Fund financing rate is 34 cents a barrel.''.

(c) INCREASE IN PER INCIDENT LIMITATIONS ON EXPENDITURES.—Subparagraph (A) of section 9509(c)(2) is amended—

(1) by striking ''$1,000,000,000'' in clause (i) and inserting ''$5,000,000,000'';

(2) by striking ''$500,000,000'' in clause (ii) and inserting ''$2,500,000,000''; and

(3) by striking ''$1,000,000,000 PER INCIDENT, ETC'' in the heading and inserting ''PER INCIDENT LIMITATIONS''.

(d) EFFECTIVE DATE.—

(1) EXTENSION OF FINANCING RATE.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) INCREASE IN FINANCING RATE.—The amendment made by subsection (b) shall apply to crude oil received and petroleum products entered during calendar quarters beginning more than 60 days after the date of the enactment of this Act.

SEC. 432. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 36 percentage points.

TITLE V—UNEMPLOYMENT, HEALTH, AND OTHER ASSISTANCE

Subtitle A—Unemployment Insurance and Other Assistance

SEC. 501. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''June 2, 2010'' each place it appears and inserting ''November 30, 2010'';

(B) in the heading for subsection (b)(2), by striking ''JUNE 2, 2010'' and inserting ''NOVEMBER 30, 2010''; and

(C) in subsection (b)(3), by striking ''November 6, 2010'' and inserting ''April 30, 2011''.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking ''June 2, 2010'' and inserting ''November 30, 2010'';

(B) in the heading for paragraph (2), by striking ''JUNE 2, 2010'' and inserting ''NOVEMBER 30, 2010''; and

(C) in paragraph (3), by striking ''December 7, 2010'' and inserting ''May 31, 2011''.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''June 2, 2010'' each place it appears and inserting ''December 1, 2011''; and

(B) in subsection (c), by striking ''November 6, 2010'' and inserting ''May 1, 2011''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''November 6, 2010'' and inserting ''April 30, 2011''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking ''and'' at the end; and

(2) by inserting after subparagraph (E) the following:

''(F) the amendments made by section 501(a)(1) of the American Jobs and Closing Tax Loopholes Act of 2010; and''.

(c) CONDITIONS FOR RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4001(d)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended, in the matter preceding subparagraph (A), by inserting before ''shall apply'' the following: ''(including terms and conditions relating to availability for work, active search for work, and refusal to accept work)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111–157).

SEC. 502. COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.

(a) CERTAIN INDIVIDUALS NOT INELIGIBLE BY REASON OF NEW ENTITLEMENT TO REGULAR BENEFITS.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

''(g) COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.—

''(1) If—

''(A) an individual has been determined to be entitled to emergency unemployment compensation with respect to a benefit year,

''(B) that benefit year has expired,

''(C) that individual has remaining entitlement to emergency unemployment compensation with respect to that benefit year, and

''(D) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least either $100 or 25 percent less than the individual's weekly benefit amount in the benefit year referred to in subparagraph (A),

then the State shall determine eligibility for compensation as provided in paragraph (2).

''(2) For individuals described in paragraph (1), the State shall determine whether the individual is to be paid emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

''(A) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with respect to that new benefit year until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

''(B) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to establish a benefit year but for the application of this paragraph), until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph(1)(A);

''(C) The State shall pay, if permitted by State law—

''(i) regular compensation equal to the weekly benefit amount established under the new benefit year, and

''(ii) emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year; or

''(D) The State shall determine rights to emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals whose benefit years, as described in section 4002(g)(1)(B) the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by this section, expire after the date of enactment of this Act.

SEC. 503. EXTENSION OF THE EMERGENCY CONTINGENCY FUND.

(a) IN GENERAL.—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (2)(A), by inserting '', and for fiscal year 2011, $2,500,000,000'' before ''for payment'';

(2) by striking paragraph (2)(B) and inserting the following:

''(B) AVAILABILITY AND USE OF FUNDS.—

''(i) FISCAL YEARS 2009 AND 2010.—The amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2009 shall remain available through fiscal year 2010 and shall be used to make grants to States in each of fiscal years 2009 and 2010 in accordance with paragraph (3), except that the amounts shall remain available through fiscal year 2011 to make grants and payments to States in accordance with paragraph (3)(C) to cover expenditures to subsidize employment positions held by individuals placed in the positions before fiscal year 2011.

''(ii) FISCAL YEAR 2011.—Subject to clause (iii), the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011 shall remain available through fiscal year 2012 and shall be used to make grants to States based on expenditures in fiscal year 2011 for benefits and services provided in fiscal year 2011 in accordance with the requirements of paragraph (3).

''(iii) RESERVATION OF FUNDS.—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011, $500,000 shall be placed in reserve for use in fiscal year 2012, and shall be used to award grants for any expenditures described in this subsection incurred by States after September 30, 2011.'';

(3) in paragraph (2)(C), by striking ''2010'' and inserting ''2012'';

(4) in paragraph (3)—

(A) in clause (i) of each of subparagraphs (A), (B), and (C)—

(i) by striking ''year 2009 or 2010'' and inserting ''years 2009 through 2011'';

(ii) by striking ''and'' at the end of subclause (I);

(iii) by striking the period at the end of subclause (II) and inserting ''; and''; and

(iv) by adding at the end the following:

''(III) if the quarter is in fiscal year 2011, has provided the Secretary with such information as the Secretary may find necessary in order to make the determinations, or take any other action, described in paragraph (5)(C).''; and

(B) in subparagraph (C), by adding at the end the following:

''(iv) LIMITATION ON EXPENDITURES FOR SUBSIDIZED EMPLOYMENT.—An expenditure for subsidized employment shall be taken into account under clause (ii) only if the expenditure is used to subsidize employment for—

''(I) a member of a needy family (without regard to whether the family is receiving assistance under the State program funded under this part); or

''(II) an individual who has exhausted (or, within 60 days, will exhaust) all rights to receive unemployment compensation under Federal and State law, and who is a member of a needy family.'';

(5) by striking paragraph (5) and inserting the following:

''(5) LIMITATIONS ON PAYMENTS; ADJUSTMENT AUTHORITY.—

''(A) FISCAL YEARS 2009 AND 2010.—The total amount payable to a single State under subsection (b) and this subsection for fiscal years 2009 and 2010 combined shall not exceed 50 percent of the annual State family assistance grant.

''(B) FISCAL YEAR 2011.—Subject to subparagraph (C), the total amount payable to a single State under subsection (b) and this subsection for fiscal year 2011 shall not exceed 30 percent of the annual State family assistance grant.

''(C) ADJUSTMENT AUTHORITY.—If the Secretary determines that the Emergency Fund is at risk of being depleted before September 30, 2011, or that funds are available to accommodate additional State requests under this subsection, the Secretary may, through program instructions issued without regard to the requirements of section 553 of title 5, United States Code—

''(i) specify priority criteria for awarding grants to States during fiscal year 2011; and

''(ii) adjust the percentage limitation applicable under subparagraph (B) with respect to the total amount payable to a single State for fiscal year 2011.''; and

(6) in paragraph (6), by inserting ''or for expenditures described in paragraph (3)(C)(iv)'' before the period.

(b) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(2)—

(A) by striking ''2010'' and inserting ''2011''; and

(B) by striking all that follows ''repealed'' and inserting a period; and

(2) in subsection (d)(1), by striking ''2010'' and inserting ''2011''.

(c) PROGRAM GUIDANCE.—The Secretary of Health and Human Services shall issue program guidance, without regard to the requirements of section 553 of title 5, United States Code, which ensures that the funds provided under the amendments made by this section to a jurisdiction for subsidized employment do not support any subsidized employment position the annual salary of which is greater than, at State option—

(1) 200 percent of the poverty line (within the meaning of section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section 673(2)) for a family of 4; or

(2) the median wage in the jurisdiction.

Subtitle B—Health Provisions

SEC. 511. EXTENSION OF SECTION 508 RECLASSIFICATIONS.

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), and sections 3137(a) and 10317 of Public Law 111–148, is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

(b) APPLICATION.—For fiscal year 2011, the Secretary of Health and Human Services may implement the amendment made by subsection (a) by posting on the Internet website of the Centers for Medicare & Medicaid Services a list of the areas and the hospitals whose reclassifications will be extended pursuant to such amendment. Hospitals located in or reclassified to labor market areas that are affected by such extension may terminate or withdraw their reclassifications by following the procedures included in section 412.273 of title 42, Code of Federal Regulations, except that any request for such termination or withdrawal must be received by the Medicare Geographic Classification Review Board not later than the date that is 5 business days after the day of such posting on the Internet website of the Centers for Medicare & Medicaid Services or June 18, 2010, whichever date is later.

(c) CONFORMING AMENDMENT.—Section 117(a)(3) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173)), is amended by inserting ''in fiscal years 2008 and 2009'' after ''For purposes of implementation of this subsection''.

SEC. 512. REPEAL OF DELAY OF RUG-IV.

Effective as if included in the enactment of Public Law 111–148, section 10325 of such Act is repealed.

SEC. 513. LIMITATION ON REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 3122 of Public Law 111–148 is repealed and the provision of law amended by such section is restored as if such section had not been enacted.

SEC. 514. FUNDING FOR CLAIMS REPROCESSING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions of such title that involve reprocessing of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, $175,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

SEC. 515. MEDICAID AND CHIP TECHNICAL CORRECTIONS.

(a) REPEAL OF EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM MEDICAID.—Section 6502 of Public Law 111–148 is repealed and the provisions of law amended by such section are restored as if such section had never been enacted. Nothing in the previous sentence shall affect the execution or placement of the insertion made by section 6503 of such Act.

(b) INCOME LEVEL FOR CERTAIN CHILDREN UNDER MEDICAID.—Effective as if included in

the enactment of Public Law 111–148, section 2001(a)(5)(B) of such Act is amended by striking all that follows ''is amended'' and inserting the following: ''by inserting after '100 percent' the following: '(or, beginning January 1, 2014, 133 percent)'.''.

(c) CALCULATION AND PUBLICATION OF PAYMENT ERROR RATE MEASUREMENT FOR CERTAIN YEARS.—Section 601(b) of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3) is amended by adding at the end the following: ''The Secretary is not required under this subsection to calculate or publish a national or a State-specific error rate for fiscal year 2009 or fiscal year 2010.''.

(d) CORRECTIONS TO EXCEPTIONS TO EXCLUSION OF CHILDREN OF CERTAIN EMPLOYEES.—Section 2110(b)(6) of the Social Security Act (42 U.S.C. 1397jj(b)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking ''PER PERSON'' in the heading; and

(B) by striking ''each employee'' and inserting ''employees''; and

(2) in subparagraph (C), by striking '', on a case-by-case basis,''.

(e) ELECTRONIC HEALTH RECORDS.—Effective as if included in the enactment of section 4201(a)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)) is amended—

(1) in paragraph (3)(E), by striking ''reduced by any payment that is made to such Medicaid provider from any other source (other than under this subsection or by a State or local government)'' and inserting ''reduced by the average payment the Secretary estimates will be made to such Medicaid providers (determined on a percentage or other basis for such classes or types of providers as the Secretary may specify) from other sources (other than under this subsection, or by the Federal government or a State or local government)''; and

(2) in paragraph (6)(B), by inserting before the period the following: ''and shall be determined to have met such responsibility to the extent that the payment to the Medicaid provider is not in excess of 85 percent of the net average allowable cost''.

(f) CORRECTIONS OF DESIGNATIONS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10), in the matter following subparagraph (G), by striking ''and'' before ''(XVI) the medical'' and by striking ''(XVI) if'' and inserting ''(XVII) if''; and

(B) in subsection (ii)(2), by striking ''(XV)'' and inserting ''(XVI)''.

(2) Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by redesignating the subparagraph (N) of that section added by 2101(e) of Public Law 111–148 as subparagraph (O).

SEC. 516. ADDITION OF INPATIENT DRUG DISCOUNT PROGRAM TO 340B DRUG DISCOUNT PROGRAM.

(a) ADDITION OF INPATIENT DRUG DISCOUNT.—Title III of the Public Health Service Act is amended by inserting after section 340B (42 U.S.C. 256b) the following:

''SEC. 340B–1. DISCOUNT INPATIENT DRUGS FOR INDIVIDUALS WITHOUT PRESCRIPTION DRUG COVERAGE.

''(a) REQUIREMENTS FOR AGREEMENTS WITH THE SECRETARY.—

''(1) IN GENERAL.—

''(A) AGREEMENT.—The Secretary shall enter into an agreement with each manufacturer of covered inpatient drugs under which the amount required to be paid (taking into account any rebate or discount, as provided by the Secretary) to the manufacturer for covered inpatient drugs (other than drugs described in paragraph (3)) purchased by a covered entity on or after January 1, 2011, does not exceed an amount equal to the average manufacturer price for the drug under title XIX of the Social Security Act in the preceding calendar quarter, reduced by the rebate percentage described in paragraph (2). For a covered inpatient drug that also is a covered outpatient drug under section 340B, the amount required to be paid under the preceding sentence shall be equal to the amount required to be paid under section 340B(a)(1) for such drug. The agreement with a manufacturer under this subparagraph may, at the discretion of the Secretary, be included in the agreement with the same manufacturer under section 340B.

''(B) CEILING PRICE.—Each such agreement shall require that the manufacturer furnish the Secretary with reports, on a quarterly basis, of the price for each covered inpatient drug subject to the agreement that, according to the manufacturer, represents the maximum price that covered entities may permissibly be required to pay for the drug (referred to in this section as the 'ceiling price'), and shall require that the manufacturer offer each covered entity covered inpatient drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price.

''(C) ALLOCATION METHOD.—Each such agreement shall require that, if the supply of a covered inpatient drug is insufficient to meet demand, then the manufacturer may use an allocation method that is reported in writing to, and approved by, the Secretary and does not discriminate on the basis of the price paid by covered entities or on any other basis related to the participation of an entity in the program under this section.

''(2) REBATE PERCENTAGE DEFINED.—

''(A) IN GENERAL.—For a covered inpatient drug purchased in a calendar quarter, the 'rebate percentage' is the amount (expressed as a percentage) equal to—

''(i) the average total rebate required under section 1927(c) of the Social Security Act (or the average total rebate that would be required if the drug were a covered outpatient drug under such section) with respect to the drug (for a unit of the dosage form and strength involved) during the preceding calendar quarter; divided by

''(ii) the average manufacturer price for such a unit of the drug during such quarter.

''(B) OVER THE COUNTER DRUGS.—

''(i) IN GENERAL.—For purposes of subparagraph (A), in the case of over the counter drugs, the 'rebate percentage' shall be determined as if the rebate required under section 1927(c) of the Social Security Act is based on the applicable percentage provided under section 1927(c)(3) of such Act.

''(ii) DEFINITION.—The term 'over the counter drug' means a drug that may be sold without a prescription and which is prescribed by a physician (or other persons authorized to prescribe such drug under State law).

''(3) DRUGS PROVIDED UNDER STATE MEDICAID PLANS.—Drugs described in this paragraph are drugs purchased by the entity for which payment is made by the State under the State plan for medical assistance under title XIX of the Social Security Act.

''(4) REQUIREMENTS FOR COVERED ENTITIES.—

''(A) PROHIBITING DUPLICATE DISCOUNTS OR REBATES.—

''(i) IN GENERAL.—A covered entity shall not request payment under title XIX of the Social Security Act for medical assistance described in section 1905(a)(12) of such Act with respect to a drug that is subject to an agreement under this section if the drug is subject to the payment of a rebate to the State under section 1927 of such Act.

''(ii) ESTABLISHMENT OF MECHANISM.—The Secretary shall establish a mechanism to ensure that covered entities comply with clause (i). If the Secretary does not establish a mechanism under the previous sentence within 12 months of the enactment of this section, the requirements of section 1927(a)(5)(C) of the Social Security Act shall apply.

''(iii) PROHIBITING DISCLOSURE TO GROUP PURCHASING ORGANIZATIONS.—In the event that a covered entity is a member of a group purchasing organization, such entity shall not disclose the price or any other information pertaining to any purchases under this section directly or indirectly to such group purchasing organization.

''(B) PROHIBITING RESALE, DISPENSING, OR ADMINISTRATION OF DRUGS EXCEPT TO CERTAIN PATIENTS.—With respect to any covered inpatient drug that is subject to an agreement under this subsection, a covered entity shall not dispense, administer, resell, or otherwise transfer the covered inpatient drug to a person unless—

''(i) such person is a patient of the entity; and

''(ii) such person does not have health plan coverage (as defined in subsection (c)(3)) that provides prescription drug coverage in the inpatient setting with respect to such covered inpatient drug.

For purposes of clause (ii), a person shall be treated as having health plan coverage (as defined in subsection (c)(3)) with respect to a covered inpatient drug if benefits are not payable under such coverage with respect to such drug for reasons such as the application of a deductible or cost sharing or the use of utilization management.

''(C) AUDITING.—A covered entity shall permit the Secretary and the manufacturer of a covered inpatient drug that is subject to an agreement under this subsection with the entity (acting in accordance with procedures established by the Secretary relating to the number, duration, and scope of audits) to audit at the Secretary's or the manufacturer's expense the records of the entity that directly pertain to the entity's compliance with the requirements described in subparagraph (A) or (B) with respect to drugs of the manufacturer. The use or disclosure of information for performance of such an audit shall be treated as a use or disclosure required by law for purposes of section 164.512(a) of title 45, Code of Federal Regulations.

''(D) ADDITIONAL SANCTION FOR NONCOMPLIANCE.—If the Secretary finds, after notice and hearing, that a covered entity is in violation of a requirement described in subparagraph (A) or (B), the covered entity shall be liable to the manufacturer of the covered inpatient drug that is the subject of the violation in an amount equal to the reduction in the price of the drug (as described in subparagraph (A)) provided under the agreement between the Secretary and the manufacturer under this subsection.

''(E) MAINTENANCE OF RECORDS.—

''(i) IN GENERAL.—A covered entity shall establish and maintain an effective recordkeeping system to comply with this section and shall certify to the Secretary that such entity is in compliance with subparagraphs (A) and (B). The Secretary shall require that hospitals that purchase covered inpatient drugs for inpatient dispensing or administration under this subsection appropriately segregate inventory of such covered inpatient drugs, either physically or electronically, from drugs for outpatient use, as well as from drugs for inpatient dispensing or administration to individuals who have (for purposes of subparagraph (B)) health plan coverage described in clause (ii) of such subparagraph.

''(ii) CERTIFICATION OF NO THIRD-PARTY PAYER.—A covered entity shall maintain records that contain certification by the covered entity that no third party payment was received for any covered inpatient drug that is subject to an agreement under this subsection and that was dispensed to an inpatient.

''(5) TREATMENT OF DISTINCT UNITS OF HOSPITALS.—In the case of a covered entity that is a distinct part of a hospital, the distinct part of the hospital shall not be considered a covered entity under this subsection unless the hospital is otherwise a covered entity under this subsection.

''(6) NOTICE TO MANUFACTURERS.—The Secretary shall notify manufacturers of covered inpatient drugs and single State agencies under

section 1902(a)(5) of the Social Security Act of the identities of covered entities under this subsection, and of entities that no longer meet the requirements of paragraph (4), by means of timely updates of the Internet website supported by the Department of Health and Human Services relating to this section.

''(7) NO PROHIBITION ON LARGER DISCOUNT.—Nothing in this subsection shall prohibit a manufacturer from charging a price for a drug that is lower than the maximum price that may be charged under paragraph (1).

''(b) COVERED ENTITY DEFINED.—In this section, the term 'covered entity' means an entity that meets the requirements described in subsection (a)(4) and is one of the following:

''(1) A subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act) that—

''(A) is owned or operated by a unit of State or local government, is a public or private nonprofit corporation which is formally granted governmental powers by a unit of State or local government, or is a private nonprofit hospital which has a contract with a State or local government to provide health care services to low income individuals who are not entitled to benefits under title XVIII of the Social Security Act or eligible for assistance under the State plan for medical assistance under title XIX of such Act; and

''(B) for the most recent cost reporting period that ended before the calendar quarter involved, had a disproportionate share adjustment percentage (as determined using the methodology under section 1886(d)(5)(F) of the Social Security Act as in effect on the date of enactment of this section) greater than 20.20 percent or was described in section 1886(d)(5)(F)(i)(II) of such Act (as so in effect on the date of enactment of this section).

''(2) A children's hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act that would meet the requirements of paragraph (1), including the disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

''(3) A free-standing cancer hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(v) of the Social Security Act that would meet the requirements of paragraph (1), including the disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

''(4) An entity that is a critical access hospital (as determined under section 1820(c)(2) of the Social Security Act), and that meets the requirements of paragraph (1)(A).

''(5) An entity that is a rural referral center, as defined by section 1886(d)(5)(C)(i) of the Social Security Act, or a sole community hospital, as defined by section 1886(d)(5)(C)(iii) of such Act, and that both meets the requirements of paragraph (1)(A) and has a disproportionate share adjustment percentage equal to or greater than 8 percent.

''(c) OTHER DEFINITIONS.—In this section:

''(1) AVERAGE MANUFACTURER PRICE.—

''(A) IN GENERAL.—The term 'average manufacturer price'—

''(i) has the meaning given such term in section 1927(k) of the Social Security Act, except that such term shall be applied under this section with respect to covered inpatient drugs in the same manner (as applicable) as such term is applied under such section 1927(k) with respect to covered outpatient drugs (as defined in such section); and

''(ii) with respect to a covered inpatient drug for which there is no average manufacturer price (as defined in clause (i)), shall be the amount determined under regulations promulgated by the Secretary under subparagraph (B).

''(B) RULEMAKING.—The Secretary shall by regulation, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, establish a method for determining the average manufacturer price for covered inpatient drugs for which there is no average manufacturer price (as defined in subparagraph (A)(i)). Regulations promulgated with respect to covered inpatient drugs under the preceding sentence shall provide for the application of methods for determining the average manufacturer price that are the same as the methods used to determine such price in calculating rebates required for such drugs under an agreement between a manufacturer and a State that satisfies the requirements of section 1927(b) of the Social Security Act, as applicable.

''(2) COVERED INPATIENT DRUG.—The term 'covered inpatient drug' means a drug—

''(A) that is described in section 1927(k)(2) of the Social Security Act;

''(B) that, notwithstanding paragraph (3)(A) of section 1927(k) of such Act, is used in connection with an inpatient service provided by a covered entity that is enrolled to participate in the drug discount program under this section; and

''(C) that is not purchased by the covered entity through or under contract with a group purchasing organization.

''(3) HEALTH PLAN COVERAGE.—The term 'health plan coverage' means—

''(A) health insurance coverage (as defined in section 2791, and including coverage under a State health benefits risk pool);

''(B) coverage under a group health plan (as defined in such section, and including coverage under a church plan, a governmental plan, or a collectively bargained plan);

''(C) coverage under a Federal health care program (as defined by section 1128B(f) of the Social Security Act); or

''(D) such other health benefits coverage as the Secretary recognizes for purposes of this section.

''(4) MANUFACTURER.—The term 'manufacturer' has the meaning given such term in section 1927(k) of the Social Security Act.

''(d) PROGRAM INTEGRITY.—

''(1) MANUFACTURER COMPLIANCE.—

''(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by manufacturers with the requirements of this section in order to prevent overcharges and other violations of the discounted pricing requirements specified in this section.

''(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

''(i) The establishment of a process to enable the Secretary to verify the accuracy of ceiling prices calculated by manufacturers under subsection (a)(1) and charged to covered entities, which shall include the following:

''(I) Developing and publishing through an appropriate policy or regulatory issuance, precisely defined standards and methodology for the calculation of ceiling prices under such subsection.

''(II) Comparing regularly the ceiling prices calculated by the Secretary with the quarterly pricing data that is reported by manufacturers to the Secretary.

''(III) Conducting periodic monitoring of sales transactions by covered entities.

''(IV) Inquiring into any discrepancies between ceiling prices and manufacturer pricing data that may be identified and taking, or requiring manufacturers to take, corrective action in response to such discrepancies, including the issuance of refunds pursuant to the procedures set forth in clause (ii).

''(ii) The establishment of procedures for manufacturers to issue refunds to covered entities in the event that there is an overcharge by the manufacturers, including the following:

''(I) Providing the Secretary with an explanation of why and how the overcharge occurred, how the refunds will be calculated, and to whom the refunds will be issued.

''(II) Oversight by the Secretary to ensure that the refunds are issued accurately and within a reasonable period of time.

''(iii) The provision of access through the Internet website supported by the Department of Health and Human Services to the applicable ceiling prices for covered inpatient drugs as calculated and verified by the Secretary in accordance with this section, in a manner (such as through the use of password protection) that limits such access to covered entities and adequately assures security and protection of privileged pricing data from unauthorized re-disclosure.

''(iv) The development of a mechanism by which—

''(I) rebates, discounts, or other price concessions provided by manufacturers to other purchasers subsequent to the sale of covered inpatient drugs to covered entities are reported to the Secretary; and

''(II) appropriate credits and refunds are issued to covered entities if such discounts, rebates, or other price concessions have the effect of lowering the applicable ceiling price for the relevant quarter for the drugs involved.

''(v) Selective auditing of manufacturers and wholesalers to ensure the integrity of the drug discount program under this section.

''(vi) The establishment of a requirement that manufacturers and wholesalers use the identification system developed by the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient drugs under this section, including the processing of chargebacks for such drugs.

''(vii) The imposition of sanctions in the form of civil monetary penalties, which—

''(I) shall be assessed according to standards and procedures established in regulations to be promulgated by the Secretary not later than January 1, 2011;

''(II) shall not exceed $10,000 per single dosage form of a covered inpatient drug purchased by a covered entity where a manufacturer knowingly charges such covered entity a price for such drug that exceeds the ceiling price under subsection (a)(1); and

''(III) shall not exceed $100,000 for each instance where a manufacturer withholds or provides materially false information to the Secretary or to covered entities under this section or knowingly violates any provision of this section (other than subsection (a)(1)).

''(2) COVERED ENTITY COMPLIANCE.—

''(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by covered entities with the requirements of this section in order to prevent diversion and violations of the duplicate discount provision and other requirements specified under subsection (a)(4).

''(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

''(i) The development of procedures to enable and require covered entities to update at least annually the information on the Internet website supported by the Department of Health and Human Services relating to this section.

''(ii) The development of procedures for the Secretary to verify the accuracy of information regarding covered entities that is listed on the website described in clause (i).

''(iii) The development of more detailed guidance describing methodologies and options available to covered entities for billing covered inpatient drugs to State Medicaid agencies in a manner that avoids duplicate discounts pursuant to subsection (a)(4)(A).

''(iv) The establishment of a single, universal, and standardized identification system by which each covered entity site and each covered entity's purchasing status under sections 340B and

this section can be identified by manufacturers, distributors, covered entities, and the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient drugs under this section, including the processing of chargebacks for such drugs.

''(v) The imposition of sanctions in the form of civil monetary penalties, which—

''(I) shall be assessed according to standards and procedures established in regulations promulgated by the Secretary; and

''(II) shall not exceed $10,000 for each instance where a covered entity knowingly violates subsection (a)(4)(B) or knowingly violates any other provision of this section.

''(vi) The termination of a covered entity's participation in the program under this section, for a period of time to be determined by the Secretary, in cases in which the Secretary determines, in accordance with standards and procedures established by regulation, that—

''(I) the violation by a covered entity of a requirement of this section was repeated and knowing; and

''(II) imposition of a monetary penalty would be insufficient to reasonably ensure compliance with the requirements of this section.

''(vii) The referral of matters, as appropriate, to the Food and Drug Administration, the Office of the Inspector General of the Department of Health and Human Services, or other Federal or State agencies.

''(3) ADMINISTRATIVE DISPUTE RESOLUTION PROCESS.—From amounts appropriated under subsection (f), the Secretary may establish and implement an administrative process for the resolution of the following:

''(A) Claims by covered entities that manufacturers have violated the terms of their agreement with the Secretary under subsection (a)(1).

''(B) Claims by manufacturers that covered entities have violated subsection (a)(4)(A) or (a)(4)(B).

''(e) AUDIT AND SANCTIONS.—

''(1) AUDIT.—From amounts appropriated under subsection (f), the Inspector General of the Department of Health and Human Services (referred to in this subsection as the 'Inspector General') shall audit covered entities under this section to verify compliance with criteria for eligibility and participation under this section, including the antidiversion prohibitions under subsection (a)(4)(B), and take enforcement action or provide information to the Secretary who shall take action to ensure program compliance, as appropriate. A covered entity shall provide to the Inspector General, upon request, records relevant to such audits.

''(2) REPORT.—For each audit conducted under paragraph (1), the Inspector General shall prepare and publish in a timely manner a report which shall include findings and recommendations regarding—

''(A) the appropriateness of covered entity eligibility determinations and, as applicable, certifications;

''(B) the effectiveness of antidiversion prohibitions; and

''(C) the effectiveness of restrictions on inpatient dispensing and administration.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2011 and each succeeding fiscal year.''.

(b) RULEMAKING.—Not later than January 1, 2011, the Secretary shall promulgate regulations implementing section 340B–1 of the Public Health Service Act (as added by subsection (a)).

(c) CONFORMING AMENDMENT TO SECTION 340B.—Paragraph (1) of section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)) is amended by adding at the end the following: ''Such agreement shall further require that, if the supply of a covered outpatient drug is insufficient to meet demand, then the manufacturer may use an allocation method that is reported in writing to, and approved by, the Secretary and does not discriminate on the basis of the price paid by covered entities or on any other basis related to the participation of an entity in the program under this section. The agreement with a manufacturer under this paragraph may, at the discretion of the Secretary, be included in the agreement with the same manufacturer under section 340B–1.''.

(d) CONFORMING AMENDMENTS TO MEDICAID.—Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the first sentence, by striking ''and paragraph (6)'' and inserting '', paragraph (6), and paragraph (8)''; and

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

''(8) LIMITATION ON PRICES OF DRUGS PURCHASED BY 340B–1-COVERED ENTITIES.—

''(A) AGREEMENT WITH SECRETARY.—A manufacturer meets the requirements of this paragraph if the manufacturer has entered into an agreement with the Secretary that meets the requirements of section 340B–1 of the Public Health Service Act with respect to covered inpatient drugs (as defined in such section) purchased by a 340B–1-covered entity on or after January 1, 2011.

''(B) 340B–1-COVERED ENTITY DEFINED.—In this subsection, the term '340B–1-covered entity' means an entity described in section 340B–1(b) of the Public Health Service Act.''; and

(2) in subsection (c)(1)(C)(i)(I)—

(A) by striking ''or'' before ''a covered entity''; and

(B) by inserting before the semicolon the following: '', or a covered entity for a covered inpatient drug (as such terms are defined in section 340B–1of the Public Health Service Act)''.

SEC. 517. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.

(a) DEFINITION OF COVERED OUTPATIENT DRUG.—

(1) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking ''covered entities described in subparagraph (M)''and inserting ''covered entities described in subparagraph (M) (other than a children's hospital described in subparagraph (M))''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r–8(a)(5)) is amended by striking ''and a children's hospital'' and all that follows through the end of the subparagraph and inserting a period.

SEC. 518. CONFORMING AMENDMENT RELATED TO WAIVER OF COINSURANCE FOR PREVENTIVE SERVICES.

Effective as if included in section 10501(i)(2)(A) of Public Law 111–148, section 1833(a)(3)(A) of the Social Security Act (42 U.S.C. 1395l(a)(3)(A)) is amended by striking ''section 1861(s)(10)(A)'' and inserting ''section 1861(ddd)(3)''.

SEC. 519. ESTABLISH A CMS–IRS DATA MATCH TO IDENTIFY FRAUDULENT PROVIDERS.

(a) AUTHORITY TO DISCLOSE RETURN INFORMATION CONCERNING OUTSTANDING TAX DEBTS FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(22) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

''(A) IN GENERAL.—The Secretary shall, upon written request from the Secretary of Health and Human Services, disclose to officers and employees of the Department of Health and Human Services return information with respect to a taxpayer who has applied to enroll, or reenroll, as a provider of services or supplier under the Medicare program under title XVIII of the Social Security Act. Such return information shall be limited to—

''(i) the taxpayer identity information with respect to such taxpayer;

''(ii) the amount of the delinquent tax debt owed by that taxpayer; and

''(iii) the taxable year to which the delinquent tax debt pertains.

''(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of Health and Human Services for the purposes of, and to the extent necessary in, establishing the taxpayer's eligibility for enrollment or reenrollment in the Medicare program, or in any administrative or judicial proceeding relating to, or arising from, a denial of such enrollment or reenrollment, or in determining the level of enhanced oversight to be applied with respect to such taxpayer pursuant to section 1866(j)(3) of the Social Security Act.

''(C) DELINQUENT TAX DEBT.—For purposes of this paragraph, the term 'delinquent tax debt' means an outstanding debt under this title for which a notice of lien has been filed pursuant to section 6323, but the term does not include a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, or a debt with respect to which a collection due process hearing under section 6330 is requested, pending, or completed and no payment is required.''.

(2) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code, as amended by sections 1414 and 3308 of Public Law 111–148, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking ''or (17)'' and inserting ''(17), or (22)'' each place it appears.

(b) SECRETARY'S AUTHORITY TO USE INFORMATION FROM THE DEPARTMENT OF TREASURY IN MEDICARE ENROLLMENTS AND REENROLLMENTS.—Section 1866(j)(2) of the Social Security Act (42 U.S.C. 1395cc(j)), as inserted by section 6401(a) of Public Law 111–148, is further amended—

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

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) USE OF INFORMATION FROM THE DEPARTMENT OF TREASURY CONCERNING TAX DEBTS.—In reviewing the application of a provider of services or supplier to enroll or reenroll under the program under this title, the Secretary shall take into account the information supplied by the Secretary of the Treasury pursuant to section 6103(l)(22) of the Internal Revenue Code of 1986, in determining whether to deny such application or to apply enhanced oversight to such provider of services or supplier pursuant to paragraph (3) if the Secretary determines such provider of services or supplier owes such a debt.''.

(c) AUTHORITY TO ADJUST PAYMENTS OF PROVIDERS OF SERVICES AND SUPPLIERS WITH THE SAME TAX IDENTIFICATION NUMBER FOR MEDICARE OBLIGATIONS.—Section 1866(j)(5) of the Social Security Act (42 U.S.C. 1395cc(j)(5)), as inserted by section 6401(a) of Public Law 111–148, is amended—

(1) in the paragraph heading, by striking ''PAST-DUE'' and inserting ''MEDICARE'';

(2) in subparagraph (A), by striking ''past-due obligations described in subparagraph (B)(ii) of an'' and inserting ''amount described in subparagraph (B)(ii) due from such''; and

(3) in subparagraph (B)(ii), by striking ''a past-due obligation'' and inserting ''an amount that is more than the amount required to be paid''.

SEC. 520. CLARIFICATION OF EFFECTIVE DATE OF PART B SPECIAL ENROLLMENT PERIOD FOR DISABLED TRICARE BENEFICIARIES.

Effective as if included in the enactment of Public Law 111–148, section 3110(a)(2) of such Act is amended to read as follows:

''(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to elections made after the date of the enactment of this Act.''.

SEC. 521. PHYSICIAN PAYMENT UPDATE.

(a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(1) in paragraph (10), in the heading, by striking ''PORTION'' and inserting ''THE FIRST 5 MONTHS ''; and

(2) by adding at the end the following new paragraphs:

''(11) UPDATE FOR THE LAST 7 MONTHS OF 2010.—

''(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), and (10)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010 for the period beginning on June 1, 2010, and ending on December 31, 2010, the update to the single conversion factor shall be 2.2 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2011 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2011 and subsequent years as if subparagraph (A) had never applied.

''(12) UPDATE FOR 2011.—

''(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), and (11)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2011, the update to the single conversion factor shall be 1.0 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2012 and subsequent years as if subparagraph (A) had never applied.''.

(b) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

SEC. 522. ADJUSTMENT TO MEDICARE PAYMENT LOCALITIES.

(a) IN GENERAL.—Section 1848(e) of the Social Security Act (42 U.S.C.1395w–4(e)) is amended by adding at the end the following new paragraph:

''(6) TRANSITION TO USE OF MSAS AS FEE SCHEDULE AREAS IN CALIFORNIA.—

''(A) IN GENERAL.—

''(i) REVISION.—Subject to clause (ii) and notwithstanding the previous provisions of this subsection, for services furnished on or after January 1, 2012, the Secretary shall revise the fee schedule areas used for payment under this section applicable to the State of California using the Metropolitan Statistical Area (MSA) iterative Geographic Adjustment Factor methodology as follows:

''(I) The Secretary shall configure the physician fee schedule areas using the Metropolitan Statistical Areas (each in this paragraph referred to as an 'MSA'), as defined by the Director of the Office of Management and Budget as of the date of the enactment of this paragraph, as the basis for the fee schedule areas.

''(II) For purposes of this clause, the Secretary shall treat all areas not included in an MSA as a single rest-of-State MSA and any reference in this paragraph to an MSA shall be deemed to include a reference to such rest-of-State MSA.

''(III) The Secretary shall list all MSAs within the State by Geographic Adjustment Factor described in paragraph (2) (in this paragraph referred to as a 'GAF') in descending order.

''(IV) In the first iteration, the Secretary shall compare the GAF of the highest cost MSA in the State to the weighted-average GAF of all the remaining MSAs in the State. If the ratio of the GAF of the highest cost MSA to the weighted-average of the GAF of remaining lower cost MSAs is 1.05 or greater, the highest cost MSA shall be a separate fee schedule area.

''(V) In the next iteration, the Secretary shall compare the GAF of the MSA with the second-highest GAF to the weighted-average GAF of the all the remaining MSAs (excluding MSAs that become separate fee schedule areas). If the ratio of the second-highest MSA's GAF to the weighted-average of the remaining lower cost MSAs is 1.05 or greater, the second-highest MSA shall be a separate fee schedule area.

''(VI) The iterative process shall continue until the ratio of the GAF of the MSA with highest remaining GAF to the weighted-average of the remaining MSAs with lower GAFs is less than 1.05, and the remaining group of MSAs with lower GAFs shall be treated as a single rest-of-State fee schedule area.

''(VII) For purposes of the iterative process described in this clause, if two MSAs have identical GAFs, they shall be combined.

''(ii) TRANSITION.—For services furnished on or after January 1, 2012, and before January 1, 2017, in the State of California, after calculating the work, practice expense, and malpractice geographic indices that would otherwise be determined under clauses (i), (ii), and (iii) of paragraph (1)(A) for a fee schedule area determined under clause (i), if the index for a county within a fee schedule area is less than the index that would otherwise be in effect for such county, the Secretary shall instead apply the index that would otherwise be in effect for such county.

''(B) SUBSEQUENT REVISIONS.—After the transition described in subparagraph (A)(ii), not less than every 3 years the Secretary shall review and update the fee schedule areas using the methodology described in subparagraph (A)(i) and any updated MSAs as defined by the Director of the Office of Management and Budget. The Secretary shall review and make any changes pursuant to such reviews concurrent with the application of the periodic review of the adjustment factors required under paragraph (1)(C) for California.

''(C) REFERENCES TO FEE SCHEDULE AREAS.—Effective for services furnished on or after January 1, 2012, for the State of California, any reference in this section to a fee schedule area shall be deemed a reference to a fee schedule area established in accordance with this paragraph.''.

(b) CONFORMING AMENDMENT TO DEFINITION OF FEE SCHEDULE AREA.—Section 1848(j)(2) of the Social Security Act (42 U.S.C. 1395w(j)(2)) is amended by striking ''The term'' and inserting ''Except as provided in subsection (e)(6)(C), the term''.

SEC. 523. CLARIFICATION OF 3-DAY PAYMENT WINDOW.

(a) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) by adding at the end of subsection (a)(4) the following new sentence: ''In applying the first sentence of this paragraph, the term 'other services related to the admission' includes all services that are not diagnostic services (other than ambulance and maintenance renal dialysis services) for which payment may be made under this title that are provided by a hospital (or an entity wholly owned or operated by the hospital) to a patient—

''(A) on the date of the patient's inpatient admission; or

''(B) during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of such admission unless the hospital demonstrates (in a form and manner, and at a time, specified by the Secretary) that such services are not related (as determined by the Secretary) to such admission.''; and

(2) in subsection (d)(7)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period and inserting '', and''; and

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

''(C) the determination of whether services provided prior to a patient's inpatient admission are related to the admission (as described in subsection (a)(4)).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after the date of the enactment of this Act.

(c) NO REOPENING OF PREVIOUSLY BUNDLED CLAIMS.—

(1) IN GENERAL.—The Secretary of Health and Human Services may not reopen a claim, adjust a claim, or make a payment pursuant to any request for payment under title XVIII of the Social Security Act, submitted by an entity (including a hospital or an entity wholly owned or operated by the hospital) for services described in paragraph (2) for purposes of treating, as unrelated to a patient's inpatient admission, services provided during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of the patient's inpatient admission.

(2) SERVICES DESCRIBED.—For purposes of paragraph (1), the services described in this paragraph are other services related to the admission (as described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as amended by subsection (a)) which were previously included on a claim or request for payment submitted under part A of title XVIII of such Act for which a reopening, adjustment, or request for payment under part B of such title, was not submitted prior to the date of the enactment of this Act.

(d) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of this section (and amendments made by this section) by program instruction or otherwise.

(e) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as changing the policy described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as applied by the Secretary of Health and Human Services before the date of the enactment of this Act, with respect to diagnostic services.

TITLE VI—OTHER PROVISIONS

SEC. 601. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 7(a) of Public Law 111–157, is amended by striking ''by substituting'' and all that follows through the period at the end, and inserting ''by substituting December 31, 2010, for the date specified in each such section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on May 31, 2010.

SEC. 602. ALLOCATION OF GEOTHERMAL RECEIPTS.

Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

SEC. 603. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Small Business Administration—Business Loans Program Account'', $505,000,000, to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section.

Such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF PROGRAMS.—

(1) FEES.—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) is amended by striking ''September 30, 2010'' each place it appears and inserting ''December 31, 2010''.

(2) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''May 31, 2010'' and inserting ''December 31, 2010''.

(c) APPROPRIATION.—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), $5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for ''Small Business Administration—Salaries and Expenses''.

SEC. 604. EMERGENCY AGRICULTURAL DISASTER ASSISTANCE.

(a) DEFINITIONS.—Except as otherwise provided in this section, in this section:

(1) DISASTER COUNTY.—

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 crop year.

(B) EXCLUSION.—The term ''disaster county'' does not include a contiguous county.

(2) ELIGIBLE AQUACULTURE PRODUCER.—The term ''eligible aquaculture producer'' means an aquaculture producer that during the 2009 calendar year, as determined by the Secretary—

(A) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(B) experienced a substantial price increase of feed costs above the previous 5-year average.

(3) ELIGIBLE PRODUCER.—The term ''eligible producer'' means an agricultural producer in a disaster county.

(4) ELIGIBLE SPECIALTY CROP PRODUCER.—The term ''eligible specialty crop producer'' means an agricultural producer that, for the 2009 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced specialty crop losses in a disaster county due to drought, excessive rainfall, or a related condition.

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term ''qualifying natural disaster declaration'' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(7) SPECIALTY CROP.—The term ''specialty crop'' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

(b) SUPPLEMENTAL DIRECT PAYMENT.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than specialty crops or crops intended for grazing) suffer at least a 5-percent crop loss on a farm due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2009 crop year on the farm.

(2) ACRE PROGRAM.—Eligible producers that received direct payments under section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) for the 2009 crop year and that otherwise meet the requirements of paragraph (1) shall be eligible to receive supplemental payments under that paragraph in an amount equal to 112.5 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) SPECIALTY CROP ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

(2) NOTIFICATION.—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States for disaster counties on a pro rata basis based on the value of specialty crop losses in those counties during the 2009 calendar year, as determined by the Secretary.

(B) ADMINISTRATIVE COSTS.—State Secretary of Agriculture may not use more than five percent of the funds provided for costs associated with the administration of the grants provided in paragraph (1).

(C) ADMINISTRATION OF GRANTS.—State Secretary of Agriculture may enter into a contract with the Department of Agriculture to administer the grants provided in paragraph (1).

(D) TIMING.—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(E) MAXIMUM GRANT.—The maximum amount of a grant made to a State for counties described in paragraph (1)(B) may not exceed $40,000,000.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to issue payments to eligible specialty crop producers;

(B) provide assistance to eligible specialty crop producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(D) RELATION TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(d) COTTONSEED ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $42,000,000 to provide supplemental assistance to eligible producers and first-handlers of the 2009 crop of cottonseed in a disaster county.

(2) GENERAL TERMS.—Except as otherwise provided in this subsection, the Secretary shall provide disaster assistance under this subsection under the same terms and conditions as assistance provided under section 3015 of the Emergency Agricultural Disaster Assistance Act of 2006 (title III of Public Law 109–234; 120 Stat. 477).

(3) DISTRIBUTION OF ASSISTANCE.—The Secretary shall distribute assistance to first handlers for the benefit of eligible producers in a disaster county in an amount equal to the product obtained by multiplying—

(A) the payment rate, as determined under paragraph (4); and

(B) the county-eligible production, as determined under paragraph (5).

(4) PAYMENT RATE.—The payment rate shall be equal to the quotient obtained by dividing—

(A) the total funds made available to carry out this subsection; by

(B) the sum of the county-eligible production, as determined under paragraph (5).

(5) COUNTY-ELIGIBLE PRODUCTION.—The county-eligible production shall be equal to the product obtained by multiplying—

(A) the number of acres planted to cotton in the disaster county, as reported to the Secretary by first handlers;

(B) the expected cotton lint yield for the disaster county, as determined by the Secretary based on the best available information; and

(C) the national average seed-to-lint ratio, as determined by the Secretary based on the best available information for the 5 crop years immediately preceding the 2009 crop, excluding the year in which the average ratio was the highest and the year in which the average ratio was the lowest in such period.

(e) AQUACULTURE ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $25,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2009 calendar year.

(2) NOTIFICATION.—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2009 calendar year, as determined by the Secretary.

(B) TIMING.—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible aquaculture producers;

(B) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided per species of aquaculture; and

(iii) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(5) REDUCTION IN PAYMENTS.—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2009 relating to the same species of aquaculture.

(6) REPORT TO CONGRESS.—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (4)(C).

(f) HAWAII TRANSPORTATION COOPERATIVE.—Notwithstanding any other provision of law, the Secretary shall use $21,000,000 of funds of the Commodity Credit Corporation to make a payment to an agricultural transportation cooperative in the State of Hawaii, the members of which are eligible to participate in the commodity loan program of the Farm Service Agency, for assistance to maintain and develop employment.

(g) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) DEFINITION OF DISASTER COUNTY.—In this subsection:

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration announced by the Secretary in calendar year 2009.

(B) INCLUSION.—The term ''disaster county'' includes a contiguous county.

(2) PAYMENTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $50,000,000 to carry out a program to make payments to eligible producers that had grazing losses in disaster counties in calendar year 2009.

(3) CRITERIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), assistance under this subsection shall be determined under the same criteria as are used to carry out the programs under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(B) DROUGHT INTENSITY.—For purposes of this subsection, an eligible producer shall not be required to meet the drought intensity requirements of section 531(d)(3)(D)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(D)(ii)) and section 901(d)(3)(D)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(D)(ii)).

(4) AMOUNT.—Assistance under this subsection shall be in an amount equal to 1 monthly payment using the monthly payment rate under section 531(d)(3)(B) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(B)) and section 901(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(B)).

(5) RELATION TO OTHER LAW.—An eligible producer that receives assistance under this subsection shall be ineligible to receive assistance for 2009 grazing losses under the program carried out under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(h) EMERGENCY LOANS FOR POULTRY PRODUCERS.—

(1) DEFINITIONS.—In this subsection:

(A) ANNOUNCEMENT DATE.—The term ''announcement date'' means the date on which the Secretary announces the emergency loan program under this subsection.

(B) POULTRY INTEGRATOR.—The term ''poultry integrator'' means a poultry integrator that filed proceedings under chapter 11 of title 11, United States Code, in United States Bankruptcy Court during the 30-day period beginning on December 1, 2008.

(2) LOAN PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $75,000,000, to remain available until expended, for the cost of making no-interest emergency loans available to poultry producers that meet the requirements of this subsection.

(B) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, emergency loans under this subsection shall be subject to such terms and conditions as are determined by the Secretary.

(3) LOANS.—

(A) IN GENERAL.—An emergency loan made to a poultry producer under this subsection shall be for the purpose of providing financing to the poultry producer in response to financial losses associated with the termination or nonrenewal of any contract between the poultry producer and a poultry integrator.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible for an emergency loan under this subsection, not later than 90 days after the announcement date, a poultry producer shall submit to the Secretary evidence that—

(I) the contract of the poultry producer described in subparagraph (A) was not continued; and

(II) no similar contract has been awarded subsequently to the poultry producer.

(ii) REQUIREMENT TO OFFER LOANS.—Notwithstanding any other provision of law, if a poultry producer meets the eligibility requirements described in clause (i), subject to the availability of funds under paragraph (2)(A), the Secretary shall offer to make a loan under this subsection to the poultry producer with a minimum term of 2 years.

(4) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—A poultry producer that receives an emergency loan under this subsection may use the emergency loan proceeds only to repay the amount that the poultry producer owes to any lender for the purchase, improvement, or operation of the poultry farm.

(B) CONVERSION OF THE LOAN.—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(i) STATE AND LOCAL GOVERNMENTS.—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting ''(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)'' before the period at the end.

(j) ADMINISTRATION.—

(1) REGULATIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section and the amendment made by this section.

(B) PROCEDURE.—The promulgation of the regulations and administration of this section and the amendment made by this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(C) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(2) ADMINISTRATIVE COSTS.—Of the funds of the Commodity Credit Corporation, the Secretary may use up to $10,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.

(3) PROHIBITION.—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

SEC. 605. SUMMER EMPLOYMENT FOR YOUTH.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Department of Labor—Employment and Training Administration—Training and Employment Services'' for activities under the Workforce Investment Act of 1998 (''WIA''), $1,000,000,000 shall be available for obligation on the date of enactment of this Act for grants to States for youth activities, including summer employment for youth: Provided, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: Provided further, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed $1,000,000,000: Provided further, That with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting ''age 24'' for ''age 21'': Provided further, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds: Provided further, That an amount that is not more than 1 percent of such amount may be used for the administration, management, and oversight of the programs, activities, and grants carried out with such funds, including the evaluation of the use of such funds: Provided further, That funds available under the preceding proviso, together with funds described in section 801(a) of division A of the American Recovery and reinvestment Act of 2009 (Public Law 111–5), and funds provided in such Act under the heading ''Department of Labor–Departmental Management–Salaries and Expenses'', shall remain available for obligation through September 30, 2011.

SEC. 606. HOUSING TRUST FUND.

(a) FUNDING.—There is hereby appropriated for the Housing Trust Fund established pursuant to section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568), $1,065,000,000, for use under such section: Provided, That of the total amount provided under this heading, $65,000,000 shall be available to the Secretary of Housing

and Urban Development only for incremental project-based voucher assistance to be allocated to States to be used solely in conjunction with grant funds awarded under such section 1338, pursuant to the formula established under section 1338 and taking into account different per unit subsidy needs among states, as determined by the Secretary.

(b) AMENDMENTS.—Section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568) is amended—

(1) in subsection (c)—

(A) in paragraph (4)(A) by inserting after the period at the end the following: ''Notwithstanding any other provision of law, for the fiscal year following enactment of this sentence and thereafter, the Secretary may make such notice available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.'';

(B) in paragraph (5)(C), by striking ''(8)'' and inserting ''(9)''; and

(C) in paragraph (7)(A)—

(i) by striking ''section 1335(a)(2)(B)'' and inserting ''section 1335(a)(1)(B)''; and

(ii) by inserting ''the units funded under'' after ''75 percent of''; and

(2) by adding at the end the following new subsection:

''(k) ENVIRONMENTAL REVIEW.—For the purpose of environmental compliance review, funds awarded under this section shall be subject to section 288 of the HOME Investment Partnerships Act (12 U.S.C. 12838) and shall be treated as funds under the program established by such Act.''.

SEC. 607. THE INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT ACT OF 2010.

(a) SHORT TITLE.—This section may be cited as the ''Individual Indian Money Account Litigation Settlement Act of 2010''.

(b) DEFINITIONS.—In this section:

(1) AMENDED COMPLAINT.—The term ''Amended Complaint'' means the Amended Complaint attached to the Settlement.

(2) LAND CONSOLIDATION PROGRAM.—The term ''Land Consolidation Program'' means a program conducted in accordance with the Settlement and the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) under which the Secretary may purchase fractional interests in trust or restricted land.

(3) LITIGATION.—The term ''Litigation'' means the case entitled Elouise Cobell et al. v. Ken Salazar et al., United States District Court, District of Columbia, Civil Action No. 96–1285 (JR).

(4) PLAINTIFF.—The term ''Plaintiff'' means a member of any class certified in the Litigation.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) SETTLEMENT.—The term ''Settlement'' means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation, as modified by the parties to the Litigation.

(7) TRUST ADMINISTRATION CLASS.—The term ''Trust Administration Class'' means the Trust Administration Class as defined in the Settlement.

(c) PURPOSE.—The purpose of this section is to authorize the Settlement.

(d) AUTHORIZATION.—The Settlement is authorized, ratified, and confirmed.

(e) JURISDICTIONAL PROVISIONS.—

(1) IN GENERAL.—Notwithstanding the limitation of jurisdiction of district courts contained in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction over the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) CERTIFICATION OF TRUST ADMINISTRATION CLASS.—

(A) IN GENERAL.—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court overseeing the Litigation may certify the Trust Administration Class.

(B) TREATMENT.—On certification under subparagraph (A), the Trust Administration Class shall be treated as a class under Federal Rule of Civil Procedure 23(b)(3) for purposes of the Settlement.

(f) TRUST LAND CONSOLIDATION.—

(1) TRUST LAND CONSOLIDATION FUND.—

(A) ESTABLISHMENT.—On final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the ''Trust Land Consolidation Fund''.

(B) AVAILABILITY OF AMOUNTS.—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program; and

(ii) for other costs specified in the Settlement.

(C) DEPOSITS.—

(i) IN GENERAL.—On final approval (as defined in the Settlement) of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund $2,000,000,000 of the amounts appropriated by section 1304 of title 31, United States Code.

(ii) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of clause (i).

(D) TRANSFERS.—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than $60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph 2.

(2) INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.—

(A) ESTABLISHMENT.—On the final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the ''Indian Education Scholarship Holding Fund''.

(B) AVAILABILITY.—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(3) ACQUISITION OF TRUST OR RESTRICTED LAND.—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(4) TREATMENT OF UNLOCATABLE PLAINTIFFS.—A Plaintiff the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5 year period beginning on the date of final approval (as defined in the Settlement) of the Settlement shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(g) TAXATION AND OTHER BENEFITS.—

(1) INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement—

(A) shall not be included in gross income; and

(B) shall not be taken into consideration for purposes of applying any provision of the Internal Revenue Code of 1986 that takes into account excludible income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) OTHER BENEFITS.—Notwithstanding any other provision of law, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource.

SEC. 608. APPROPRIATION OF FUNDS FOR FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION.

(a) DEFINITIONS.—In this section:

(1) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the settlement agreement dated February 18, 2010 (including any modifications agreed to by the parties and approved by the court under that agreement) between certain plaintiffs, by and through their counsel, and the Secretary of Agriculture to resolve, fully and forever, the claims raised or that could have been raised in the cases consolidated in In re Black Farmers Discrimination Litigation, No. 08–511 (D.D.C.), including Pigford claims asserted under section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2209).

(2) PIGFORD CLAIM.—The term ''Pigford claim'' has the meaning given that term in section 14012(a)(3) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2210).

(b) APPROPRIATION OF FUNDS.—There is hereby appropriated to the Secretary of Agriculture $1,150,000,000, to remain available until expended, to carry out the terms of the Settlement Agreement if the Settlement Agreement is approved by a court order that is or becomes final and nonappealable. The funds appropriated by this subsection are in addition to the $100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2212) and shall be available for obligation only after those Commodity Credit Corporation funds are fully obligated. If the Settlement Agreement is not approved as provided in this subsection, the $100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 shall be the sole funding available for Pigford claims.

(c) USE OF FUNDS.—The use of the funds appropriated by subsection (b) shall be subject to the express terms of the Settlement Agreement.

(d) TREATMENT OF REMAINING FUNDS.—If any of the funds appropriated by subsection (b) are not obligated and expended to carry out the Settlement Agreement, the Secretary of Agriculture shall return the unused funds to the Treasury and may not make the unused funds available for any purpose related to section 14012 of the Food, Conservation, and Energy Act of 2008, for any other settlement agreement executed in In re Black Farmers Discrimination Litigation, No. 08–511 (D.D.C.), or for any other purpose.

(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into the Settlement Agreement or any other settlement agreement. Nothing in this section shall be construed as creating the basis for a Pigford claim.

(f) CONFORMING AMENDMENTS.—Section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2209) is amended—

(1) in subsection (c)(1)—

(A) by striking ''subsection (h)'' and inserting ''subsection (g)''; and

(B) by striking ''subsection (i)'' and inserting ''subsection (h)'';

(2) by striking subsection (e);

(3) in subsection (g), by striking ''subsection (f)'' and inserting ''subsection (e)'';

(4) in subsection (i)—

(A) by striking ''(1) IN GENERAL.—Of the funds'' and inserting ''Of the funds''; and

(B) by striking paragraph (2);

(5) by striking subsection (j); and

(6) by redesignating subsections (f), (g), (h), (i), and (k) as subsections (e), (f), (g), (h), and (i), respectively.

SEC. 609. EXPANSION OF ELIGIBILITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS' DISABILITY COMPENSATION TO INCLUDE ALL CHAPTER 61 DISABILITY RETIREES REGARDLESS OF DISABILITY RATING PERCENTAGE OR YEARS OF SERVICE.

(a) PHASED EXPANSION CONCURRENT RECEIPT.—Subsection (a) of section 1414 of title 10, United States Code, is amended to read as follows:

''(a) PAYMENT OF BOTH RETIRED PAY AND DISABILITY COMPENSATION.—

''(1) PAYMENT OF BOTH REQUIRED.—

''(A) IN GENERAL.—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans' disability compensation for a qualifying service-connected disability (in this section referred to as a 'qualified retiree') is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.

''(B) APPLICABILITY OF FULL CONCURRENT RECEIPT PHASE-IN REQUIREMENT.—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree is subject to subsection (c).

''(C) PHASE-IN EXCEPTION FOR 100 PERCENT DISABLED RETIREES.—The payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following qualified retirees:

''(i) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

''(ii) A qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.

''(D) TEMPORARY PHASE-IN EXCEPTION FOR CERTAIN CHAPTER 61 DISABILITY RETIREES; TERMINATION.—Subject to subsection (b), during the period beginning on January 1, 2011, and ending on September 30, 2012, subsection (c) shall not apply to a qualified retiree described in subparagraph (B) or (C) of paragraph (2).

''(2) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section:

''(A) 50 PERCENT RATING THRESHOLD.—In the case of a member or former member receiving retired pay under any provision of law other than chapter 61 of this title, or under chapter 61 with 20 years or more of service otherwise creditable under section 1405 or computed under section 12732 of this title, the term 'qualifying service-connected disability' means a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs. However, during the period specified in paragraph (1)(D), members or former members receiving retired pay under chapter 61 with 20 years or more of creditable service computed under section 12732 of this title, but not otherwise entitled to retired pay under any other provision of this title, shall qualify in accordance with subparagraphs (B) and (C).

''(B) INCLUSION OF MEMBERS NOT OTHERWISE ENTITLED TO RETIRED PAY.—In the case of a member or former member receiving retired pay under chapter 61 of this title, but who is not otherwise entitled to retired pay under any other provision of this title, the term 'qualifying service-connected disability' means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

''(i) January 1, 2011, rated 100 percent, or a rate payable at 100 percent by reason of individual unemployability or rated 90 percent.

''(ii) January 1, 2012, rated 80 percent or 70 percent.

''(iii) January 1, 2013, rated 60 percent or 50 percent.

''(C) ELIMINATION OF RATING THRESHOLD.—In the case of a member or former member receiving retired pay under chapter 61 regardless of being otherwise eligible for retirement, the term 'qualifying service-connected disability' means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

''(i) January 1, 2014, rated 40 percent or 30 percent.

''(ii) January 1, 2015, any rating.

''(3) LIMITED DURATION.—Notwithstanding the effective date specified in each clause of subparagraphs (B) and (C) of paragraph (2), the clause—

''(A) shall apply only if the termination date specified in paragraph (1)(D) would occur during or after the calendar year specified in the clause; and

''(B) shall not apply beyond the termination date specified in paragraph (1)(D).''.

(b) CONFORMING AMENDMENT TO SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.—Subsection (b) of such section is amended to read as follows:

''(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES WHEN ELIGIBILITY HAS BEEN ESTABLISHED FOR SUCH RETIREES.—

''(1) GENERAL REDUCTION RULE.—The retired pay of a member retired under chapter 61 of this title is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the members retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

''(2) CHAPTER 61 RETIREES NOT OTHERWISE ENTITLED TO RETIRED PAY.—

''(A) BEFORE TERMINATION DATE.—If a member with a qualifying service-connected disability (as defined in subsection (a)(2)) is retired under chapter 61 of this title, but is not otherwise entitled to retired pay under any other provision of this title, and the termination date specified in subsection (a)(1)(D) has not occurred, the retired pay of the member is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.

''(B) AFTER TERMINATION DATE.—Subsection (a) does not apply to a member described in subparagraph (A) if the termination date specified in subsection (a)(1)(D) has occurred.''.

(c) CONFORMING AMENDMENT TO FULL CONCURRENT RECEIPT PHASE-IN.—Subsection (c) of such section is amended by striking ''the second sentence of''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 1414. Concurrent receipt of retired pay and veterans' disability compensation''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item related to section 1414 and inserting the following new item:

''1414. Concurrent receipt of retired pay and veterans' disability compensation.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

SEC. 610. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), as amended by section 6 of the Continuing Extension Act of 2010 (Public Law 111–157), is amended—

(1) by striking ''before May 31, 2010''; and

(2) by inserting ''for 2011'' after ''until updated poverty guidelines''.

SEC. 611. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—Subchapter A of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

''(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2010.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

''Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

SEC. 612. STATE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking ''2010'' and inserting ''2011''; and

(2) in subsection (e), by striking ''2010'' and inserting ''2011''.

SEC. 613. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term ''qualifying contract'' means a contract that has not been terminated by the Bureau of Land Management for the sale of timber on lands administered by the Bureau of Land Management that meets all of the following criteria:

(A) The contract was awarded during the period beginning on January 1, 2005, and ending on December 31, 2008.

(B) There is unharvested volume remaining for the contract.

(C) The contract is not a salvage sale.

(D) The Secretary determined there is not an urgent need to harvest under the contract due to deteriorating timber conditions that developed after the award of the contract.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) TIMBER PURCHASER.—The term ''timber purchaser'' means the party to the qualifying contract for the sale of timber from lands administered by the Bureau of Land Management.

(b) MARKET-RELATED CONTRACT EXTENSION OPTION.—Upon a timber purchaser's written request, the Secretary may make a one-time modification to the qualifying contract to add 3

years to the contract expiration date if the written request—

(1) is received by the Secretary not later than 90 days after the date of enactment of this Act; and

(2) contains a provision releasing the United States from all liability, including further consideration or compensation, resulting from the modification under this subsection of the term of a qualifying contract.

(c) REPORTING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing a plan and timeline to promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(d) REGULATIONS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(e) NO SURRENDER OF CLAIMS.—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b).

SEC. 614. EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED SURFACE TRANSPORTATION PROGRAMS.

(a) MODIFICATION OF ALLOCATION RULES.—Section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 80) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''1301, 1302,''; and

(ii) by striking ''1198, 1204,''; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking ''apportioned under sections 104(b) and 144 of title 23, United States Code,'' and inserting ''specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),''; and

(ii) in clause (ii) by striking ''apportioned under such sections of such Code'' and inserting ''specified in such section 105(a)(2) (except the high priority projects program)'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''1301, 1302,''; and

(ii) by striking ''1198, 1204,''; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking ''apportioned under sections 104(b) and 144 of title 23, United States Code,'' and inserting ''specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),''; and

(ii) in clause (ii) by striking ''apportioned under such sections of such Code'' and inserting ''specified in such section 105(a)(2) (except the high priority projects program)''; and

(3) by adding at the end the following:

''(5) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAMS.—

''(A) REDISTRIBUTION AMONG STATES.—Notwithstanding sections 1301(m) and 1302(e) of SAFETEA–LU (119 Stat. 1202 and 1205), the Secretary shall apportion funds authorized to be appropriated under subsection (b) for the projects of national and regional significance program and the national corridor infrastructure improvement program among all States such that each State's share of the funds so apportioned is equal to the State's share for fiscal year 2009 of funds apportioned or allocated for the programs specified in section 105(a)(2) of title 23, United States Code.

''(B) DISTRIBUTION AMONG PROGRAMS.—Funds apportioned to a State pursuant to subparagraph (A) shall be—

''(i) made available to the State for the programs specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program), and in the same proportion for each such program that—

''(I) the amount apportioned to the State for that program for fiscal year 2009; bears to

''(II) the amount apportioned to the State for fiscal year 2009 for all such programs; and

''(ii) administered in the same manner and with the same period of availability as funding is administered under programs identified in clause (i).''.

(b) EXPENDITURE AUTHORITY FROM HIGHWAY TRUST FUND.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended by striking ''Surface Transportation Extension Act of 2010'' and inserting ''American Jobs and Closing Tax Loopholes Act of 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of enactment of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 78 et seq.) and shall be treated as being included in that Act at the time of the enactment of that Act.

(d) SAVINGS CLAUSE.—

(1) IN GENERAL.—For fiscal year 2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010, the amount of funds apportioned to each State under section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111–147) that is determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out the projects of national and regional significance program and national corridor infrastructure improvement program shall be the greater of—

(A) the amount that the State was authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program according to the provisions of that Act, as in effect on the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program pursuant to the provisions of that Act, as amended by the amendments made by this section.

(2) OBLIGATION AUTHORITY.—For fiscal year 2010, the amount of obligation authority distributed to each State shall be the greater of—

(A) the amount that the State was authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the date of enactment of this Act.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this subsection.

(4) INCREASE IN OBLIGATION LIMITATION.—The limitation under the heading ''Federal-aid Highways (Limitation on Obligations) (Highway Trust Fund)'' in Public Law 111–117 is increased by such sums as may be necessary to carry out this subsection.

(5) CONTRACT AUTHORITY.—Funds made available to carry out this subsection shall be available for obligation and administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(6) AMOUNTS.—The dollar amount specified in section 105(d)(1) of title 23, United States Code, the dollar amount specified in section 120(a)(4)(B) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117), and the dollar amount specified in section 120(b)(10) of such title shall each be increased as necessary to carry out this subsection.

SEC. 615. COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM.

(a) IN GENERAL.—Section 278(a) of the Trade Act of 1974 (19 U.S.C. 2372(a)) is amended by adding at the end the following:

''(3) RULE OF CONSTRUCTION.—For purposes of this section, any reference to 'workers', 'workers eligible for training under section 236', or any other reference to workers under this section shall be deemed to include individuals who are, or are likely to become, eligible for unemployment compensation as defined in section 85(b) of the Internal Revenue Code of 1986, or who remain unemployed after exhausting all rights to such compensation.''.

(b) DEFINITION OF ELIGIBLE INSTITUTION.—Section 278(b)(1) of the Trade Act of 1974 (19 U.S.C. 2372(b)(1)) is amended—

(1) by striking ''section 102'' and inserting ''section 101(a)''; and

(2) by striking ''1002'' and inserting ''1001(a)''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 279 of the Trade Act of 1974 (19 U.S.C. 2372a) is amended—

(1) in subsection (a), by striking the last sentence; and

(2) by adding at the end the following:

''(c) ADMINISTRATIVE AND RELATED COSTS.—The Secretary may retain not more than 5 percent of the funds appropriated under subsection (b) for each fiscal year to administer, evaluate, and establish reporting systems for the Community College and Career Training Grant program under section 278.

''(d) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under subsection (b) shall be used to supplement and not supplant other Federal, State, and local public funds expended to support community college and career training programs.

''(e) AVAILABILITY.—Funds appropriated under subsection (b) shall remain available for the fiscal year for which the funds are appropriated and the subsequent fiscal year.''.

SEC. 616. EXTENSIONS OF DUTY SUSPENSIONS ON COTTON SHIRTING FABRICS AND RELATED PROVISIONS.

(a) EXTENSIONS.—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking the date in the effective date column and inserting ''12/31/2013'':

(1) Heading 9902.52.08 (relating to woven fabrics of cotton).

(2) Heading 9902.52.09 (relating to woven fabrics of cotton).

(3) Heading 9902.52.10 (relating to woven fabrics of cotton).

(4) Heading 9902.52.11 (relating to woven fabrics of cotton).

(5) Heading 9902.52.12 (relating to woven fabrics of cotton).

(6) Heading 9902.52.13 (relating to woven fabrics of cotton).

(7) Heading 9902.52.14 (relating to woven fabrics of cotton).

(8) Heading 9902.52.15 (relating to woven fabrics of cotton).

(9) Heading 9902.52.16 (relating to woven fabrics of cotton).

(10) Heading 9902.52.17 (relating to woven fabrics of cotton).

(11) Heading 9902.52.18 (relating to woven fabrics of cotton).

(12) Heading 9902.52.19 (relating to woven fabrics of cotton).

(13) Heading 9902.52.20 (relating to woven fabrics of cotton).

(14) Heading 9902.52.21 (relating to woven fabrics of cotton).

(15) Heading 9902.52.22 (relating to woven fabrics of cotton).

(16) Heading 9902.52.23 (relating to woven fabrics of cotton).
(17) Heading 9902.52.24 (relating to woven fabrics of cotton).
(18) Heading 9902.52.25 (relating to woven fabrics of cotton).
(19) Heading 9902.52.26 (relating to woven fabrics of cotton).
(20) Heading 9902.52.27 (relating to woven fabrics of cotton).
(21) Heading 9902.52.28 (relating to woven fabrics of cotton).
(22) Heading 9902.52.29 (relating to woven fabrics of cotton).
(23) Heading 9902.52.30 (relating to woven fabrics of cotton).
(24) Heading 9902.52.31 (relating to woven fabrics of cotton).

(b) EXTENSION OF DUTY REFUNDS AND PIMA COTTON TRUST FUND; MODIFICATION OF AFFIDAVIT REQUIREMENTS.—Section 407 of title IV of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3060) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''amounts determined by the Secretary'' and all that follows through ''5208.59.80'' and inserting ''amounts received in the general fund that are attributable to duties received since January 1, 2004, on articles classified under heading 5208''; and

(B) in paragraph (2), by striking ''October 1, 2008'' and inserting ''December 31, 2013'';

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting ''annually'' after ''provided''; and

(B) in paragraph (1), by inserting ''during the year in which the affidavit is filed and'' after ''imported cotton fabric''; and

(3) in subsection (f)—

(A) in the matter preceding paragraph (1), by inserting ''annually'' after ''provided''; and

(B) in paragraph (1), by inserting ''during the year in which the affidavit is filed and'' after ''United States''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and apply with respect to affidavits filed on or after such date of enactment.

SEC. 617. MODIFICATION OF WOOL APPAREL MANUFACTURERS TRUST FUND.

(a) IN GENERAL.—Section 4002(c)(2)(A) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429; 118 Stat. 2600) is amended by striking ''chapter 51'' and inserting ''chapter 62''.

(b) FULL RESTORATION OF PAYMENT LEVELS IN FISCAL YEAR 2010.—

(1) TRANSFER OF AMOUNTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall transfer to the Wool Apparel Manufacturers Trust Fund, out of the general fund of the Treasury of the United States, amounts determined by the Secretary of the Treasury to be equivalent to amounts received in the general fund that are attributable to the duty received on articles classified under chapter 62 of the Harmonized Tariff Schedule of the United States, subject to the limitation in subparagraph (B).

(B) LIMITATION.—The Secretary of the Treasury shall not transfer more than the amount determined by the Secretary to be necessary for—

(i) U.S. Customs and Border Protection to make payments to eligible manufacturers under section 4002(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amount of such payments, when added to any other payments made to eligible manufacturers under section 4002(c)(3) of such Act for calendar year 2010, equal the total amount of payments authorized to be provided to eligible manufacturers under section 4002(c)(3) of such Act for calendar year 2010; and

(ii) the Secretary of Commerce to provide grants to eligible manufacturers under section 4002(c)(6) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amounts of such grants, when added to any other grants made to eligible manufacturers under section 4002(c)(6) of such Act for calendar year 2010, equal the total amount of grants authorized to be provided to eligible manufacturers under section 4002(c)(6) of such Act for calendar year 2010.

(2) PAYMENT OF AMOUNTS.—U.S. Customs and Border Protection shall make payments described in paragraph (1) to eligible manufacturers not later than 30 days after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund. The Secretary of Commerce shall promptly provide grants described in paragraph (1) to eligible manufacturers after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund.

(c) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to affect the availability of amounts transferred to the Wool Apparel Manufacturers Trust Fund before the date of the enactment of this Act.

SEC. 618. DEPARTMENT OF COMMERCE STUDY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall report to Congress detailing—

(1) the pattern of job loss in the New England, Mid-Atlantic, and Midwest States over the past 20 years;

(2) the role of the off-shoring of manufacturing jobs in overall job loss in the regions; and

(3) recommendations to attract industries and bring jobs to the region.

SEC. 619. ARRA PLANNING AND REPORTING.

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 287) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by inserting ''PLANS AND'' after ''AGENCY'';

(B) by striking ''Not later than'' and inserting the following:

''(1) DEFINITION.—In this subsection, the term 'covered program' means a program for which funds are appropriated under this division—

''(A) in an amount that is—

''(i) more than $2,000,000,000; and

''(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

''(B) that did not exist before the date of enactment of this Act.

''(2) PLANS.—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

''(A) a description of the goals for the covered program using recovery funds;

''(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

''(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

''(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

''(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

''(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

''(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

''(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

''(3) REPORTS.—

''(A) IN GENERAL.—Not later than''; and

(C) by adding at the end the following:

''(B) REPORTS ON PLANS.—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

''(i) discusses the progress of the agency in implementing the plan;

''(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

''(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

''(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

''(v) discusses—

''(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

''(II) if the covered program has failed to meet the milestones, the reasons why; and

''(III) any changes in the milestones for the covered program, including the reasons for the change;

''(vi) discusses the performance of the covered program, including—

''(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

''(II) if the covered program has failed to meet the performance measures, the reasons why; and

''(III) any trends in information relating to the performance of the covered program; and

''(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.'';

(2) in subsection (f)—

(A) by striking ''Within 180 days'' and inserting the following:

''(1) IN GENERAL.—Within 180 days''; and

(B) by adding at the end the following:

''(2) PENALTIES.—

''(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the Attorney General may bring a civil action in an appropriate United States district court against a recipient of recovery funds from an agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. In a civil action under this paragraph, the court may impose a civil penalty on a recipient of recovery funds in an amount not more than $250,000. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

''(B) NOTIFICATION.—

''(i) IN GENERAL.—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

''(ii) LIMITATION.—A court may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

''(C) CONSIDERATIONS.—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, a court shall consider—

''(i) the number of times the recipient has failed to provide the information required under subsection (c);

''(ii) the amount of recovery funds provided to the recipient;

''(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

''(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

''(D) APPLICABILITY.—This paragraph shall apply to any report required to be submitted on or after the date of enactment of this paragraph.

''(E) NONEXCLUSIVITY.—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

''(3) TECHNICAL ASSISTANCE.—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

''(4) PUBLIC LISTING.—

''(A) IN GENERAL.—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), the Board shall make available on the website established under section 1526 a list of all recipients of recovery funds that did not provide the information required under subsection (c) for the calendar quarter.

''(B) CONTENTS.—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the Board, the reason for noncompliance.

''(5) REGULATIONS AND REPORTING.—

''(A) REGULATIONS.—Not later than 90 days after the date of enactment of this paragraph, the Attorney General, in consultation with the Director of the Office of Management and Budget and the Chairperson, shall promulgate regulations regarding implementation of this section.

''(B) REPORTING.—

''(i) IN GENERAL.—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include—

''(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

''(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

''(III) any other information determined appropriate by the Director.''; and

(3) by adding at the end the following:

''(i) TERMINATION.—The reporting requirements under this section shall terminate on September 30, 2013.''.

TITLE VII—BUDGETARY PROVISIONS

SEC. 701. BUDGETARY PROVISIONS.

(a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

(b) EMERGENCY DESIGNATIONS.—Sections 501, 511, and 516—

(1) are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g));

(2) in the House of Representatives, are designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, are designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

The SPEAKER pro tempore. The motion shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I yield myself 4 minutes.

We will be voting on two amendments. I want to comment first on that relating to jobs. It is major job legislation. Included are billions for financing infrastructure, Build America Bonds. And here is what one school district said. I read it because it applies to school districts, to communities, to people throughout this country.

The Build America Bonds have been used in virtually every State, probably in most counties. Here is what one superintendent said.

''Build America Bonds proved to be a brass tacks approach to address critical needs in our school district such as new school buses, roof replacements, and technology upgrades. Relief provided by BABs allowed us to ensure taxpayers a lower interest rate while at the same time putting people to work.''

There is also authority for other important bonds. There are tax incentives in this bill for business relating to jobs. The R&D tax credit, the biodiesel tax credit. There is a provision, it's an incentive for retailers to invest in their real estate, infrastructure, building jobs, and also provisions to help U.S. companies compete overseas, not taking their jobs overseas, and allowing manufacturers to use AMT tax credits, otherwise unused for investment in the United States of America and for jobs in the United States of America.

SBA loans to small businesses, summer jobs programs, overall more than $26 billion here for job creation, as well as for individual tax relief.

We essentially pay for this bill with a provision where you invest your own money, you get a capital gains. If you manage other people's money, ordinary income. We phase it in so that there will be a period of time for this to occur, as well as closing loopholes in the use of foreign credit so companies don't shift their jobs overseas.

The second part of this amendment relates to unemployment insurance. I will say this very, very briefly. Those who vote ''no'' are essentially going to say to millions of workers in this country, Your benefits will not be available even though you are looking for work.

The second amendment relates to SGR, and this relates not only to physicians, but most importantly to the families that they treat. If we don't act, there will be a 21 percent cut in reimbursement for physicians and also for military families. Now, this is provided by statutory PAYGO.

□ 1145

So colleagues, the choice is clear. This is about American jobs, this is for unemployment for those looking for work who can't find it, and it's for physicians to avoid a 21 percent cut. This is not only about physicians, but their patients under Medicare.

We must act; we must move on this now. The Senate will then have to move quickly when they return. We must stand on the side of supporting American jobs and preventing outsourcing of those jobs.

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

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

Let's be clear about what we are doing here today, and, that is, absolutely nothing. This bill is going nowhere. It will not be signed into law, and it will be totally rewritten in the Senate. Majority Leader REID made that perfectly clear on the floor of the Senate last night. So if you want to walk a $54.2 billion deficit-increasing, tax-hiking, job-killing plank, vote ''yes.'' If not, vote ''no.''

Let's also be clear that this bill has nothing to do with jobs. In fact, virtually every business group is opposed to this package: the Chamber of Commerce, Home Builders, Associated General Contractors, the National Federation of Independent Businesses, the National Association of Manufacturers, and the list goes on and on. Employers across the country say this bill will hurt our economic recovery. With employment stuck at nearly 10 percent, this is the last bill this House should be passing.

And here we are addressing yet another fundamental flaw in the Democrats' health care overhaul. Had the Democrats not hidden the true cost of that law, we would not be here today voting on another so-called ''doc fix,'' a fix that expands the deficit by $22.9 billion, kicks the can 19 months down the road, has doctors facing a 33 percent cut in 2012, and will force us to spend billions more. We could have paid for a much better package—like the ones the Republicans offered on the House floor last fall—by simply standing up to the trial lawyers and passing commonsense lawsuit reform.

Let's also be honest about the real deficit impact because it is much, much more than the $54.2 billion we have before us. Every Member of this House knows we will be back voting again to increase the deficit in order to again extend these programs and to extend COBRA and FMAP subsidies, both of which were deleted from the bill early this morning. Now, whether you eat the cookie in one bite or several little bites, it has the same number of calories. We owe it to ourselves and to the American people to be honest about just how much deficit spending we're being asked to swallow.

Given that this bill adds $54.2 billion to the deficit but is somehow PAYGO compliant, I think we can officially declare dead the myth that PAYGO will instill fiscal discipline.

So just what are we getting for this deficit spending? Not jobs and not tax cuts. There is no net tax relief before us today. In fact, the Democrats are imposing permanent tax increases at the worst possible time to pay for temporary extensions of current law.

There is a $17.7 billion tax on carried interest, including real estate partnerships and venture capital firms, that would discourage the entrepreneurial risk-taking that is crucial to economic growth and job creation.

The proposed tax on small business income is perhaps even more troubling. President Obama himself claims that 70 percent of new jobs come from small businesses, yet the bill would increase taxes on certain small businesses by subjecting to employment taxes the business profits as opposed to wages.

The bill also includes more than a half dozen complex changes to our international tax rules. These new changes collectively raise close to $15 billion but have not been reviewed by the Ways and Means Committee. Given the desperate shape of our economy and the need to remain competitive with other countries, we should not be rushing forward with massive tax increases without knowing their exact impact.

I urge my colleagues to vote ''no'' on increasing the deficit by over $50 billion and to vote ''no'' on raising taxes permanently when unemployment is stuck at nearly 10 percent.

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

Mr. LEVIN. Mr. Speaker, it is now my privilege to yield 2 minutes to the distinguished chairman of the Energy and Commerce Committee, Mr. WAXMAN.

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. I want to urge my colleagues to vote for the part of this legislation that would update the SGR, which is the payment for physicians under the Medicare program. It's absolutely critical to do this if we are going to keep doctors in Medicare and keep the promise to Medicare beneficiaries that they will have access to physicians' services.

This provision will provide a moderate increase in physician fees, 2.2 percent for the rest of this year, another 1 percent next year. If we don't act, doctors' fees will be cut by 21 percent from where they are today. This would be unconscionable.

The truth is we should be doing a lot more than this. We should have had a permanent fix of the SGR issue. We need to ensure stability for the Medicare patients and their doctors. After we pass this, we will go back and address that issue, but it is important that we adopt the SGR part.

Finally, I want to express my deep regret that we are not including two provisions that are essential to the fiscal security of those hardest hit by the recession: an extension of COBRA coverage and a 6-month extension of the Medicaid matching increase that helps States cope with the effects of this recession. Failing to do this will cost jobs and hurt vulnerable people. I hope this is not our final action on this subject.

At least let's do what we can today. Support the physician payment improvement and support the bill.

In addition, here is some additional specific information about the new 340B–1 program. Under it, covered entities will receive discounts on covered inpatient drugs in cases where the drug is provided to a patient who does not have health insurance coverage that provides prescription drug coverage in the inpatient setting with respect to such covered drug.

The intent of Congress is that the Secretary implement and operate the 340B and 340B–1 programs in such a manner as to minimize the burden for providers and manufacturers who will be participating in both programs, and ensure the efficiency and integrity of the programs. Thus, 340B–1 Program has been specifically designed to permit the Secretary to operate it under the same general rules and conditions as the 340B Program.

To the extent that a drug is a covered drug under both the 340B and 340B–1 program, the drug's AMP and ceiling price are required to be the same in each program. If a drug is a covered drug in the 340B–1 program, but not the 340B program, the Secretary must use methods to determine the AMP or ceiling prices that are the same, or as applicable, similar to, the methods that would be used to make these calculations under the 340B program.

Two unique aspects of the 340B–1 inpatient drug program present challenges for hospitals and other participating entities. In many cases inpatient drugs are often included, for billing and other purposes, as part of a bundled price for medical procedures. In addition, 340B–1 discounted inpatient drugs are only available for patients that do no have health plan coverage that provides prescription drug coverage in the inpatient setting with respect to such covered drug. However, in many cases, particularly in emergency situations, hospitals or other participating entities might have no knowledge of a patient's insurance status (or information about whether a patient has health plan coverage that covers a drug in the inpatient setting) at the time the drug is administered. The Committee intends that in implementing this section, HRSA take these unique circumstances into account and act to make certain that participating entities can fully participate and receive discounts for all covered drugs in the 340B–1 program.

Section 518 contains a conforming amendment to section 340B(A)(1) of the Public Health Services Act regarding circumstances where the supply of a 340B drug is insufficient to meet demand. New paragraphs 340B–1(a)(1)(B) and 340B–1(a)(1)(C) contain identical language. These paragraphs in sections 340B and 340B–1 contain ''must offer'' language. Under these 340B and 340B–1 ''must offer'' provisions, manufacturers may not discriminate against or refuse to sell to 340B or 340B–1 entities at the 340B or 340B–1 price. The intent of these provisions is to codify HRSA's current approach to handling the ''must offer'' provisions of the 340B law, and to require that HRSA use this same approach for drugs covered under section 340B–1. Under this current HRSA approach, codified in this legislation, in cases where there may be a drug shortage, 340B and 340B–1 entities do not automatically go to the front of the line. But the manufacturer cannot send them to the back of the line either. With regard to supply shortages and drug availability, manufacturers must treat 340B and 340B–1 entities the same way they treat all their other customers. This language also contains a requirement for Secretarial approval of manufacturers' plans for cases where drug shortages exist. The timing of these approvals is at the discretion of the Secretary.

New section 340B–1 and a conforming amendment to section 340B allow the HHS Secretary to combine manufacturers' agreements for the 340B and 340B–1 program. However, unless specifically mentioned in the 340B conforming amendments in this legislation, this legislation is not intended to change the operations of the 340B program.

Nothing in section 340B or 340B–1 requires that hospitals and other qualifying entities participate in both the 340B and 340B–1 program. Participating entities may, at their discretion, participate in either, neither, or both programs.

Mr. CAMP. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. I thank the gentleman for yielding and for his outstanding leadership.

This is a challenging time in the life of this country. Families are hurting, businesses in the city and on the farm are struggling. It's the worst recession in the last 25 years, and from Washington, D.C., failed economic policies.

So what do you do after your Big Government stimulus bill is a failure? Well, apparently the answer in this Congress is pass another one. Really, seriously. About a year and a half ago, with the support of this administration, Democrats in Congress passed a $1 trillion stimulus bill. Unemployment was at 7.5 percent, and we were told we had to borrow $1 trillion from future generations of Americans for this liberal wish list of spending priorities or unemployment would go over 8 percent. Unemployment now, as we all

know, is hovering at a painful 10 percent.

But after the stimulus bill was passed and failed, we came to March of this year, and the Democrats' answer was pass another stimulus bill built on the same economic policies, the HIRE Act, $17.6 billion. And now after the ''stimulus'' bill and after ''son of stimulus'' bill, we are now considering ''grandson of stimulus,'' and the American people are getting tired of it.

Democrats literally want us to take the same failed economic policies of this administration of the last year and a half and spend another $102 billion. This ''grandson of stimulus'' is another last-minute, patched-together hodgepodge effort to say they're working on jobs that will tack $54 billion onto our deficit and will increase taxes by more than $47 billion. They throw on $23 billion in there for a doc fix with no offsets. This is what Democrats actually kept out of the recent health care legislation to keep it under it's so-called ''$1 trillion'' number. It really doesn't fix anything.

As the ranking member of the committee just said, we've got temporary extensions paid for with permanent tax increases, and the American people are catching on. But this is what happens when a Democrat majority has no budget and no plan and no vision to get America working again. We've seen this movie before: ''Stimulus'' fails, ''Son of Stimulus'' fails, and now, as we all prepare to leave the Congress this weekend and remember those who fell defending our freedom at home and abroad, ''Grandson of Stimulus'' is on the floor.

Look, it's time for some new ideas here on the floor. I say to my colleagues, men and women that I respect, who have all earned the right to be here, why don't we try something completely different. How about fiscal discipline in Washington, D.C. right now? And how about let's do what John F. Kennedy did; let's do what Ronald Reagan did: across-the-board tax relief for working families, small businesses, and family farms. Get government under control, get government out of the way, and this economy will come roaring back.

Mr. LEVIN. It is now my privilege to yield 2 minutes to the chairman of the Transportation and Infrastructure Committee—this is about infrastructure and transportation—JIM OBERSTAR.

Mr. OBERSTAR. Thank you, Mr. Chairman.

I strongly support this legislation extending Build America bonds and marketable distribution of highway funding. Build America bonds allow taxable bond access for State and local governments, create new types of investors, and attract them to infrastructure from pension funds and tax-exempt organizations.

This bill also provides $521 million in highway funding for highway and transit for more equitable distribution of Federal funding than was adopted under the Senate language in the HIRE Act.

The Senate revisions earmark funding under two major discretionary programs—Projects of National Regional Significance and the National Corridor Program—for a small select group of States. Under our distribution, we revise and make equitable the Senate revisions which skewed the highway formula. Under this provision in this bill, every State receives its fair share, apportionment share, of the funds available under these programs.

Thirty-seven States will receive more highway and transit funding through this modification, which will produce thousands of jobs across all these States, 18,000 jobs. In contrast to the gentleman who just recently was before me and said, oh, the stimulus hasn't produced jobs, every month our committee has held a hearing—I have chaired 19 hearings—every month to hold States accountable for the jobs produced under our stimulus program: 1,300,000 jobs, 34,000 lane miles of highway improved, 1,262 bridges repaired, replaced or rebuilt, 10,000 transit buses acquired by local transit agencies, $409 million in taxes paid by workers on job sites. That is a success. That is putting America back to work.

I rise today in strong support of H.R. 4213, the ''American Jobs and Closing Tax Loopholes Act of 2010''.

The American Jobs Act includes two major provisions to increase investment in our nation's infrastructure: (1) an extension of authority for Build America Bonds and (2) provisions to require a more equitable distribution of certain categories of Federal highway funding.

H.R. 4213 extends the Build America Bonds program for 2 years, through 2012. Build America Bonds were first authorized by the American Recovery and Reinvestment Act of 2009 to assist State and local governments in accessing credit markets in the wake of the financial crisis. Specifically, Build America Bonds allow State and local governments to access the taxable bond market, thereby reaching new types of investors such as pension funds and tax-exempt organizations.

By giving State and local governments a choice between accessing the tax-exempt municipal bond market and the taxable bond market to meet their financing needs, Build America Bonds allow State and local governments to select the bond market that provides the lowest financing cost, and the biggest bang for the buck.

Build America Bonds have proven to be an important tool for State and local governments to finance much-needed infrastructure improvements. As of April 30, 2010, State and local governments have used Build America Bonds to finance more than $96 billion in infrastructure projects, including improvements to schools, hospitals, water and sewer utilities, highways, transit, and airports. I strongly support the extension of this program.

H.R. 4213 also provides an additional $521 million of highway funding to allow for a more equitable distribution of certain categories of Federal highway funding than the distribution of highway funding provided under the Hiring Incentives to Restore Employment (HIRE) Act.

In March, the majority of the House voted to pass the HIRE Act based, in part, on an express commitment by Senate Majority Leader REID that the Senate would pass subsequent jobs legislation to distribute highway funding more equitably—according to the House formula.

The highway formula provisions in this jobs bill implement Majority Leader REID's commitment. I thank him, Speaker PELOSI, and Majority Leader HOYER for their tireless work to resolve this issue and provide each State and highway program with a fair share of highway formula funding.

I would also like to thank the 55 Democratic first- and second-term Members, led by the gentleman from New York (Mr. MCMAHON) and the gentleman from Ohio (Mr. DRIEHAUS), and the Members of the Committee on Transportation and Infrastructure, led by the gentlewoman from Texas (Ms. JOHNSON), the gentleman from Michigan (Mr. SCHAUER), and the gentleman from Ohio (Mr. BOCCIERI), for their instrumental work in spearheading efforts to marshal support for enactment of the highway formula provisions included in H.R. 4213. In addition, I thank the Members of the Illinois, California, and other affected State delegations for helping us reach the compromise that we bring to the Floor today.

The Senate revisions of the HIRE Act earmarked funding under two major highway discretionary programs—the Project of National and Regional Significance, PNRS, program and the National Corridor Infrastructure Improvement, National Corridor, program—for a small, select group of States. Under this distribution, four States received 58 percent of the funding and 21 States received nothing.

The treatment of these programs in the Senate revisions of the HIRE Act skewed the highway formula, significantly benefitting four States with a permanent windfall due to these earmarks.

The provisions in H.R. 4213 revise the distribution of PNRS and National Corridor program funding so that every State receives a fair share of the funds made available under these programs. Specifically, H.R. 4213 provides each State with a share of the PNRS and National Corridor funds equal to the greater of that which the State received under the HIRE Act or under H.R. 4213, the American Jobs Act.

Thirty-seven States receive more highway dollars based on the modification to the distribution of highway formula funding included in H.R. 4213. This new highway funding will produce thousands of jobs across these States—jobs that are critically important to the construction sector currently suffering from 21.8 percent unemployment.

Under the Recovery Act, we have clearly seen States demonstrate their ability to put highway and transit dollars to work quickly to create and sustain jobs—322,000 direct, on-project jobs in the first year of the Recovery Act and 49,000 direct jobs last month alone. In total, these highway and transit funds have created and sustained more than 1 million jobs over the past year.

In December, the American Association of State Highway and Transportation Officials reported to our Committee that States currently have a backlog of 7,497 ready-to-go highway and bridge projects totaling $47.3 billion.

Given the States' extraordinary performance under the Recovery Act and the overwhelming highway investment needs, we can expect that the highway funding provided under H.R. 4213 will result in hundreds of projects under contract—with shovels in the ground—within 90 days.

Based upon Federal Highway Administration estimates, the $521 million of additional funding provided under H.R. 4213 will create more than 18,000 family-wage jobs.

The HIRE Act also distributed ''additional'' formula funding (provided in lieu of additional Congressionally-directed projects) among only six of 13 current State highway formula programs.

In doing so, it effectively designated seven programs—the Appalachian Development Highway System, Rail-Highway Grade Crossing, Equity Bonus, Recreational Trails, Safe Routes to School, Coordinated Border Infrastructure, and Metropolitan Planning programs—as ''second tier'' programs, providing them less funding in FY 2010 and FY 2011 and weakening their standing during the ongoing authorization process.

The highway provisions in H.R. 4213 appropriately recognize the standing of all of the current highway formula programs: distributing ''additional'' formula funding through all current State highway formula programs, rather than just six. This modification is critically important to the Appalachian Development Highway System, Metropolitan Planning, and Safe Routes to School programs.

Today narks the third time that the House will vote on language to revise the HIRE Act's highway funding distribution, which this chamber has twice passed language to amend. With the rock-solid commitment of the House Democratic Leadership and Senate Majority Leader REID, I look forward to enacting the highway formula modifications included in H.R. 4213 and providing every State with a fair share of the funds distributed under these programs as they begin to move forward with their summer highway construction seasons.

I urge my colleagues to join me in supporting H.R. 4213, the ''American Jobs and Closing Tax Loopholes Act of 2010''.

Attached is a state-by-state highway funding table outlining the additional funding provided by H.R. 4213.

HIGHWAY AND BRIDGE FORMULA FUNDING BY STATE UNDER SURFACE TRANSPORTATION EXTENSION ACTS HIRE ACT VS. H.R. 4213, THE ''AMERICAN JOBS ACT OF 2010''—MAY 27, 2010

37 STATES FARE BETTER UNDER THE AMERICA JOBS ACT THAN UNDER THE HIRE ACT

[No State receives less under the American Jobs Act than under the HIRE Act]

State	HIRE act [1]	H.R. 4213, American jobs act [2]	Increase/(decrease) Under H.R. 4213
Alabama	$1,160,135,018	$1,178,768,813	$18,633,795
Alaska	700,070,601	703,484,406	3,413,805
Arizona	1,119,833,846	1,137,317,569	17,483,723
Arkansas	780,938,284	780,938,284	0
California	5,548,334,984	5,548,334,984	0
Colorado	808,562,089	808,562,089	0
Connecticut	771,124,583	774,468,106	3,343,523
Delaware	254,115,413	258,166,183	4,050,770
Dist. of Col.	241,637,283	241,637,283	0
Florida	2,901,459,068	2,948,516,503	47,057,435
Georgia	1,991,725,595	2,023,498,871	31,773,276
Hawaii	258,011,916	262,133,940	4,122,024
Idaho	436,473,412	443,558,991	7,085,579
Illinois	2,133,468,322	2,133,468,322	0
Indiana	1,454,478,216	1,473,826,863	19,348,648
Iowa	721,928,309	731,252,426	9,324,118
Kansas	582,189,917	591,518,358	9,328,441
Kentucky	1,012,890,986	1,027,305,950	14,414,964
Louisiana	1,045,633,419	1,045,633,419	0
Maine	280,240,625	284,757,226	4,516,601
Maryland	918,077,359	930,393,685	12,316,326
Massachusetts	935,232,711	950,187,222	14,954,511
Michigan	1,628,896,250	1,649,577,451	20,681,201
Minnesota	969,838,993	969,838,993	0
Mississippi	730,280,701	740,066,612	9,785,911
Missouri	1,422,349,455	1,444,428,478	22,079,023
Montana	595,326,967	604,421,087	9,094,120
Nebraska	439,714,255	446,827,117	7,112,863
Nevada	509,981,437	517,716,094	7,734,658
New Hampshire	255,499,273	259,619,857	4,120,584
New Jersey	1,522,180,325	1,522,180,325	0
New Mexico	558,845,157	564,388,783	5,543,626
New York	2,585,021,983	2,601,114,874	16,092,891
North Carolina	1,600,085,980	1,625,905,549	25,819,569
North Dakota	376,542,187	382,541,944	5,999,758
Ohio	2,046,630,272	2,071,931,711	25,301,439
Oklahoma	958,778,621	958,778,621	0
Oregon	747,025,067	747,025,067	0
Pennsylvania	2,533,737,942	2,561,421,751	27,683,809
Rhode Island	328,209,791	333,303,797	5,094,006
South Carolina	960,038,143	962,956,224	2,918,081
South Dakota	423,697,858	430,371,013	6,673,155
Tennessee	1,286,665,098	1,286,665,098	0
Texas	4,835,326,375	4,912,212,474	76,886,099
Utah	482,941,887	490,736,905	7,795,018
Vermont	299,846,556	304,031,221	4,184,665
Virginia	1,550,364,905	1,550,364,905	0
Washington	1,021,098,782	1,021,098,782	0
West Virginia	660,653,936	660,653,936	0
Wisconsin	1,135,046,618	1,138,278,090	3,231,471
Wyoming	389,303,475	395,692,926	6,389,451
Total	58,910,490,244	59,431,879,178	521,388,934

[1] The Surface Transportation Extension Act of 2010, title IV of P.L. 111–147, the ''Hiring Incentives to Restore Employment Act'' (HIRE Act).
[2] H.R. 4213, the ''American Jobs and Closing Tax Loopholes Act of 2010''.
This table was prepared by the Committee on Transportation and Infrastructure Majority staff based on technical assistance provided by the Federal Highway Administration.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the distinguished member of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in opposition to this ''deficit extenders'' bill. There is no dispute that items such as unemployment insurance, Medicare physician payment, and R&D tax credits need to be addressed. However, the legislation before us exemplifies an odd view of fiscal responsibility. We don't have to pay for new spending, but every time we temporarily extend existing tax cuts, we have to permanently increase other taxes.

Despite the majority's pay-as-you-go rhetoric, this bill adds $54 billion to our out-of-control budget deficit. It also imposes a number of new taxes

that have not been examined by the tax writing Ways and Means Committee. These include an $11 billion payroll tax hike on small businesses, as well as the carried interest tax increase that threatens to devastate the commercial real estate and venture capital industries, both of which are vital to my State of California.

□ 1200

The majority would like to characterize this as a ''jobs bill.'' Yet the truth is that virtually all of the policies in this bill were already in place throughout 2009, the same year our economy lost 3 million jobs.

This is not a jobs bill. It's just another extension of the ''tax-too-much, spend-too-much, borrow-too-much'' philosophy that we have come to expect from this Democratic majority.

I urge the defeat of this bill.

Mr. LEVIN. It is now my privilege to yield 2 minutes to the very distinguished gentleman from New York, CHARLES RANGEL.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. One would listen to this debate and believe that it's only Democrats who have an economic problem that we're facing. It's almost embarrassing to listen to the minority talk about the deficit and not even explain how we got into this deficit.

I want to congratulate the chairman of our committee, as well as our leader.

It's very, very difficult for this Congress and for this country to move forward the way that we should and to ease the pain of the fiscal crisis that was created by the previous administration when you're acting alone.

It would just seem to me that Republicans have to learn to understand that people have lost their jobs, that people need health care, that people who really lost their homes are not Democrats and Republicans. They are Americans.

I think that we should get fed up just with placing blame. I don't remember the last time I mentioned ''Ford'' and ''Cheney,'' because this is not going to help us in terms of where we're going. If you're talking about health care, the Republicans say ''no.'' If you're talking about education, the Republicans say ''no.'' If you're talking about easing the pain of those people who have lost their jobs, their dignity, their ability to put food on their tables, then we have to find some way to work together so that the answers we give are able to give some comfort to people, are able to bring jobs back to the United States of America, and are able to make certain, when we have inequities in our tax system, that we move forward and not say we're increasing taxes but that we're trying to make the tax system fairer.

So, somewhere along the line, people are going to get fed up with the blame game. We're trying to move forward on this bill here to create the jobs, to ease the pain of those who haven't got the jobs, and to bring some type of equity to our tax system.

Just saying ''no'' is not going to work forever. It does not have a political base, but the time is not too late for us to take a look and ask whether or not our Governors really appreciate the fact that we are ignoring the burden that we are placing on them in providing health care.

Vote for this bill. It's the best we can do at this point in time.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, sadly, this isn't a jobs bill. This is pork barrel spending wrapped in tax increases and dipped in debt to China, and the way it treats our local doctors, like beggars, is just shameful.

Continuing to tax and spend like we are Greece is not the answer to getting people back to work or to tackling this growing and dangerous debt, especially when you have tax increases that kill jobs for our small businesses, for our real estate, and for our U.S. companies that are trying to compete overseas.

This is alarming. Sometime this weekend, America's debt will reach $13 trillion for the first time in our history; $13 trillion. So who is responsible for running up all this debt?

A new report by the Joint Economic Committee shows that, since 1946, congressional Democrats have added twice as much to America's debt than have Republicans. They like to blame Bush or Reagan or anyone else for the staggering debt, but they are squarely to blame for generating two-thirds of the Federal debt that American families must now repay through higher taxes or a slower economy, and they're just getting started.

Our national debt is 83 percent of our economy. It's whoppingly huge. It's going to grow to over 100 percent under the Obama budget. Unless we stop congressional Democrats and President Obama from spending us even deeper into a hole, future generations of Americans will be dragging an anchor of debt that will drown their dreams and cripple our Nation's prosperity.

We can start today by preventing another $54 billion in spending we can never hope to repay and that our children can never hope to repay—$54 billion—larger than our agencies of Treasury, Commerce, and Social Security combined.

So new debt, new tax increases, job-killing provisions. Let's stop the madness. Let's say ''no'' to this bill and ''yes'' to real jobs.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to a member of the Ways and Means Committee, the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, this bill supports the efforts of American entrepreneurs and of American businesses to create jobs here at home, and at the same time, it closes down perverse tax loopholes that encourage big corporations to ship American jobs overseas.

On the plus side, it invests and encourages investments in research and development by businesses right here at home, which are provisions that our colleagues have supported in the past. It invests in the very successful Build America Bonds initiative that has driven new investment in roads, in bridges, and in essential infrastructure here at home. It pays for all of these investments by eliminating a number of loopholes in the Tax Code, including a very awful loophole that encourages big corporations to export, not American products, but American jobs.

Very simply, Mr. Speaker, creative corporate tax lawyers have devised a way to have American taxpayers, our constituents, foot the bill for the taxes that their corporations pay to foreign governments for their overseas operations. Think about that. We don't pay for the taxes that American corporations have to pay for jobs here at home and earnings here at home. Yet our constituents are footing the bill for taxes American corporations pay to foreign governments for jobs created overseas. That creates a terrible incentive for big American corporations to move jobs and operations away from the United States. It is a great deal for big corporations, and we understand why they want to protect those loopholes, but it is a lousy deal for American workers and American taxpayers.

The choice we face here is very clear: A vote against this bill is a vote against investing in jobs in America and in favor of protecting loopholes to offshore American jobs.

I urge my colleagues to support this bill and to support America's small businesses and America's jobs.

Mr. CAMP. Mr. Speaker, I submit for the RECORD a list of all of the American businesses that oppose this bill because it will cost us American jobs.

JOB CREATORS OPPOSE DEMOCRATS' DEFICIT EXTENDER BILL

CITE CONCERNS THAT PROVISIONS WILL HINDER JOB CREATION, DECREASE COMPETITIVENESS OF AMERICAN BUSINESSES

Since Democrats introduced their latest version of H.R. 4213, ''The American Jobs and Closing Tax Loopholes Act,'' business leaders and organizations that represent millions of American businesses and their employees have voiced their opposition to the job-killing, deficit extending bill. These employers say that the legislation is anti-job growth, will place American businesses at a worldwide competitive disadvantage, subject them to higher taxes and will harm the nation's path to economic recovery.

Given the disconnect between House Democrats' rhetoric on jobs and their votes for tax increases, it is no wonder employers are confused, new investments aren't being made and unemployment continues to hover at close to 10 percent. Below are just some of the concerns expressed by employers.

U.S. Chamber of Commerce: ''However, Congress' decision with this legislation, to saddle small business, American worldwide companies, and investment partnerships with draconian tax increases that will hinder job creation, decrease the competitiveness of American businesses, and deter economic

growth, leaves the Chamber no choice but to oppose this legislation as currently drafted.''

Business Roundtable: ''These tax increases would take us two steps backwards in terms of the job-creating legislation; we strongly need to move our economy forward, not backwards, to stay competitive with the rest of the world.''

National Association of Home Builders: ''NAHB estimates that the economic impact of taxing carried interest as 100 percent ordinary income would be a loss of 33,000 jobs due to reduced multifamily rental housing construction and $1.2 billion in reduced annual property tax revenues to state and local governments.''

National Association of Manufacturers: ''Unfortunately, the onerous tax increases...could outweigh the benefits of the pro-growth changes by imposing significant new costs on American businesses and threatening job creation, U.S. competitiveness and overall economic growth.''

Associated General Contractors: ''Unfortunately, the bill reduces the effectiveness of these provisions by reducing capital available for private construction and limiting private job creation by increasing taxes on many small businesses in the construction industry.''

National Foreign Trade Council: ''These new revenue proposals will make American businesses less able to compete in foreign markets, will subject them to double taxation, and as a result may have significant negative consequences on worldwide American businesses and their U.S. employees.''

Promote America's Competitive Edge: ''The proposed changes in the international tax rules will make a bad situation worse, making it even more difficult for American worldwide companies to compete.''

Technology CEO Council: ''At a time when innovative companies are looking for more certainty and stability, the extenders bill as currently drafted fails to provide either . . . last-minute proposals to raise revenue could outweigh the bill's positive aspects, possibly costing—not creating—jobs.''

IBM: ''The pending legislation would impose significant new tax increases that will completely overwhelm any positive economic effect of the R&D tax credit, harming the U.S. economy just as recovery has begun.''

Black Entertainment Television Founder Robert Johnson: ''In my opinion, this legislation would cause a rapid decline in minority private equity firms and possibly eliminate minority participation in this important financial sector of the American economy . . . If minority funds are reduced or eliminated it will also impact investments in urban cities and job creation and economic development in markets where it is most needed.''

Finance Executives International: ''With more Americans out of work than any other time in the last 50 years, businesses in the U.S. have an obligation to get our citizens back to work. Other countries seem to understand this call to action, and are working tirelessly to lower tax rates and bring in businesses from around the globe. By passing H.R. 4213, the United States would be harming the competitiveness of American worldwide companies.''

Emergency Committee for American Trade: ''H.R. 4213 will undermine U.S. commercial engagement overseas and put U.S. enterprises and their workers at an even greater competitive disadvantage . . . H.R. 4213 is a major step in the wrong direction.''

Silicon Valley Leadership Group: ''We are concerned that the recent revenue off-sets are being used as 'pay-fors' at the expense of U.S. jobs.''

Real Estate Roundtable: ''Capital formation is what leads to job and tax base creation—this proposal would discourage it. Now is not the time to raise taxes. The tax hike will further delay economic recovery and make financing and refinancing more difficult.''

S Corporation Association of America: ''It represents an $11 billion tax hike on employers in the middle of a very difficult economy, and it should be rejected.''

Organization for International Investment: ''[S]everal of the international proposals in the Amendment may diminish the ability of foreign multinationals to continue making significant contributions to the U.S. economy and U.S. employment.''

Investment Company Institute: ''Congressional action at this time would be both redundant and counterproductive.''

I yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. I thank my friend for yielding.

Mr. Speaker, I rise in opposition to this deficit extender bill.

This bill reflects the American people's rejection of the even more expensive bill Democrat leaders wanted to pass this week but couldn't, so now they're searching for an exit strategy and, mostly, for someone else to blame for their inability to govern.

Let us be clear: This charade is an effort to entice Republicans into defeating an unpaid-for bill. The Senate is gone. The door is closed. Nothing is going to come of this bill irrespective of who votes for or against it.

The title suggests its authors think this bill is about jobs. One expert at the Urban Institute calls that ''Orwellian'' and ''hideously mislabeled.'' From a taxpayer perspective, this is not about jobs. It is about more government spending, more debt, more taxes. That means fewer private-sector jobs.

This bill is also an admission that the trillion-dollar 2009 stimulus plan has failed. We were told that, if we passed that plan, unemployment would be 7.4 percent and falling, not 9.9 percent and rising. So now our colleagues want to extend the unemployment benefits for another 6 months.

Why just through November? Why not through December as originally intended?

Well, we need to get through the next election cycle. Not one penny of the $40 billion that it will cost is paid for. Instead, our colleagues simply declare this eighth extension of unemployment insurance an emergency and add it to our $13 trillion debt.

But can an eighth bill doing anything still be called an ''emergency''?

This bill perpetuates the payment of a record 99 weeks of unemployment benefits, which encourages benefit collection over work. As the Detroit News recently put it, even in Michigan, which has America's highest unemployment rate, ''Some job applicants are rejecting work offers so they can continue collecting unemployment benefits.''

Stop the madness. Defeat this bill. Then let's really promote jobs by relieving job-creating businesses and workers of higher government spending, borrowing, and taxes, instead of adding to those burdens.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 4213.

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

There was no objection.

Mr. LEVIN. I am privileged to yield 2 minutes to another distinguished member of our committee, the gentleman from Washington (Mr. MCDERMOTT).

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, you have just heard the Republicans say to unemployed workers whose benefits are expiring: We don't care.

Forty billion dollars, the biggest unpaid part of this bill, is for unemployment benefits to the 1.2 million people whose benefits are going to expire by the end of June.

Now, you just heard a Member of the other side say: We don't care what happens to them.

Well, they also don't care about the small businesses because, for those of you who have never been unemployed, when you get that check and when you have no money, you take it out and spend it. You pay for rent. You go to stores and buy things. There are all of those store owners, and nobody is coming in to buy because nobody has any money. If you think starving the children of unemployed people by saying, We're not going to give you money to go to the store and get food for your kids, is going to somehow make them go out and find work in a time when we have six people looking for every job in this country, you simply don't understand the human condition.

Now, The Wall Street Journal can't understand. They said, We can't understand why unemployment benefits have anything to do with jobs.

If you don't have money in people's pockets while they're looking for jobs, you'll have more businesses collapsing. You can go through strip malls all over this country where little businesses have closed because nobody has any money to buy anything.

There is no reason for us to be inhumane. If we can spend billions and billions of dollars on a war in Iraq, worrying about their bridges and all of their infrastructure, and if we can't worry about people in Ohio and in Pennsylvania and in Michigan and in New York and in California, there is something really wrong in this body. Unemployment insurance is the essence of being human and of being American.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Nevada (Mr. HELLER).

Mr. HELLER. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong opposition to H.R. 4213, a misguided bill masquerading as tax relief.

Instead of creating jobs, this bill will cost jobs. Instead of providing much needed certainty, this bill merely kicks the can down the road. Instead of helping our economy recover, this bill will more likely delay it.

In fact, this bill has more than $100 billion of deficit spending, coupled with nearly $50 billion in tax increases. We should not do either. Yes, this bill does have a few good things that I could support, largely on the doctor formula, geothermal energy, and even unemployment programs, but there is a better way.

I introduced a bill today to provide a short-term extension of unemployment insurance, SGR, COBRA, flood insurance, and SBA loan programs. This is routinely extended by this Congress in a bipartisan fashion. My bill is completely paid for with unused stimulus funds.

The majority has passed a health care takeover, cap-and-trade, cap-and-tax schemes, a so-called stimulus bill, and now this. H.R. 4213 contains air-dropped tax increases, accounting gimmicks, and a hodgepodge of propped-up stimulus programs that show the American people that, once again, we are governed by a bunch of backroom deals and not a government guided by ideals.

When a bill has to be rigged together that is bad for builders, bad for investors, bad for seniors, bad for real estate, bad for energy, bad for contractors, bad for innovators, bad for financial interests, bad for small businesses, bad for the high-tech industry, bad for entrepreneurs, and bad for worldwide American companies—in short, bad for taxpayers and job creators—then it is a bad bill.

Mr. Speaker, I urge a ''no'' vote.

□ 1215

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the distinguished chairman of the Education and Labor Committee, Mr. GEORGE MILLER of California.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

A year-and-a-half ago, this country was suffering from a recession created by years of extreme economic and fiscal policies under the previous administration and the financial scandals of Wall Street. There were 800,000 jobs a month being lost when President Obama was sworn into office.

Thanks to the Recovery Act, we are now seeing positive job gains. Over the last 3 months, we have added an average of 187,000 jobs, but people still are not able to find jobs in sufficient numbers. People are still losing their health care as they lose their job. People are losing their homes because of the extended term that they are spending as unemployed Americans. And we have got to help these people.

The idea somehow that we can now wind this down or these people really are not now looking for work—in all of our communities, when jobs are advertised, 10 times, 20 times the number of people as there are jobs show up seeking that job, seeking that opportunity to help their families. We have got to be able to respond to that.

That is what this legislation does. As the economists have told us, it is one of the best things we can do for Main Street, because, unfortunately, these people need to spend this money immediately, whether it is on groceries, or clothing, or rent, or utilities, to try to keep their families together. We have got to pass this legislation.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this bill comes in at a svelte $54 billion of a budget bust, and I found it ironic that the chairman of the committee and the former chairman of the committee have talked about this in the context of job creation. Even Mr. VAN HOLLEN from Maryland said it was going to be supported by entrepreneurs.

But let's look carefully and quickly at what the job creators are saying about this bill.

The United States Chamber of Commerce says it will hinder job creation.

The Business Roundtable says it takes us two steps backwards in terms of job creating.

The National Association of Manufacturing says it will threaten job creation, U.S. competitiveness, and overall economic growth.

IBM says these tax increases will completely overwhelm any positive economic impact of the R&D tax credit.

And the technology leaders of our nation, that is, the Silicon Valley Leadership Group, says that these offsets are going to be done at the expense of U.S. job creation.

Look, this is a cascading disappointment. This is a majority that has become absolutely blind to the realities of the stimulus. With all due respect to one of the chairmen of the committee who spoke a couple of minutes ago, having a straight face and arguing that the stimulus has been a success is not persuasive in my district. My district was promised unemployment was going to peak at 8 percent if we spent the $1 trillion. Employment in Illinois is now at 11½ percent. The delta therefore is a difference of 199,000 jobs for the State of Illinois.

This needs to go back to the drawing board. This bill needs to be defeated and pulled out of the record. Let's get about the business of serious job creation, and not just fall headlong into an orthodoxy that is a complete failure.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to another distinguished member of the Ways and Means Committee, Mr. LEWIS of Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today in strong support of this jobs bill. We are making progress, but there are still far too many people who want to work but cannot find a job. We must not stop and we will not stop until each and every person has a good job. But until that time comes, we must help and take care of our brothers and sisters who have lost their jobs through no fault of their own.

This bill extends emergency assistance to unemployed Americans. It also provides TANF emergency jobs to help States create jobs and assist struggling families.

Every day, individuals call my office. They want to work. Many have years of experience. They never in a million years thought that they would have to rely on these programs to get by and make ends meet.

We have a responsibility and a moral obligation to help our friends and neighbors during these hard times. This is our duty. If we are honest with ourselves, we all know this bill is not enough. But we must take this step. We cannot wait a moment longer.

I urge all of my colleagues to put politics aside and do what is right and support this necessary legislation.

Mr. CAMP. Mr. Speaker, I yield myself 15 seconds.

My friends on the other side have essentially claimed Republicans don't care about unemployed Americans. Nothing could be further from the truth. We believe these programs must be extended. But we also believe they must be paid for, as legislation introduced by Mr. HELLER of Nevada does, and of which I am a cosponsor.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I serve as the number two Republican on the House Budget Committee. But as a member of the House Budget Committee, I am a little bit like the Maytag repairman. We are the loneliest people in town.

We have nothing to do, because, Mr. Speaker, there is no budget. The Democrats refuse to bring a budget. For the first time in the history of the House of Representatives there will be no budget, because the Democrats want no limit on what they can spend, no speed bump on the way to national bankruptcy.

Today is no different. They spend even more money on a so-called extenders bill. But according to the Congressional Budget Office, the only thing that gets extended is the deficit; $25 billion of deficit extension in the first year, $54 billion of deficit extension over the next 10.

Mr. Speaker, how much longer can we borrow 43 cents on the dollar from the Chinese and send the bill to our children and our grandchildren?

My colleagues on the other side of the aisle say, Well, this bill is under

PAYGO. We are going to save money. Well, if PAYGO works, why has the deficit increased tenfold under their watch? PAYGO remains a cruel hoax.

Let me mention three loopholes in this bill. Well, $39.5 billion of spending is designated as an emergency. That falls outside of PAYGO. $21.9 billion of Medicare spending, the so-called doc fix, comes under something called directed scoring. It magically has no cost. Then we have the double accounting, $11.8 billion, and new taxes to be used, first to offset the cost, and then on a new oil spill fund.

Mr. Speaker, my friends on the other side of the aisle are using accounting gimmicks that would make Bernie Madoff blush. Is it any wonder that the national press reported that our national debt is now $13 trillion, the highest ever in American history? You cannot spend, borrow, and bail out your way to economic prosperity.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to another distinguished Member of our committee, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank the gentleman for acknowledging me.

I stand in support of this legislation. I had not intended to offer any rancor or any response to the other side, but when I have heard the rhetoric of the last couple of speakers, I must tell you, it kind of goes like this: The people that set the fire are now the ones calling the fire department.

What they inherited when Bill Clinton walked out the door was a $5.7 trillion surplus. When they talk about fictitious theology, how about tax cuts paying for themselves? That is why we find ourselves where we do.

Until Mr. CAMP qualified the remarks of Mr. HELLER, not one Republican speaker mentioned unemployment benefits. That is what this is about at this moment. There are 435 of us here, and all 435 would have done this differently, myself included. However, that is not the option as you address unemployment benefits which begin to expire next week. That is the cornerstone of this undertaking.

One of my papers opined this morning that the cost of human inaction is intolerable. Thousands of working families will lose their benefits if we don't undertake this action.

Job-creating incentives are in this legislation. I know. I have helped to author them and write them. The Build America Bonds campaign, any Member of this House can go back home with a sense of pride and satisfaction as they witness the implementation of the Build America Bonds initiative.

This bill protects Private Activity Bonds from the onerous Alternative Minimum Tax, lowering costs for State and local governments that use the bonds for airports, school loans, and other essential needs. Take this to an advertisement in your local paper, where it says relief from Alternative Minimum Tax, and take it to the airport that is being expanded. They have utilized that opportunity.

New Markets Tax Credits. I have been in the middle of it, and we protect them from AMT to promote investment in low-income neighborhoods.

That is what this legislation is about today.

Mr. CAMP. I yield 2 minutes, Mr. Speaker, to the gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I thank the gentleman for yielding.

Let's talk just a little bit about fires and who set them and when they were set. I rise today to talk about the so-called doc fix that is contained within the bill. But first I think a little history is in order.

Quoting from a paper by Dr. John Shay from December of 2006: Originally, Medicare doctors were reimbursed under what is called the customary prevailing rate, the CPR. Congress thought that spent too much money, so in 1989 in the Omnibus Budget Reconciliation Act—sound familiar?—they enacted what was called the relative value payment system, RVRPS. That was supposed to hold down payments.

In between, we had something called the Medicare economic index that based doctor pay on the cost-of-living adjustment. None of these things satisfied Congress in holding down costs, so in 1992, remember, George Bush was not President in 1992, George W. Bush was not President in 1992, although we like to blame things on the previous administration; the Congress was controlled by Democrats, and they enacted the volume performance standard, or VPS, which was in fact the forerunner of today's SGR. This is not a problem that began in the last administration. This is in fact a problem that was set in motion by administrative pricing when Medicare was enacted back in 1965.

Now, here is the deal. We are going to pass this thing today, and I appreciate the fact we separated out the doc fix from the other parts of the legislation. But it is not going to benefit America's doctors, because the Senate went home.

If we really wanted to help America's doctors, we would have done this in the weeks that we gave ourselves in April when we passed the last extension. But we didn't. We were in recess all day Wednesday, for crying out loud. The Senate has gone home.

June 1, doctors get their pay cut. CMS says don't worry, we will hold their checks for two weeks. Do you know what happens when you hold a check in a one- or two-doctor office for two weeks? That doctor doesn't have a paycheck at the end of their month, their margins are so tight.

Now, here is the real legislative malpractice that occurred here two months ago when we passed the health care bill. Here is the Clinton Medicare economist, Marilyn Moon, who said the health care legislation's $500 billion cuts to hospitals, insurers, and other Medicare providers should have been earmarked to deal with the doctor fees first.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional minute.

Mr. BURGESS. That money in the health care bill that was cut from Medicare should have dealt with the doctor fees first, and anything else left over should have gone to pay for the other programs that they wanted to buy.

Quoting from Ms. Moon: ''They should have used Medicare dollars to fix this. It is irresponsible'' that the health care law left such a major issue unresolved, while at the same time claiming—claiming—to reduce the Federal deficit.

Continuing to quote: ''I think we should have put a crowbar in our wallets.''

Well, look, here is the problem. We passed a bill. We cut half a trillion dollars from Medicare, and we didn't fix the fundamental problem that is preventing our Medicare patients from having care. You want access to an insurance policy, fine. I would always rather have access to a doctor.

Mr. LEVIN. Mr. Speaker, I now yield 2 minutes to another distinguished member of our Ways and Means Committee, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

We are watching the harsh reality of governing without any meaningful Republican participation. It would have been an opportunity as we were moving forward to act as if they were actually legislating. People who were part of the party could have been able to zero in on some of these things.

I personally am absolutely committed to deal with the SGR problem. This bill is a step forward to deal with it. It is not as good as what we had passed earlier in the House. But it is interesting that our friends on the other side of the aisle just took a hike, decided to be negative.

One of the best examples is their hypocrisy or willful ignorance when it comes to the stimulus.

□ 1230

I talked to hundreds of people who were here in town, and I'm sure some of them made it to Republican offices as part of the construction industry fly-in. All were thankful for the investment of the economic recovery package that kept people working in construction. Not just the thanks from teachers, firefighters, energy industry who have benefited from the jobs that have resulted, but they heard that particularly from infrastructure companies, if they cared to listen.

I find a certain amount of disingenuous argument here when people are saying, well, we can't use emergency funding to help unemployed people in America. It should, instead, be funded by raising taxes or cutting programs.

These are the same people that funded not billions of dollars, but hundreds of billions of dollars year after year after year in emergency spending for the war in Iraq, which was absolutely foreseeable, predictable, and they paid for that ''off the books.'' But when it comes to Americans unemployed, well, all of a sudden, then, we want to be more stringent.

Last but not least, I appreciate what is done with the committee in terms of infrastructure. The Build America Bonds, lifting the caps on sewer and water financing, that will put people to work.

Is this a perfect bill? No. But I think it's an important step forward. It keeps the principles moving, and it ignores the hypocrisy that we're hearing on the other side of the aisle. I strongly urge a ''yes'' vote.

Mr. CAMP. Mr. Speaker, I will insert into the RECORD a letter to the Speaker of the House by 12 physicians' organizations representing 155,000 physicians opposing this legislation.

May 26, 2010

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI, On behalf of the undersigned national surgical societies, we would like to thank you for your leadership and ongoing efforts to pass a permanent replacement for the flawed Medicare physician payment formula. It is vital that Congress adopt a policy that provides long-term stability to ensure that our nation's seniors, disabled and military families enrolled in the TRICARE program maintain access to high quality surgical care. Unfortunately, short term approaches—including the sustainable growth rate (SGR) policy contained in the proposed House amendment to H.R. 4213, the American Jobs and Closing Tax Loopholes Act of 2010—fall short of this goal, so we must oppose such legislative proposals.

With regard to H.R. 4213 (as released on May 20), our specific concerns include:

Rather than permanently repealing the SGR, the bill only provides temporary relief from the pending payment cuts for three and a half years; the formula applied in 2012 and 2013 will likely result in a pay freeze for most surgeons; the bill reverts back to the SGR in 2014 when physicians will once again be facing cuts in excess of 35 percent; and with an estimated price tag of nearly $500 billion in 2014, it will be virtually impossible to permanently fix the problem at a later date.

These continued payment cuts, rising practice costs and a lack of certainty going forward, make it difficult, if not impossible, for already financially challenged surgical practices to continue to treat Medicare patients. A February 2010 survey conducted by the Surgical Coalition confirms that surgeons and anesthesiologists will be forced to make significant changes in their practices if Medicare payments continue to decline, jeopardizing timely access to surgical care. The survey found that 37 percent of respondents will change their Medicare status to ''nonparticipating'' and an additional 29 percent will opt out of Medicare altogether. In addition, those remaining in Medicare will also make significant changes to their practices, with 69 percent limiting the number of Medicare patient appointments; 47 percent reducing time spent with Medicare patients; and 45 percent no longer providing certain services. Finally, the survey demonstrates a direct connection between Medicare payment cuts, jobs and the economy, as 43 percent of respondents stated they would reduce staff; 44 percent would defer the purchase of new medical equipment; and 32 percent would defer purchases of health information technology.

Surgeons are keenly aware of the fiscal challenges confronting Congress and our nation. We believe, however, that the most fiscally responsible approach is to permanently repeal the SGR today, rather than growing the cost by acting on it tomorrow. We remain steadfast in our commitment to ensure and improve all Americans' access to quality surgical care and we stand ready to work with you to find a solution that will achieve this goal.

Sincerely,
American Academy of Facial Plastic and Reconstructive Surgery;
American Academy of Otolaryngology-Head and Neck Surgery;
American Association of Neurological Surgeons;
American Association of Orthopaedic Surgeons;
American College of Osteopathic Surgeons;
American Congress of Obstetricians and Gynecologists;
American Osteopathic Academy of Orthopedics;
American Society of Cataract and Refractive Surgery;
American Society of Plastic Surgeons;
American Urological Association;
Congress of Neurological Surgeons;
Society for Vascular Surgery.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, this bill has short-term extensions and permanent tax hikes and still, over time, puts $54 billion onto our national debt.

Now, there are some of these extensions that we would all support if they were offset. But adding to the national debt is the wrong way and a harmful way.

This is not a time to raise taxes on investments and business. That's a sure way to kill jobs. For example, one of the provisions, higher taxes on carried interest means less dollars into real estate investment development. In Omaha alone developers and contractors have gone bankrupt, jobs lost, projects stalled or killed because of lack of capital, and this will make it worse. More taxes equals less capital, means more jobs lost.

This is a job-killing bill, and I am going to vote against it.

Mr. LEVIN. Mr. Speaker, I now yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY), another distinguished member of our committee.

Ms. BERKLEY. Mr. Speaker, Nevada is hurting. The people I represent in Southern Nevada are hurting.

This bill extends the unemployment benefits for the 14.2 percent of my fellow Americans who find themselves unemployed so they can pay their bills and feed their children. It's not their fault that they are unemployed.

I support this bill because teachers I represent are going to get a tax credit for the school supplies they purchase, because Nevadans will be able to continue to deduct our sales tax from our Federal income tax, because there's money in here so we can provide summer jobs for high school students. Small business will receive tax incentives to preserve their jobs. Restaurants and retail stores can improve their businesses and expand by the R&D tax credit. Major job-creating infrastructure projects like the expansion of McCarran Airport and all of those great downtown building and transportation projects are going to continue because of the Buy America Bonds and the Recovery Zone Bond program.

And, finally, the extension of Medicare reimbursement to our country's doctors for 19 months. It's necessary. It's not permanent. We need to do permanent. It's going to help them care for their patients.

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

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS), another member of our committee, a distinguished member indeed.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of this jobs bill because this legislation would provide summer jobs for hundreds of thousands of young people, keep unemployment checks coming, provide money for small businesses, keep jobs at home in America.

It also will provide hope for those who have almost given up, wondering where their next work opportunity will come from. And, of course, it provides an opportunity for us to more adequately compensate our doctors.

Doctors are an integral part of health care delivery, and there ought not be any reason for senior citizens not to get the services that they need because we're not paying our doctors.

This is a job-creating, services-providing bill. I strongly support it and urge its passage.

Mr. LEVIN. Mr. Speaker, I will enter into the RECORD a letter from the AARP in support of the SGR provision for physicians under Medicare and their patients.

AARP,
Washington, DC, May 28, 2010.

DEAR REPRESENTATIVE: On behalf of millions of AARP's members, we urge you to vote in favor of critically needed legislation to ensure that Medicare beneficiaries do not lose access to their physicians.

Absent Congressional action by June lst, physicians who treat Medicare patients will receive a 21 percent reduction in their reimbursement. We are concerned that these cuts could have a dramatic impact on beneficiaries' access to physicians—particularly in rural areas. Some of our members have already experienced difficulty in finding a physician who will accept Medicare patients—a problem that can be more common for those newly eligible for Medicare. For nearly a decade, Congress has used short-term patches to prevent imminent cuts to how doctors who treat Medicare patients are paid—an approach that has created a great deal of anxiety among Medicare patients and the health providers who serve them. People on Medicare deserve the peace of mind of knowing they can find a doctor when they need one.

AARP is pleased that this legislation prevents the drastic 21 percent cut and provides a stable payment rate for the physicians who treat Medicare patients. While we recognize this is only a short term solution, our members—and the physicians who treat them—should not continue to be held hostage by short-term band-aid patches to an unworkable Sustainable Growth Rate (SGR) formula. Going forward, we are committed to working with Members of Congress from both sides of the aisle to repeal the SGR, and to establish a permanent physician payment system that rewards value and ends the uncertainty for patients and providers alike.

Sincerely,

NANCY A. LEAMOND.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the very distinguished gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, I rise in strong support of H.R. 4213, and I thank the gentleman for yielding but also for his deep commitment to create jobs.

For months now the Congressional Black Caucus, which I am proud to chair, has been laser focused on turning this economic disaster inherited from the Bush administration around. Our focus has been jobs, jobs, jobs, and making sure that the chronically unemployed are included in our efforts. We have worked with President Obama and Speaker PELOSI, House and Senate leadership, committee chairs, and our coalition partners to develop a legislative strategy to address the needs of millions of Americans who are struggling in this tough economic environment.

I am proud to say that this bill provides $1 billion for summer youth jobs and an additional $2.5 billion to extend emergency funding for the Temporary Assistance for Needy Families program.

I want to thank Speaker PELOSI and Chairman LEVIN. I want to also thank Mr. RANGEL and OBEY and MILLER and all of our leadership for working with us to include these provisions.

This bill also extends unemployment insurance, which really is a lifeline for folks struggling to keep their heads above water, just plain surviving, mind you, in both Democratic and Republican districts. Our actions today will make a huge difference for millions of Americans and help put people to work and close off egregious tax loopholes that subsidize companies which ship American jobs overseas. And we will finally pay the debt owed by our government to Black farmers and Native Americans.

But we still have a lot to do. We have to create direct jobs for people which will help turn the economy around and help tackle the deficit. I will cast my vote today for this lifeline on behalf of all of those individuals whose Members simply refuse to do so.

I urge my colleagues to do the morally correct thing and vote ''yes.'' People want to work. This bill puts people back to work. It helps them survive until they find a job, and this is the patriotic thing to do.

Mr. CAMP. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LEVIN. I now yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), chair of the Joint Economic Committee.

Mrs. MALONEY. Mr. Speaker, I rise in support.

A new report from the Joint Economic Committee shows that extending unemployment benefits is not only the morally right thing to do, it is fiscally responsible.

The report focuses on unemployed disabled workers. By the end of 2010, the JEC estimates that 290,000 unemployed disabled workers will exhaust their unemployment benefits. Without extension of unemployment benefits, the JEC estimates that two-thirds of these workers will leave the labor force and move on to Social Security Disability Insurance.

Shifting these workers from the labor force and onto the SSDI rolls, the cost of inaction is a $24.2 billion lifetime cost.

By contrast, keeping these workers attached to the labor force by extending unemployment insurance benefits and COBRA premium subsidies is $721 million in 2010.

The JEC analysis concludes that the Federal Government can save $23.5 billion by extending unemployment benefits and avoiding a lifetime of SSDI for currently unemployed workers.

I urge a ''yes'' vote.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

Mr. Speaker, I am a strong supporter of stabilizing Medicare physicians' payments permanently. Short-term fixes create instability and uncertainty for physicians and patients. But if we don't act now, on June 1 our doctors are going to see their Medicare payments cut by over 20 percent, and I am simply not willing to allow that to happen, which is why I'm voting ''yes.''

This bill will ensure that doctors who see Medicare patients over the next 19 months will receive fair payments. It will ensure that senior citizens and persons with disabilities have access to their doctors. And it gives us time to permanently fix the flawed formula.

It's not a perfect solution, but it is essential for the health and well-being of seniors and disabled persons on Medicare.

I urge a ''yes'' vote.

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

Mr. LEVIN. Mr. Speaker, it is now my more than distinct privilege, and I repeat that, more than my distinct privilege, to yield 1 minute to the Speaker of the United States House of Representatives, NANCY PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the distinguished chairman for his recognition and also for the excellent job he has done to bring this bill to the floor today, the American Jobs and Closing Tax Loopholes Act.

Mr. Speaker, it is our responsibility here, almost an ethical one really, to create jobs for the American people. Equally important is to reduce the deficit. So any of the pieces of legislation that we bring to the floor must strive to do both, to strike that balance.

□ 1245

I congratulate the chairman on this important legislation because it does both, creates jobs and helps to reduce the deficit. If I had four words to describe the bill, it would be the same four words—it's a four letter word, I prepare you for that—jobs, jobs, jobs, and jobs. It's about jobs, it's about summer jobs for young people, it's about Build America bonds, jobs and the infrastructure sector, it's about jobs that are produced by our investments in research and development tax credits in the legislation to have research into higher skilled jobs and bring us to a different place technologically. That's very important.

It's about helping people who have lost their job through no fault of their own. And that's important to them individually; but it's also important, as economists tell us, that unemployment insurance is the fastest way to inject demand into the economy, thereby creating jobs immediately. These and in other ways in this legislation we are creating jobs. And we are doing so in a way, as I say, the unemployment insurance will create jobs, create a revenue stream which will help to reduce the deficit. The rest of the bill is all paid for in a fiscally sound way, and I congratulate distinguished Chairman LEVIN for making that so.

I am particularly pleased about a benefit for our veterans as we go into Memorial Day. Other Members have mentioned the SGR, how important it is to have that provision in this legislation. I myself wish it were permanent. It's 19 months. We have to move to giving more certainty to our physicians and to our seniors. This is about our seniors and their ability to keep the doctors that they have if they so wish, and under this legislation they will do so.

But as I close, I just want to make note that as we gather here on Memorial Day weekend, as we go forward, there is a very important provision in this bill that I hope all Members will take home and convey with our gratitude to our men and women in uniform, and that is the issue of concurrent receipt. We call it the veterans disability tax repeal. Its technical term is concurrent receipt. If you are a veteran and if you are disabled, you will recognize this term. And in this legislation there is funding—it is paid for—there is funding to cover the concurrent receipt, the repeal of it for the next—to address it in a positive way for the next 2 years.

So if it's about young people and summer jobs, if it's about building the infrastructure of America, if it's investing in research and development and the high technologies that will make us competitive and keep us number one, if it's about helping those who

through no fault of their own have lost their jobs, but recognizing that that investment injects demand into the economy and creates jobs, this is a bill that does just that in a fiscally sound way, while honoring our veterans on this Memorial Day.

So I thank the gentleman for this very important legislation and urge my colleagues to give a big strong ''aye'' vote to the American Jobs and Closing Tax Loopholes Act. It's named that for one very important reason. In this legislation, which is job creating, it closes the loophole which has allowed businesses to ship jobs overseas. Can you believe that we have a tax policy that enables offshoring?

So if you have one thing to say about this bill to your constituents, you can say that today you voted to close the loophole to ship U.S. jobs overseas and giving businesses a tax break to do so. It's not right. It will be corrected today. Thank you, Mr. LEVIN.

I urge my colleagues to vote ''aye.''

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

This legislation before us raises the deficit by $54 billion. It is not the fiscally responsible legislation that some claim it to be.

I insert in the RECORD the analysis by the Congressional Budget Office that shows the deficit increases by $54.2 billion under this legislation.

Estimate of the Statutory Pay-As-You-Go Effects for H.R. 4213, the American Jobs and Closing Tax Loopholes Act of 2010 (As reported by the Committee on Rules on May 26, 2010 with a subsequent draft amendment transmitted to CBO on May 27, 2010)

[Millions of dollars, by fiscal year]

	PRELIMINARY												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Division I: Section 523—Medicare Sustainable Growth Rate Reform.													
	NET INCREASE OR DECREASE (−) IN THE ON-BUDGET DEFICIT												
Total On-Budget Changes for Division I	3,143	14,455	5,320	0	0	0	0	0	0	0	0	22,918	22,918
Less:													
Current-Policy Adjustment for Medicare Payments to Physicians [1]	3,143	14,455	4,281	0	0	0	0	0	0	0	0	21,879	21,879
Statutory Pay-As-You-Go Impact for Division I	0	0	1,040	0	0	0	0	0	0	0	0	1,040	1,040
Division II: All Other Provisions (The amendment printed in part A of the Rules Committee report on H.R. 4213, as modified by the amendment printed in part B of Rules Committee report and the further amendment printed in section 2 of the rule, except for section 523 of the amendment.)													
	NET INCREASE OR DECREASE (−) IN THE ON-BUDGET DEFICIT												
Total On-Budget Changes for Division II	22,305	45,115	−763	−3,319	−3,764	−25,092	17,098	−4,360	−3,648	−2,915	−3,095	34,481	37,573
Less:													
Designated as Emergency Requirements [2]	12,205	26,715	180	175	120	60	45	0	0	0	0	39,455	39,500
Statutory Pay-As-You-Go Impact for Division II	10,100	18,400	−943	−3,494	−3,884	−25,152	17,053	−4,360	−3,648	−2,915	−3,095	−4,974	−1,927
Division I and Division II Combined:													
	NET INCREASE OR DECREASE (−) IN THE ON-BUDGET DEFICIT												
Total On-Budget Changes	25,448	59,570	4,557	−3,319	−3,764	−25,092	17,098	−4,360	−3,648	−2,915	−3,095	57,399	60,492
Less:													
Current-Policy Adjustment for Medicare Payments to Physicians [1]	3,143	14,455	4,281	0	0	0	0	0	0	0	0	21,879	21,879
Designated as Emergency Requirements [2]	12,205	26,715	189	175	120	60	45	0	0	0	0	39,455	39,500
Statutory Pay-As-You-Go Impact	10,100	18,400	96	−3,494	−3,884	−25,152	17,053	−4,360	−3,648	−2,915	−3,095	−3,934	−887
Memorandum—Components of the Emergency Designation (Division I and Division II Combined)													
Changes in Outlays	12,205	26,555	0	0	0	0	0	0	0	0	0	38,760	38,760
Changes in Revenues [3]	0	−160	−180	−175	−120	−60	−45	0	0	0	0	−695	−740

Sources: Congressional Budget Office and Joint Committee on Taxation.

Note: Components may not sum to totals because of rounding.

1. Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians. CBO estimates that the maximum available adjustment for a physician payment policy through December 31, 2011, is about $21.9 billion.

2. Section 701 of H.R. 4213, the American Jobs and Closing Tax Loopholes Act of 2010 would designate section 501 (unemployment insurance) of the bill as an emergency requirement pursuant to section 4 (g) of the Statutory Pay-As-You-Go Act of 2010.

3. Negative numbers represent a DECREASE in revenues.

BUDGETARY EFFECTS OF H.R. 4213, THE AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010 (AS REPORTED BY THE COMMITTEE ON RULES ON MAY 26, 2010 WITH A SUBSEQUENT DRAFT AMENDMENT TRANSMITTED TO CBO ON MAY 27, 2010)

[Millions of dollars, by fiscal year]

	PRELIMINARY														
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2014	2010–2015	2010–2019	2010–2020
Division I: Section 523—Medicare Sustainable Growth Rate Reform															
NET INCREASE IN DEFICITS FROM DIRECT SPENDING															
Medicare Physician Payment Update	3,143	14,455	5,320	0	0	0	0	0	0	0	0	22,918	22,918	22,918	22,918
Division II: All Other Provisions (The amendment printed in part A of the Rules Committee report on H.R. 4213, as modified by the amendment printed in part B of Rules Committee report and the further amendment printed in section 2 of the rule, except for section 523 of the amendment.)															
CHANGES IN REVENUES															
TOTAL CHANGES IN REVENUES [1]	−6,855	−10,201	6,391	8,037	7,657	28,714	−13,468	7,884	6,977	6,158	6,548	5,028	33,742	41,281	47,829
On budget revenues	−6,855	−10,666	5,484	7,121	6,862	27,965	−14,201	7,215	6,546	5,931	6,176	1,946	29,911	35,389	41,565
Off-budget revenues	0	465	907	916	795	749	733	669	431	227	372	3,082	3,831	5,892	6,264
CHANGES IN DIRECT SPENDING (OUTLAYS)															
Title I—Infrastructure Incentives	14	554	2,090	2,871	2,871	2,871	2,871	2,871	2,871	2,871	2,871	8,399	11,270	22,752	25,623
Title II—Extensions of Expiring Provisions	3,302	1,363	0	0	0	0	0	0	0	0	0	4,664	4,664	4,664	4,664
Title III—Pension Funding Relief	0	0	−70	−130	−200	−260	−130	−100	−30	100	160	−400	−660	−820	−660
Title IV—Revenue Offsets	0	500	400	100	0	0	0	0	0	0	0	1,000	1,000	1,000	1,000
Title V—Unemployment, Health, Other Assistance.															
Subtitle A—Unemployment/Other	12,254	28,486	473	88	40	7	2	0	0	0	0	41,341	41,348	41,350	41,350
Subtitle B—Health Provisions	−3,151	−371	270	212	17	15	21	−21	2	18	23	−3,023	−3,009	−2.989	−2,966
Subtotal (Title V)	9,103	28,115	743	300	57	22	23	−21	2	18	23	38,318	38,339	38,361	38,384
Title VI—Other Provisions	3,031	3,917	1,558	661	370	240	133	105	55	27	27	9,537	9,777	10,097	10,124
TOTAL CHANGES IN OUTLAYS (DIVISION II)	15,450	34,449	4,721	3,802	3,098	2,873	2,897	2,855	2,898	3,016	3,081	61,519	64,392	76,058	79,138
NET INCREASE OR DECREASE (−) IN DEFICITS FROM REVENUES AND DIRECT SPENDING															
NET CHANGES IN DEFICITS [2]	22,305	44,650	−1,670	−4,235	−4,559	−25,841	16,365	−5,029	−4,079	−3,142	−3,467	56,491	30,650	34,777	31,309
On-budget deficit change	22,305	45,115	−763	−3,319	−3,764	−25,092	17,098	−4,360	−3,648	−2,915	−3,095	59,573	34,481	40,669	37,573
Off-budget deficit change	0	−465	−907	−916	−795	−749	−733	−669	−431	−227	−372	−3,082	−3,831	−5,892	−6,264
Division I and Division II Combined															
CHANGES IN REVENUES (DIVISION I AND DIVISION II)															
TOTAL CHANGES IN REVENUES [1]	−6,855	−10,201	6,391	8,037	7,657	28,714	−13,468	7,884	6,977	6,158	6,548	5,028	33,742	41,281	47,829
On-budget revenues	−6,855	−10,666	5,484	7,121	6,862	27,965	−14,201	7,215	6,546	5,931	6,176	1,946	29,911	35,389	41,565
Off-budget revenues	0	465	907	916	795	749	733	669	431	227	372	3,082	3,831	5,892	6,264
CHANGES IN DIRECT SPENDING (DIVISION I AND DIVISION II)															
TOTAL CHANGES IN OUTLAYS	18,593	48,904	10,041	3,802	3,098	2,873	2,897	2,855	2,898	3,016	3,081	84,438	87,310	98,976	102,057
NET INCREASE OR DECREASE (−) IN DEFICITS FROM REVENUES AND DIRECT SPENDING (DIVISION I AND DIVISION II)															
NET CHANGES IN DEFICITS [2]	25,448	59,105	3,650	−4,235	−4,559	−25,841	16,365	−5,029	−4,079	−3,142	−3,467	79,410	53,568	57,695	54,228
On-budget deficit change	25,448	59,570	4,557	−3,319	−3,764	−25,092	17,098	−4,360	−3,648	−2,915	−3,095	82,492	57,399	63,587	60,492
Off-budget deficit change	0	−465	−907	−916	−795	−749	−733	−669	−431	−227	−372	−3,082	−3,831	−5,892	−6,264

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Notes: Components may not sum to totals because of rounding.

[1] Negative numbers denote a DECREASE in federal revenues; positive numbers denote an increase in revenues.

[2] Positive numbers denote an INCREASE in the budget deficit; negative numbers denote a decrease in the deficit.

[3] Section 701 of H.R. 4213 would designate section 501 of the bill as an emergency requirement pursuant to section 4 (g) of the Statutory Pay-As-You-Go Act of 2010.

So the result is piling even more on an unsustainable level of debt the country is carrying already. This legislation imposes permanent tax increases to pay for temporary extensions of tax relief, meaning there is actually no net tax relief overall. And the real problem with that is for 6 months of a provision like the research and development tax credit there are permanent tax increases throughout the economy that will be there forever. So while in another 6 months we will be back trying to find a way to extend the research and development tax credit, there will be yet more permanent tax increases, making it very difficult for our economy to recover, particularly given the nature of those tax increases, hitting particularly hard on small business, the engines of economic growth and job creation. Even as the President has said, nearly 70 percent of new jobs come from small businesses.

But it is unprecedented to tax certain small businesses in the way this bill is doing, by going after taking unemployment taxes and applying it to their profits. And this comes at the worst possible time, when so many small businesses across America are struggling and trying to make that decision do they buy that piece of equipment. Do they stay in business at all? Do they hire that extra person? And putting a layer of tax increases over them at this time is particularly onerous.

This legislation double counts oil spill excise tax revenues. So this is not the fiscally responsible bill some would claim. While it quadruples the excise tax to fund the Oil Spill Liability Trust Fund, it counts this twice because, while it's intended to be reserved for the trust fund and used to mitigate oil spills, it shouldn't be counted as contributing to general deficit reduction, as this legislation does.

There is irresponsible health spending that also increases the deficit. If the so-called health care overhaul and reform had actually done its job, we wouldn't be here with a major Medicare problem, the physician payment formula. Because it was so important to make that bill look less expensive, the physician payment formula, which was actually the fix, was a part of that legislation, was taken out, and therefore we are again back again trying to find a way to address that issue.

I think that's why so many physicians groups have come forward representing more than 155,000 doctors across America saying this is not the way to do it. This is not the legislation. They are compelled to not support this legislation because it doesn't really do anything to fix the physician payment formula for Medicare physicians, which is so important for seniors all across America.

I would say this is a flawed process, and flawed processes lead to flawed legislation. Much of this bill, unprecedented changes in tax law with regard to partnerships that help build shopping centers and apartment buildings all across our country. Significant changes in the way partisanship income is treated. Significant changes in the way investment income is treated in terms of real estate partnerships. No hearings on this legislation before the Ways and Means Committee, no markup of the legislation. It just comes airdropped into the bill and comes directly to the floor. And that's why you have seen so many business groups come forward, so many employer representative organizations come forward and say they have to oppose this bill, even recognizing the deep needs in America on unemployment and other issues. They have to oppose this legislation because of the way it's crafted and the way it's put together.

Had we had an opportunity to debate this in committee, had we had an opportunity to actually hear from the job providers and job creators, I think we would have come up with a different result. I think we would have been able to fine-tune this legislation; we would have been able to come up with a way to address these pressing needs that Americans are facing.

So I would say when all is said and done, you come to the conclusion this bill, even though it's been split up and we are going to have two votes instead of one vote, both of these bills are unacceptable because they raise the deficit, because they add new tax burdens in a recession and make it much more difficult for our economy to recover so that the engine of economic growth, small business and investment, the private sector can actually have its way and begin to create the kind of economic growth and job creation that America so needs.

I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman has 3 minutes remaining.

Mr. LEVIN. I yield myself 30 seconds and then the balance of the time to the majority leader.

In a word, the minority objects when we pay for jobs bills after years of their creating deficits. They object when there is an emergency under statutory PAYGO and we provide for unemployment comp. So in a word or a few words, they project nothing either constructive or positive.

Mr. Speaker, I end on both a constructive and positive note by yielding the balance of my time to our distinguished majority leader.

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. I thank the chairman for yielding.

I want to thank Chairman LEVIN. Chairman LEVIN has worked, along with his staff, Janice Mays, the staff director and other members of an extraordinary staff, around the clock. And I am sure Mr. CAMP would say his Republican staff has worked around the clock, too. We thank all of them for the work that they do. I thank Mr. LEVIN for his leadership, for his focus, and his tenaciousness in bringing us to this point.

Let me make a couple of observations before I speak pointedly about the bill. First of all, ladies and gentlemen of this House, the public understands that there is no bipartisanship in this House. All Republicans are going to vote against this bill, my presumption is. Maybe I am wrong. I hope I am wrong. But my presumption is they'll vote to a person against this bill.

They have voted almost to a person against every bill that we have passed over the last 16 months to try to bring this economy back from the extraordinarily deep recession, the deepest that we have had in 75 years, resulting from the economic policies that they put in place when they were exclusively in control.

Yet they come to the floor and talk about deficits. Democrats of course, when we controlled the Presidency, created one of the highest surpluses, and indeed the only administration that had a net surplus after 8 years, the Clinton administration. The Republicans will say, yes, but for 6 of those years we controlled the Congress. And my response is, yes, and for 12 of the years you controlled the Congress, and 6 of those under a Republican President, George Bush.

Unfortunately, every year that I have been here serving with a Republican President, every year without exception, we have had large deficits. Every year. However, under Bill Clinton we had the only 4 surplus years that I have been here. We had 4 surplus years as a result of an economic program that was adopted. Again, it was adopted exclusively by Democrats. No Republican voted for that in 1993 either in the House or in the Senate.

So we created surpluses. We got the economy moving. And then my friend on the other side talks about jobs; we should have had hearings about job creation. Frankly, the worst period of job creation in the last 30 years was the 8 years of the Bush administration. Without exception the worst. Stark example: the Clinton administration, 216,000 jobs created per month; the Bush administration, 11,000 jobs per month. That's 205,000 jobs per month, over 2 million per year.

That is why, of course, because of that disastrous economic performance, we fell into this extraordinary ditch that we have tried to pull ourselves out of. And we are coming out of it. That's the good news, Mr. and Mrs. America, my colleagues. We are coming out of it. It's slow, it's not as fast as we would like, but it's successful.

Now, I give you an interesting fact: over the last 4 months of an economic program, the Recovery Act and other jobs bills that we passed, we have created 573,000 jobs in the last 4 months. All positive months. If the next two-thirds of the year replicate that production, we will create more jobs this

year after this deepest recession any of us in this Chamber have experienced ever in our lifetimes, we will create more jobs this year, if we replicate the first third of the year, than the Bush administration created in its 8 years. Hear that statistic and check me if I am wrong. About 1.7 million jobs versus a little over a million jobs over the 96 months were net created during the Bush administration.

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So when we talk about jobs and deficits, I think we have some credibility. We have some credibility because we created surpluses; the only 4 years of surplus, again, under the Clinton administration, that we had in my 30 years in Congress. And in terms of jobs, Bill Clinton created 21 million private-sector jobs during the course of his Presidency. George Bush? Approximately a million. A stark difference in the impact of the economic policies pursued by the two parties.

I would hope some of you would say to yourselves that—not because we're trying to place blame, but because we're probably trying to learn, hopefully, from our experience. And you might come to the conclusion at some point in time, You know what? What they have suggested works. What they have pursued works, contrary to what Mr. Armey, who was your former majority leader who, when we adopted that program in 1993, said we would have deep deficits and exploding unemployment. We had exactly the opposite. We had declining deficits and 4 years of surplus and an explosion of job creation; 216,000 a month.

We continue to pursue creation of jobs. That's what this bill is about, creation of jobs. We're also pursuing closing tax loopholes and making sure people don't offshore jobs so we keep jobs here in America, since inheriting the worst economic crisis since the Great Depression and an economy shedding almost 800,000 jobs per month. That's not creating jobs; that's losing. During the last 3 months of the Bush administration, we lost about 750,000 jobs per month, 1½ million in 3 months, as opposed to creating 573,000 in the last 4 months.

President Obama and the 111th Congress have been dedicated to standing up for the middle class, its interests, and its future. The work continues today with the American Jobs Closing Tax Loopholes and Preventing Outsourcing Act, which will support millions of American jobs.

This bill is a significant investment in America's entrepreneurs and its workers. It helps to restore the flow of credit to small businesses, which hire the majority of America's workers. It extends the important R&D tax credit, research and development, which helps businesses innovate, grow, and create jobs. That's what we need to be about, creating jobs for our people.

It invests in the successful Build America Bonds and Recovery Zone Bonds, which create jobs and build much needed projects, like schools, hospitals, roads, and public transit. It puts young people to work with summer jobs programs so that they're not out in the streets, so they start to learn some skills, so that they have something to do with their time. That's good for them to learn job skills, that's good to get projects done that need to be done, and it provides for idle hands having work.

This bill also protects the safety net for Americans who are out of work through no fault of their own. It extends their unemployment insurance and helps them keep their health coverage. That's not only the right thing to do; it is also one of the most effective ways to boost local economies.

In addition, by preventing physician reimbursement rates from falling, it ensures that millions of seniors, military retirees, and people with disabilities can continue seeing their doctors.

Now, let me say something about what the ranking member said, for whom I have a great deal of respect. He said the docs don't like this. I don't like this. Unfortunately, none of your colleagues in the United States Senate voted for a bill that we sent to them. I don't think any of you voted over here for it either, which made a permanent fix to this doctors' roller coaster of pretending that we're going to cut doctors' reimbursement. We're not going to do that. We're not going to do it because we want to make sure that our seniors, that our folks with disabilities and others have access to their doctors. So we're not going to do that.

So we play a game. It is a game of dollars, of course, an important game. But we play a game that we're somehow not going to do it, so we do it in short stretches. You did the same thing when you were in charge. We're doing it again.

We should do this permanently. The Speaker is for permanent fix. I'm for permanent fix. And if we need to pay for it, I will vote to pay for it. And we do need to pay for it. Now, whether we need to pay for it immediately all up front or we pay for it as we do sporadically, but either way, we all know we're going to do this.

So I say to my friend, I understand the doctors are not pleased. I am not pleased. The Speaker's not pleased. Mr. LEVIN is not pleased. And certainly Mr. WAXMAN is not pleased. And my colleagues on this side of the aisle are not pleased. I presume your colleagues are not either. But, frankly, this is what you did when you were in charge. And we're doing it for the same reason: We need to get the votes. And I'm hopeful that we can join together in a bipartisan way at some point in time, and because we don't have a bipartisan way, frankly, we've got to carry the load ourselves.

I've been in the minority. It's easy to say ''no.'' It's much easier being in the minority. When I was the minority whip, nobody ever asked me did I lose by 1 or did I lose by 20. They assumed I was going to lose, and it didn't matter how much I lost by. Now, of course, if I lose by 1, they know that and I get a lot of flack, properly so.

So we could do better policy if we would do bipartisan policy, if we could do a broader outlook. So I invite you to engage. I don't think you'll do so today, but I hope you will in the future. That's not the only right thing to do. It's also one of the most effective ways to boost our local economies.

In addition, by preventing physician reimbursement rates from falling, it insures that millions of seniors, military retirees, and people with disabilities can continue seeing their doctors. We hope you don't vote against that. It will be a separate vote. You won't have to vote for the rest of the stuff if you don't like it, but vote for the SGR. Vote at least for the next 19 months to say to doctors, We're going to reimburse you at a proper rate to serve seniors, military retirees, and people with disabilities. At least vote for that one if you think docs ought to be reimbursed. Or if you think docs ought to have a 21-percent cut, vote against it.

Those are some of the many steps this bill takes to create jobs and protect Americans struggling in hard times. But just as importantly, this job creation is funded by efforts to close unfair tax loopholes and enforce corporate accountability. This bill would close the loophole that enables Wall Street fund managers to pay taxes at a rate 20 percent lower than the rate for ordinary working Americans. We differ on that. I understand that. And a lot of people have talked about how we can tweak that, if you will. It's a question, however, of basic fairness of taxing people on money they earn at similar rates. And I want to say something on that, because I think there's been some misinterpretation.

I can't speak for every one of my Democratic colleagues, but I'm a strong believer that if people take money out of their pocket, take capital at risk, that there ought to be a differential tax rate, and there is and there will continue to be. At least with my support, there will continue to be.

Further, this bill closes the tax loophole that lets multinational corporations profit by shipping jobs overseas and putting Americans out of work. I believe most of you on the other side of the aisle, my friends and colleagues, don't believe that's a proper thing for us to do. I hope you will join us on that.

By taking advantage of the foreign tax credit, these corporations are able to avoid American and foreign taxes, giving them incentives to move offshore and take jobs from people here at home. Again, tax fairness and the needs of our middle class both urge us to close this loophole. Another loophole for the privileged that Republicans have defended for years.

Finally, this bill takes the first step to hold the oil industry accountable for

the historic mess it made in the Gulf of Mexico. British Petroleum will be millions of dollars in debt when this concludes. It increases the amount the oil industry must pay into the Oil Spill Liability Trust.

I urge my colleagues to support this bill. It's a good bill for jobs. It's a good bill for closing tax loopholes. It's a good bill for dissuading people from taking jobs overseas. Take this step for America, and continue to build on the economic progress that we have made over the last 17 months.

Mr. HARE. Mr. Speaker, I rise today in strong support of the American Jobs and Closing Tax Loopholes Act which would create jobs, extend critical tax credits, provide assistance to people in need, and ensures that my home state of Illinois is able to continue building its infrastructure.

The bill extends unemployment insurance until November 30, 2010. It extends the National Flood Insurance Program until the end of the year. It also extends key tax credits for Illinois clean energy producers. Further, enactment of this legislation will ensure that short line and regional rail lines can continue critical track maintenance, providing reliable infrastructure for rail customers and communities across the nation. It achieves this through the Railroad Track Maintenance Credit. The 45G rail tax credit will enable small and mid-sized railroads to update and upgrade their track capacities in order to promote those railroads as a viable way to move freight. This provision means that railroads in and around my district, such as the Burlington Junction Railway, the Decatur Junction Railway, the Illinois & Midland Railroad, the Iowa Interstate Railroad, the Keokuk Junction Railway, and the Toledo, Peoria & Western Railroad, would all be able to make the necessary upgrades and perform maintenance to tracks which move our nation's food, consumer goods, and coal.

Another aspect of this bill that I am proud to support is commonly known as the ''Doc Fix'', which prevents a 21 percent doctor payment cut under Medicare which is scheduled to take place in June in order to preserve seniors' access to the doctor of their choice. This 19 month fix to the Sustainable Growth Rate formula increases physician payment rates by 2.2 percent for the rest of 2010 and 1 percent in 2011. This provision is necessary to guarantee that Medicare beneficiaries can continue to enjoy the excellent access to care that they do today.

Finally, H.R. 4213 ensures that Illinois highway funds are protected. A provision in the original legislation would have cost Illinois $118 million. But language was added to ensure the state can keep these critical resources. I thank Chairman OBERSTAR for working with the Illinois delegation to ensure that the state was held harmless in this regard.

The bill saves taxpayer dollars by ending subsidies for corporations who ship our jobs overseas, requiring Wall Street investment fund billionaires to pay their fair share of taxes, and ensuring BP meets its responsibility for the Gulf of Mexico oil spill.

We are finally starting to see some positive momentum in the job market. But with many Americans still looking for work, these long-term extensions of unemployment insurance are critical to ordinary families' ability to make ends meet. I am pleased this bill also includes two important provisions for our farmers in Illinois. An extension of the National Flood Insurance Program will give families who live along the Mississippi River important protection from future disasters. In addition, those farmers who produce clean energy like biodiesel and ethanol will continue to receive a tax credit.

We pay for much of this by ceasing to reward multinational corporations for shipping American jobs overseas. This policy combined with several unfair trade deals has battered the manufacturing base in my district. It is time to stand up for American workers again.

Mr. CONYERS. Mr. Speaker, today, I rise in strong support of the American Jobs, Closing Tax Loopholes and Preventing Outsourcing Act. We cannot afford to ignore the job crisis any longer. I believe today's legislation will help Americans struggling with this recession by funding summer jobs programs, assisting the unemployed, extending transportation funding, bringing justice to black farmers and closing tax loopholes for Wall Street managers. Additionally, it includes critical measures to address and prevent federal disasters, including the devastating oil spill in the Gulf and coal mining accidents.

Today's legislation would offer support to those who are most in need by extending unemployment benefits such as unemployment compensation through November 2010. Moreover, the bill extends the Emergency Contingency Fund which provides funds to states to help for Temporary Assistance for Needy Families (TANF), aid to needy families, subsidized employment programs. The American Jobs Act will stop the 21 percent reduction in Medicare reimbursements that doctors were scheduled to see on June 1st 2010. This legislation would also address unemployment by allowing local Workforce Investment Boards to expand successful summer jobs programs which would provide over 300,000 jobs for those ages 14 to 24. It is important to give our youth the opportunity to gain essential skills in order to be competitive in our globalized economy.

I am disappointed the COBRA six month extension was removed from the bill as well as a six-month extension on Medicaid matching rates that would offer addition help to states with high levels of unemployment. Removal of these provisions will put many families at risk during these hard economic times.

As we recover from the worst financial crisis since the Great Depression, the American Jobs Act will force Wall Street fund managers to pay their fair share on taxes carried interest and capital gains. Currently, investment fund managers such as those who work in private equity and hedge funds only pay 15 percent tax on carried interest, while the average small business owner pays significantly higher rates. During the run up to the financial crisis many hedge funds engaged in speculative derivatives and other toxic assets which pushed our economy to the brink of a depression. The Jobs Act will force them to pay their fair share and bring lost billions in revenue to the Treasury. Lastly, the bill ends loopholes that encourage firms to claim foreign tax credits with respect to foreign taxes paid on income in order to ship jobs abroad.

I also support the American Jobs Act because it provides funds for critical transportation projects in Michigan and across the country by allocating over four billion dollars to the popular Build America Bonds initiative. Lauded as one of the most successful parts of the Recovery Act, the Build America Bonds are bonds with tax exemption on interest. The extension of this initiative will allow for the construction of new schools, roads, environmental projects, public safety facilities, and government housing projects. Furthermore, Michigan historically has been a donor state in transportation funding, sending more money to the federal government than it receives in transportation dollars. The American Jobs legislation addresses an inequity in the funding of surface transportation projects.

I am also pleased the American Jobs Act contains a provision that will help resolve the discrimination claims brought by African American farmers against the U.S. Department of Agriculture. In the original Pigford litigation, many potential plaintiffs were unable to timely file their lawsuits due to a failure to give adequate notice of the claims period, barring the claims of as many as 70,000 farmers. In § 14012 of the 2008 Farm Bill, Congress authorized ''late-filing'' Pigford v. Glickman claimants who were denied a ''determination on the merits'' of their claims a cause of action in the United States District Court for the District of Columbia to seek such a determination. On February 18, Agriculture Secretary Tom Vilsack announced that the USDA had reached a global settlement of these claims with the Pigford claimants. That settlement, however, was predicated on the appropriation of $1.15 billion by Congress to pay the claims and costs. With this legislation, we appropriate the funds that will lead to a final resolution of the claims brought by this class of Black farmers more than a decade ago, ending a shameful chapter in the history of USDA and paving the way for the resolution of the claims brought by other minority farmers.

Today's legislation seeks to address deficiencies we have seen in the federal response to preventing and addressing disasters. While the long-term effects of the oil spill in the Gulf are still unknown, analysts estimate that costs could exceed $14 billion. By increasing the amount that the oil companies pay into the Oil Spill Liability Trust Fund, there will be more funds to assist individuals, businesses and communities so that they are not left uncompensated for damages. This bill also extends the National Flood Insurance Program and provides measures to increase mine safety.

Mr. Speaker, I hear from constituents every day whose unemployment benefits are running out and do not know how to pay their mortgage, utilities or food. We must keep safety nets available so that our fellow Americans do not go hungry. Extending these lifelines necessitates the use of emergency spending. The unemployment rate in Detroit is alarmingly high, 27.9 percent which means nearly 254,465 unemployed people in the city. There needs to be a sense of urgency in this chamber on job creation and specifically full employment, where every American worker who wants a job would have the opportunity to do so. I believe that investing in our greatest resource, the American worker, should not be a partisan issue. Today's legislation is a good first step but much more is required to help America recover from this Great Recession. I look forward to continuing to work with my colleagues on providing jobs for every American.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise in support of H.R. 4213, the American Jobs and Closing Tax Loopholes

Act of 2010. This bill would create or save over one million jobs, extend much needed help to those struggling to find work, and close tax loopholes for corporations that send American jobs overseas. I was unable to cast my vote in support of this important piece of legislation and would like to reflect for the RECORD that, if I had voted I would have voted yes.

With a 12.6% unemployment rate, my top priority is to get Californians back to work; this bill would bring critical assistance to those who are still looking for work by extending unemployment insurance through November of this year.

This bill will also create and save jobs by extending tax credits to small businesses, enabling them to hire more employees and expand operations. More needs to be done to help our economy make a full recovery and get our people back to work, but this bill takes care of those who are suffering as our economy continues to recover.

Once again, I rise in support of this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in strong opposition to the legislation before us today, which adds $54 billion to the deficit and imposes new taxes on job-creating businesses.

Make no question, Mr. Speaker, that I support a number of the provisions within this bill, including the extension of the state sales tax deduction that is so important to residents of my home state of Washington. In 2004, I was part of the effort that reinstated the state sales tax deduction for the first time in nearly 20 years. Since then, I have worked long and hard with my colleagues from both sides of the aisle to extend this important provision and make it permanent.

For this reason, Mr. Speaker, I am frustrated that instead of simply extending the state sales tax deduction and the other tax relief provisions that help Americans reinvest in our economy, the Democrat majority has chosen to tie these policies to a hodge-podge list of government spending programs that will have nothing to do with creating jobs and will balloon the deficit.

In addition, Mr. Speaker, this bill includes permanent tax increases on job-creators—supposedly to ''offset'' the costs of extending current tax relief measures for one year. It simply makes no sense to give just a one-year temporary extension of the state sales tax deduction while permanently raising other taxes. At the same time, those who control Congress made no effort to offset $54 billion in government spending included in the bill.

This defies logic, and increases the already stifling burden of debt this Congress has saddled on our children and grandchildren.

While this bill includes some very worthy proposals that Congress needs to pass, I can't support permanent new taxes on business investment and job creation—especially at a time when our economy is struggling.

I encourage my colleagues to vote no on this bill, and I stand ready to work with my colleagues on legislation that will actually help put our nation's economy on the road to recovery.

Mr. STARK. Mr. Speaker, I rise to oppose the American jobs and Closing Tax Loopholes Act.

Three days ago I would have held my nose and supported this bill. I deplore many of the corporate tax breaks extended here, I don't believe it goes far enough to close loopholes that encourage off-shoring, and I am angered that it fails to fully close the carried interest loophole. However, the bill did include other key provisions to protect working families and Medicare beneficiaries.

Unfortunately, ''Blue Dog'' Democrats insisted that many of those key provisions be removed. Rather than reforming Medicare's physician payment system and creating several years of stability, the bill has a 19-month patch that is far less than what is needed. The bill eliminates the COBRA premium assistance program that enabled families to maintain their health insurance while they are between jobs. They even went so far as to remove emergency Medicaid funding for States that was the only hope to prevent States from dumping women, children and frail seniors off their Medicaid rolls.

What Congress does has consequences. When we choose to subsidize corporations through the tax code, rather than sustain Medicaid or the COBRA premium assistance program, our choice means people will lose health care. I was reminded of this sad reality yesterday when a constituent called to tell me he is getting laid off next month. Without COBRA assistance, which expires on Monday, he will be without health care. He was put in the difficult position of suggesting his employer terminate him earlier so his family could afford to remain insured. That isn't a choice anyone should be forced to make.

I cannot vote for this bill knowing that we are cutting off health care to the unemployed, while continuing absurd tax breaks, such as the so-called Research and Development Tax Credit. GAO has found that this credit provides a windfall to huge corporations to engage in behavior they would have engaged in with or without the credit. Eliminating this credit and other wasteful corporate credits would allow us to pay for COBRA assistance. Unfortunately, Congress is choosing corporate interests over the interests of families and workers.

There are good provisions in this legislation. Extending the TANF Emergency Contingency Fund so that States can continue successful subsidized employment programs is the right thing to do. Continuing extended unemployment insurance benefits for the millions of Americans still looking for work is also the right thing to do. Providing pension relief for workers is long overdue. I strongly support these provisions.

But I cannot vote to support a bill that has been stripped of other vitally important provisions for America's working families, while maintaining special interest tax breaks.

Ms. ESHOO. Mr. Speaker, I rise today to express my views on the American Jobs and Closing Tax Loopholes Act, H.R 4213. There are four reasons I will vote for the bill.

It extends unemployment benefits for America's jobless workers at a time when they need it most, providing basic assistance for needy families.

It extends the temporary increase in the federal Medicaid matching funds delivered to the states. This provision will give local communities the certainty they need as they enter another fiscal year strapped for cash.

It provides critical assistance to those struggling to pay for healthcare by extending the COBRA premium assistance program.

It extends the Research and Development Tax Credit to the end of this year, a tax credit I have fought to make permanent since entering Congress in 1993. This is a very short extension, but it is better than no extension at all.

Having said the above, I strenuously oppose other parts of the bill.

I believe Sections 411 and 412 on carried interest are bad policy which could cause damage to a fragile economy struggling to create jobs. Jobs are created by risk takers. Venture capitalists launch small businesses. They invest in the communities in which they live. They take significant risks when they bet on the next great American dream. What is so unfortunate about this legislation is that it contains an ill-advised provision that puts the job-creating engine of our innovation economy in jeopardy by stopping inventors dead in their tracks. I oppose the tax treatment in the bill because I believe it is anti-job and anti-innovation.

Section 404 also runs counter to job creation and investing in America. It limits the ability of businesses to bring revenue back to the United States at a time when we can't afford to turn it away. It also changes long-standing international tax law that will put our most innovative U.S. companies at a disadvantage when competing around the world.

I also strongly object to the cost of this bill. More than half of the bill is not paid for. We should and can do better for the American people.

Mr. Speaker, I cannot vote against those most in need, and I won't. But I feel very strongly about the deep flaws in this legislation and regret that the sections I point out are included in H.R. 4213. I hope that by the time a Conference Report reaches us that these policies will no longer be part of the legislation.

Mr. LANGEVIN. Mr. Speaker, I rise in support of this jobs and economic assistance package, which includes an extension of numerous tax provisions critical to sustaining and building jobs, while providing relief to thousands of Rhode Islanders who are still struggling to rebuild after a devastating recession and recent catastrophic flooding.

Our economy is beginning to show signs of recovery, but that progress has been slow in reaching Rhode Island. People are still looking for jobs, small businesses are struggling to keep their doors open and homeowners continue to face high rates of foreclosure. These problems were only compounded by historic flooding in the Northeast, which damaged and destroyed thousands of homes and businesses across Rhode Island.

Our constituents deserve to know that we are doing everything in our power to support them during these difficult times. This bill extends unemployment insurance through November 30th to help families make ends meet while they look for new job opportunities. It also continues important small business lending programs to help spur job growth and hiring.

I am particularly pleased that this bill contains an extension of the national disaster tax provisions through 2010. Since the catastrophic floods hit Rhode Island, I have worked tirelessly with our state's delegation in pursuing every avenue of assistance and relief that the federal government can provide. In addition to our other efforts, I joined my colleague, Representative PATRICK KENNEDY, in introducing the National Disaster Tax Extenders Act, to ensure that Rhode Islanders would

be eligible to receive the same disaster tax assistance as other states have in the past. I am happy to see that language included in this bill.

The disaster provisions will give Rhode Islanders the maximum opportunity to deduct losses from their federal income taxes as a result of the flooding. They also allow businesses that have been affected to deduct expenses like demolition, repair and clean up, as well as apply a net operating loss carry back for 5 years, instead of two.

This legislation also averts a 21 percent reimbursement cut to physicians so they can continue to provide care to our seniors who rely on Medicare. The reimbursement cut is replaced with a 2.2 percent payment increase though 2010 and an additional 1 percent, increase in 2011. While I am disappointed that a permanent fix of the flawed Medicare reimbursement formula was not possible given our current budgetary constraints, it is my hope that Congress corrects this policy soon, so we do not continue to sustain greater costs in the future.

Among other important provisions in this bill is financial relief for our veterans that allows concurrent receipt of both military retirement pay and VA military disability pay for 2 years. It provides an extension of the Temporary Assistance for Needy Families, TANF, emergency relief fund to help states with their social assistance and employment programs. It extends numerous pro-business and pro-community tax provisions, like the R&D tax credit, enhanced deductions for charitable contributions, deduction of classroom expenses for teachers, and investments in alternative energy use and development.

Last but certainly not least, this bill increases the amount that oil companies are required to pay into the Oil Spill Liability Trust Fund, so that the taxpayers are not left with the bill to clean up calamitous man-made disasters like the tragic spill occurring in the Gulf of Mexico right now.

This bill is not a permanent solution to our problems. It has been significantly scaled back to minimize deficit spending, removing critical Medicaid assistance to states as well as an extension of COBRA health insurance premium assistance for the unemployed. Given Rhode Island's continued budgetary deficits and the inevitable loss of medical coverage to state residents, it is imperative that we take up consideration of the Medicaid and COBRA provisions immediately after Congress reconvenes in June.

In the mean time, I ask my colleagues to support the tax extenders package before us today so we can provide assistance to families and businesses that will help put Rhode Islanders back to work.

Mr. HIMES. Mr. Speaker, I rise today with regret that I am unable to cast my vote in support of H.R. 4213 as it stands. I am acutely aware that many families and workers across Connecticut are still struggling from the severe downturn in our economy. Last winter, I supported and voted for the American Recovery and Reinvestment Act. At the time, economists from across the spectrum were calling for a stimulus, and I continue to consider the stimulus a key element in a multi-pronged approach to turn our economy around. While the stimulus is clearly helping, we have yet to feel its full effects. Nearly $400 billion—or more than half—of Recovery Act funds remain unspent. Given this fact, I have serious reservations about authorizing additional spending at this time.

The legislation settled on during this process would increase spending by $115 billion, $60 billion of which is not paid for. While I applaud efforts to trim the size and scope of this bill, it still increases our national deficit without a plan to address our long-term fiscal health.

My concerns with this bill are tempered by my enthusiastic support for many of its provisions. I support, and have voted for, a permanent repeal of the flawed Sustainable Growth Formula, SGR, which threatens the financial viability of our medical providers for the sake of an accounting gimmick. I recently added my name to a letter calling upon the Senate to act on permanent reform of the SGR—these piecemeal measures like the ''fix'' in this bill, while necessary in the short term, are an irresponsible substitute for repealing and replacing this flawed formula.

I support a strong safety net for our unemployed and under-employed, and I have voted in favor of extending unemployment benefits. In a time of economic upheaval, these benefits are crucial to helping families make ends meet and stimulate the demand that leads to economic recovery. And, I support a number of the expiring or expired provisions in our tax code, such as the Research and Development tax credit, which are critical to innovation and job creation.

While I support many of the provisions contained in the bill, I generally will not and cannot support increased spending that does not meet the true spirit of the PAYGO legislation I cosponsored last summer and the President signed into law in February.

Today, I take a step towards thoughtfully rebalancing the budget. While we all know that the economy has by no means fully recovered, it's time to pull back government spending so that we don't find ourselves in an even more dangerous fiscal predicament down the road.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 4213, American Jobs, Closing Tax Loopholes, and Preventing Outsourcing Act.

After losing over $17 trillion in total household wealth over the last 18 months of the Bush Administration, we have finally started on the path to economic growth. Thanks to the efforts of this Congress, we have had two straight months of job creation. Job losses have slowed dramatically, plummeting housing prices have stabilized, and our economy is beginning to produce again. Earlier this week, the Congressional Budget Office released a new report highlighting the job-creating impact of the Recovery Act. According to the CBO report, the Recovery Act boosted the Nation's economy by up to 4.2% in the first quarter of the year and has already supported as many as 2.8 million jobs. However, the recovery is fragile and we must continue to help businesses and individuals who are struggling. H.R. 4213 builds on earlier efforts to create jobs and support small businesses. The most important thing we can do to bolster our economy is to help provide opportunity to everyone who is willing to work hard to make the most of their God-given abilities. Earlier this week I visited two local businesses in North Carolina. I visited a coffee shop that is thriving after receiving a loan from the Small Business Administration, SBA, and a high tech company that is looking to grow. This bill includes a provision to extend the waiver of SBA fees and an extension of the Research and Development tax credit that boosts high tech companies like those in the Research Triangle Park. Among the other tax credits that aid small businesses, H.R. 4213 includes a provision that extends the special cost recovery period for restaurants and retail businesses that are growing and making capital purchases.

This bill also extends the successful Build America Bonds initiative that has led to billions of dollars of infrastructure improvements around the country and thousands of new jobs. It supports summer jobs initiatives that provide young people with employment and prepare them for productive work in the private sector. It supports job creation in the energy sector, so that America remains at the forefront of technology and reduces its dependence on foreign oil.

There are so many good provisions in this bill that it is hard to list them all, but I would like to call attention to two specific benefits that particularly affect North Carolina's second district. For years I have been working to correct an issue that prevents veterans from receiving the benefits they were promised and which they deserve on the basis of their service. I am proud to represent a large number of veterans in my district and many of these North Carolinians deserve ''concurrent receipt'' that allows our veterans to collect both disability and retirement pay. This bill provides concurrent receipt for the next 2 years. I have also fought to make sure that North Carolina's farmers, so hard-hit by the current economic downturn, receive support so that local agriculture can continue to provide quality food to America's dinner tables. As one of the Nation's leading poultry producers, North Carolina needs the agriculture disaster support provided by this bill, including assistance I demanded for poultry farmers who suffered catastrophic losses during this recession.

Let us continue to empower Americans on Main Street. I support helping our hard-working Americans and strengthening our economy. I support H.R. 4213, the American Jobs, Closing Tax Loopholes, and Preventing Outsourcing Act, and I urge my colleagues to join me in voting for its passage.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to express my views on H.R. 4213, the American Jobs and Closing Tax Loopholes Act. This is an important bill for our country as we continue to move out of the economic recession. I will be voting in favor of H.R. 4213. However, I have strong reservations about the carried interest tax provisions in this bill and its impact on job growth in areas like Silicon Valley, where innovation and venture capital funds play a key role in the economy.

The American economy gained 290,000 jobs last month, the largest number of job gains in a month since 2006, and the GDP increased by 3 percent last quarter. While these numbers clearly show positive economic growth, the economy has not been recovering fast enough for many families in Santa Clara County where unemployment is still at 11.4 percent—nearly 2 percent higher than the national average.

H.R. 4213 will do much to help California and Silicon Valley families hit by this recession. This bill will provide California with billions of dollars for unemployment benefits, direct assistance to needy families and children,

emergency rental assistance, and summer youth programs. I support all of these programs because they will provide a critical lifeline for families trying to keep their heads above water and survive this economic downturn.

These programs will help maintain the short-term stability of the economy, but families in the long-term need jobs the private sector will create. Venture capital investments help create these jobs of the future. This is why I am so concerned about the section in the bill that will increase the tax rate for carried interest as applied to venture capital. Unlike private equity funds, venture capital investments typically span multiple years and funding cycles. It is not uncommon for it to take 10 to 15 years for these ideas to reach the market, and in many cases they never do.

We have all heard of Google, Apple, Cisco, Genentech, and Tesla Motors. All of these companies were at one point just an idea in the minds of their founders. The system of venture capital allowed these ideas to develop and grow into major industries that created hundreds of thousands of jobs.

I applaud House leaders for delaying the implementation of changes to the carried interest tax for a year, but the eventual hit to venture capital investments is worrisome. Just as we are starting to emerge from the "Great Recession" this seems an inopportune time to overturn the venture capital system that has been an engine of job growth.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1403, the previous question is ordered.

The question of adoption of the motion is divided.

The first portion of the divided question is: Will the House concur in the Senate amendment with all of the matter proposed to be inserted by the amendment of the House other than section 523?

The question is on the first portion of the divided question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CAMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Pursuant to clause 9 of rule XX, this 15-minute vote on the first portion of the divided question will be followed by a 5-minute vote on the second portion of the divided question, if ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 204, not voting 13, as follows:

[Roll No. 324]

YEAS—215

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doyle
Edwards (MD)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—204

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capuano
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Crenshaw
Culberson
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hoekstra
Hunter
Inglis
Inslee
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Stark
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Graves
Hastings (FL)
Johnson (GA)
Jones
Latta
Melancon
Ryan (WI)
Shuler
Stupak

□ 1338

Mr. GUTIERREZ changed his vote from ''nay'' to ''yea.''

So the first portion of the divided question was adopted.

The result of the vote was announced as above recorded.

(By unanimous consent, Ms. PELOSI was allowed to speak out of order.)

HONORING HERB SHANKS, DEMOCRATIC CLOAKROOM ATTENDANT

Ms. PELOSI. Mr. Speaker, I rise today to honor Herb Shanks, the Cloakroom attendant of the House Democratic Cloakroom for the last 38 years. Herb is retiring today after serving this institution much longer than probably most Members of the Congress. Indeed, he has served under seven Speakers of the House, and generations of Members have depended upon him.

As the Doorkeeper and Cloakroom Attendant, Herb has ensured the safety and security of House Members and staff by controlling access to the Democratic Cloakroom. He has also been a face of warm welcome to all Members.

Herb's dedicated service is representative of the many staff who serve this institution, particularly those who work in both the Democratic and the Republican Cloakrooms, and the nonpartisan officers who ensure smooth operations on the House floor. They may not be household names, but they proudly serve our Nation's families. Herb is joined here today by his twin daughters, Andrea and Angela; we thank them for sharing their father with us.

We also note that Herb is the proud grandfather of four and great grandfather of three. Today, we will present Herb with a flag that flew over the Capitol in his honor on this, his day of retirement, after 38 years of service. It is a fitting tribute to this great patriot, Herb Shanks.

Thank you, Herb.

I would now like to yield to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank the Speaker for yielding.

I have the honor of representing Herb in the Congress of the United States. He was born in Aquasco in April of 1936. In my view, he's a young man. For those of you who are much younger, I want you to know he's still a young man.

Herb, let me say to you, as the Speaker has pointed out, Herb has served with seven Speakers of the House, from Speaker Albert to Speaker PELOSI. For those of you in the Republican Cloakroom, I've had the opportunity to come over to your side, and I love the folks that you have working on your side. Like Herb, they treat us all alike. There are no Republicans or Democrats for them. They're just Members of Congress who serve together and work together on behalf of our country.

Herb, you have been a wonderful friend, and you have made everybody's day brighter every time they come in contact with you. You have been someone who has been so thoughtful, so courteous, so kind that all of us have been advantaged and our lives have been made better by your service. And Herb, as you leave—not our hearts, but this House, at least the Cloakroom—we know that you will hopefully come back from time to time and visit with us, and we will be again enriched with your presence and your demeanor.

We wish you God speed. And we say to you, thank you, good friend.

□ 1345

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The second portion of the divided question is: Will the House concur in the Senate amendment with the matter proposed to be inserted as section 523 of the amendment of the House?

The question is on the second portion of the divided question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 171, not voting 16, as follows:

[Roll No. 325]

AYES—245

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McGovern
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (KY)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—171

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Dahlkemper
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harman
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McDermott
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf

NOT VOTING—16

Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Delahunt
Graves
Gutierrez
Hastings (FL)
Jones
Latta
Melancon
Ryan (WI)
Sanchez, Loretta
Serrano
Shuler
Stupak

□ 1352

Mr. BAIRD changed his vote from ''aye'' to ''no.''

So the second portion of the divided question was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BOREN. Mr. Speaker, I was absent when rollcall votes occurred for H.R. 4213—The American Jobs, Closing Tax Loopholes and Preventing Outsourcing Act. I was not present because I was attending a funeral for a family member.

If I would have been present for the rollcall votes listed below for H.R. 4213, I would have voted in the following manner:

1. Roll No. 324, On concurring in Senate amendment with amendment (except portion comprising section 523) Agreed to by the Yeas and Nays; 215–204. I would have voted ''nay.''

2. Roll No. 325, On concurring in Senate amendment with portion of amendment comprising section 523 Agreed to by recorded vote: 245–171. I would have voted ''nay.''

AMERICA COMPETES REAUTHORIZATION ACT OF 2010

The SPEAKER pro tempore (Mr. PASTOR of Arizona). Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

The Clerk read the title of the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members not to traffic the well.

Ms. ESHOO. Mr. Speaker, our country faces a serious challenge. We are in danger of falling behind our global competitors in Europe and Asia in the critical fields of innovation and technology.

Our children have fallen behind the rest of the world in critical math and science skills. We lag behind other economic powers in our investment in research and science, and we rank 26th in broadband penetration worldwide.

The alarm bells are sounding—and we have a responsibility to future generations of Americans to respond.

That's why nearly 5 years ago we began to answer that call to arms. I joined with then-House Democratic Leader NANCY PELOSI and other colleagues to launch The Innovation Agenda: A Commitment to Competitiveness. The policy proposals we developed were the result of extensive consultation and meetings that began at Stanford University from the high-technology, biotechnology, venture capital and academic communities. It was a long-term strategy to invest in the critical areas of science and education to ensure that America will lead the world in innovation.

The original COMPETES legislation, which passed in 2007, contained the key elements of the Agenda.

That legislation laid the foundation for America's future success. It has prepared thousands of teachers in math and science. It doubled the funding for the National Science Foundation, the Department of Energy's Office of Science, NIST, and the Manufacturing Extension Partnership over 10 years. It established the new Advanced Research Projects Agency for Energy, ARPA–E, and funded high-risk, high-reward, pre-competitive technology development.

The reauthorization of COMPETES we are considering today keeps these investments in innovation on track.

I've already seen the benefits of the original COMPETES and other government funding first-hand in my District, the heart of Silicon Valley. The types of investments this bill makes have been the catalyst for some of the greatest innovators and drivers of our economy, including Google, Genentech, and Cisco. This legislation will fund the next generation of innovators to ensure that the 21st century is an American century.

Americans of my generation and that of my parents have always accepted it as an article of faith that the United States would lead the world in invention, ingenuity, and innovation. No matter what the challenge, America has risen to meet the competition and we have come out on top.

With this legislation, we renew our commitment to the generations to come that we will plant the seeds today to ensure America's growth in the future.

I applaud Chairman GORDON on this legislation and I strongly urge my colleagues to support the reauthorization of the COMPETES Act.

Mr. DINGELL. Mr. Speaker, as a cosponsor of the America COMPETES Reauthorization Act, I rise today in strong support of this legislation. In recent years we have watched as our country has fallen behind in educating our children for the 21st century and developing technology that our neighbors envy. Today's legislation will help to turn these trends around by making the strong investments necessary in research, education and manufacturing.

This bipartisan legislation reauthorizes our basic research programs and lays the groundwork for doubling funding levels for the National Science Foundation, the Department of Energy Office of Science and the National Institute of Standards and Technology. Funding through these programs has been critical to many of the faculty, staff, scientists and investigators in my district who rely on funding from these agencies to support their research. Research that has led to spin-offs such as A123, now a leader in advanced battery technology. America COMPETES also reauthorizes the Advanced Research Projects Agency for Energy, which has made great efforts at developing the energy technology of the future.

This research cannot be done without providing our students with the strong educational foundation necessary for a college education. This legislation will expand and improve STEM education from kindergarten to college through scholarships to train secondary teachers in STEM fields to teach in high need schools, provide grants to increase the number of students who pursue undergraduate degrees in STEM fields, and establish fellowships for recent doctoral degree candidates who can lead STEM education research and program development. America COMPETES will also help our colleges and universities to retain and recruit underrepresented groups in STEM fields. These are necessary improvements to ensure that the next generation of researchers, faculty, engineers, and entrepreneurs can compete with their counterparts abroad.

America COMPETES legislation will also provide critically needed help to our small- and medium-sized manufacturers who have been hard hit by the financial downturn. In order to improve competitiveness and access to capital, America COMPETES will provide Innovative Technology Federal Loan Guarantees for these manufacturers. To help manufacturers modernize, this legislation authorizes the National Science Foundation to support research needed for advances in manufacturing. To ensure manufacturers will have the skilled employees they need, the Manufacturing Extension Partnership Centers will be directed to work with local community colleges to ensure training programs fit the needs of local manufacturers. It will also reduce the cost share contribution for Manufacturing Extension Partnership program centers, which provides invaluable assistance to manufacturers by increasing their technological capabilities, instituting green or lean manufacturing techniques, and increasing their sales.

Mr. Speaker, I know my colleagues all agree that our country has the best education system in the world and the most talented and innovative manufacturers and entrepreneurs. However, they cannot continue to compete with their foreign colleagues who have benefited from strong leadership and investment from their government and a clear plan for the path forward. The future success of our children and grandchildren depends on our government partnering with private industry in investing in the education and innovative technology of the 21st century. To truly compete with our neighbors abroad, we must pass the America COMPETES Reauthorization Act, which is why I urge my colleagues to vote "yes."

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of the America COMPETES Reauthorization Act.

Over the course of our nation's history, one of our greatest strengths has been our ability to innovate. We have led the world in scientific discovery, expanding the boundaries of knowledge and thinking creatively about difficult problems. However, in recent years, we have seen our technological edge diminish as other countries increase their investment in research and development.

In 2005, the National Academies released "Rising Above the Gathering Storm," warning that unless the United States made a serious commitment to science and technology, it would lose its competitive edge in the world economy.

We responded in a bipartisan way in 2007 with the original America COMPETES Act, a comprehensive investment in education, research, and small business. Today's bill continues and improves upon that approach. It invests in the American innovation economy, providing the resources necessary to create good, sustainable jobs at home and ensure that the United States remains at the forefront of discovery.

Importantly, this bill will double funding for basic research at the National Science Foundation, the Department of Energy Office of Science, and the labs at the National Institute of Standards and Technology, NIST, over 10 years. This funding provides the cornerstone of our nation's research and development efforts. It is vital that we have a stable, sustainable authorization path and that we fund it reliably so that our nation's researchers know that they have dependable support for long-term projects.

The America COMPETES Reauthorization Act will continue to assist our nation's manufacturers and businesses by strengthening the Manufacturing Extension Partnership at NIST, providing innovative technology federal loan guarantees for small- and medium-sized manufacturers, and coordinating with community colleges to ensure that there are good, regional pipelines of workers with the skills necessary to keep business moving. The Office of Innovation and Entrepreneurship at the Department of Commerce will assist businesses with commercializing the results of research to speed market application of new products.

The legislation also creates a new program to develop Regional Innovation Clusters, which will build up regional economies working within a given field by bolstering scientific collaboration between businesses and other entities. We will track the progress of these clusters to determine best practices for other regions.

And finally, this bill continues to recognize that our nation's long term success is dependent on the strength of our education system. It coordinates science, technology, engineering, and math, STEM, education efforts across the federal government, invests in grants and scholarships for college students pursuing STEM careers, and provides resources to diversify our future STEM workforce.

Mr. Speaker, I commend the House Committee on Science and Technology and its Chairman, BART GORDON, for their excellent work on this issue. I urge my colleagues to join me in voting for this important legislation.

Mr. GORDON of Tennessee. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 5116, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GORDON of Tennessee:

Strike page 91, line 9, through page 98, line 4.

Strike page 163, line 3, through page 164, line 11.

Strike page 176, line 15, through page 187, line 13.

Strike page 187, line 14, through page 195, line 11.

Strike page 235, line 15, through page 244, line 1.

Page 245, lines 12 through 24, amend section 702 to read as follows:

SEC. 702. PERSONS WITH DISABILITIES.

For the purposes of the activities and programs supported by this Act and the amendments made by this Act—

(1) institutions of higher education chartered to serve large numbers of students with disabilities, including Gallaudet University, Landmark College, and the National Technical Institute for the Deaf, and institutions of higher education offering science, technology, engineering, and mathematics research and education activities and programs available to veterans with disabilities, shall receive special consideration and have a designation consistent with the designation for other institutions that serve populations underrepresented in STEM to ensure that institutions of higher education chartered to serve or serving persons with disabilities benefit from such research and education activities and programs; and

(2) agencies for which appropriations are authorized by this Act or the amendments made by this Act shall also conduct outreach to veterans with disabilities pursuing studies in science, technology, engineering, and mathematics to ensure that such veterans are aware of and benefit from the research and education activities and programs authorized by this Act.

At the end of the bill, insert the following new sections:

SEC. 704. NO SALARIES FOR VIEWING PORNOGRAPHY.

None of the funds authorized under this Act may be used to pay the salary of any individual who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

SEC. 705. INELIGIBILITY FOR AWARDS OR GRANTS.

None of the funds authorized under this Act shall be available to make awards to or provide grants for an institution of higher education under this Act if that institution is prevented from receiving funds for contracts or grants for education under section 983 of title 10, United States Code.

SEC. 706. ALTERNATIVE AUTHORIZATIONS.

Notwithstanding sections 212, 402, 611, and 622, in any year following a year in which there is a Federal budget deficit the authorization levels in those sections and the amendments made by those sections shall be in the amount specified as follows:

(1) ALTERNATIVE AUTHORIZATIONS FOR THE NATIONAL SCIENCE FOUNDATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the Foundation $6,872,510,400 for each of the fiscal years 2011 through 2013.

(B) SPECIFIC ALLOCATIONS.—Of the amount authorized under subparagraph (A) for each fiscal year—

(i) $5,563,920,400 shall be made available for research and related activities;

(ii) $872,760,000 shall be made available for education and human resources;

(iii) $117,290,000 shall be made available for major research equipment and facilities construction;

(iv) $300,000,000 shall be made available for agency operations and award management;

(v) $4,540,000 shall be made available for the Office of the National Science Board; and

(vi) $14,000,000 shall be made available for the Office of Inspector General.

(2) ALTERNATIVE AUTHORIZATIONS FOR THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(A) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $839,300,000 for the National Institute of Standards and Technology for each of the fiscal years 2011 through 2013.

(B) SPECIFIC ALLOCATIONS.—Of the amount authorized under subparagraph (A) for each fiscal year—

(i) $515,000,000 shall be authorized for scientific and technical research and services laboratory activities;

(ii) $120,000,000 shall be authorized for the construction and maintenance of facilities; and

(iii) $204,300,000 shall be authorized for industrial technology services activities, of which—

(I) $70,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(II) $124,700,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(III) $9,600,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(3) ALTERNATIVE AUTHORIZATIONS FOR THE OFFICE OF SCIENCE OF THE DEPARTMENT OF ENERGY.—There are authorized to be appropriated to the Secretary for the activities of the Office of Science $4,904,000,000 for each of the fiscal years 2011 through 2013, of which for each fiscal year—

(A) $1,637,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) $604,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) $394,000,000 shall be for Advanced Scientific Computing Research activities under section 606.

(4) ALTERNATIVE AUTHORIZATIONS FOR ARPA-E.—No funds are authorized to be appropriated to the Director of ARPA-E for deposit into the Fund for fiscal years 2011 through 2013.

Mr. GORDON of Tennessee (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read.

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

Mr. HALL of Texas. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

□ 1400

Mr. GORDON of Tennessee. Mr. Speaker, I demand a division of the question on the adoption of the amendment to enable the separate votes on the portion of the amendment proposing to insert a new section 704 and on the portion of the amendment proposing to insert a new section 705.

The SPEAKER pro tempore. The Chair will divide the question on adopting the amendment among those three separate portions.

Mr. HALL of Texas. Mr. Speaker, I demand that the amendment be further divided to put a question separately on adding section 702 relating to the disabled veterans and section 705 relating to military recruiters, right here on the eve of Memorial Day.

Mr. GORDON of Tennessee. Mr. Speaker, I demand that the question on adopting the amendment be divided among its nine separate parts.

The SPEAKER pro tempore. The Chair will divide the question on adopting the amendment among nine separable portions.

The first part of the divided question for voting is the portion of the amendment proposing to strike section 228.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HALL of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on adopting the first portion of the amendment will be followed by 5-minute votes, if ordered, on subsequent portions of the amendment.

The vote was taken by electronic device, and there were—ayes 175, noes 243, not voting 13, as follows:

[Roll No. 326]

AYES—175

Aderholt	Coffman (CO)	Issa
Akin	Cole	Jenkins
Alexander	Conaway	Johnson (IL)
Austria	Crenshaw	Johnson, Sam
Bachmann	Culberson	Jordan (OH)
Bachus	Dent	King (IA)
Barrett (SC)	Diaz-Balart, L.	King (NY)
Bartlett	Diaz-Balart, M.	Kingston
Barton (TX)	Djou	Kirk
Biggert	Dreier	Kline (MN)
Bilbray	Duncan	Lamborn
Bilirakis	Emerson	Lance
Bishop (UT)	Fallin	Latham
Blackburn	Flake	LaTourette
Blunt	Fleming	Lee (NY)
Boehner	Forbes	Lewis (CA)
Bonner	Fortenberry	Linder
Bono Mack	Foxx	LoBiondo
Boozman	Franks (AZ)	Lucas
Boustany	Frelinghuysen	Luetkemeyer
Brady (TX)	Gallegly	Lummis
Bright	Garrett (NJ)	Lungren, Daniel E.
Broun (GA)	Gerlach	Mack
Brown (SC)	Gingrey (GA)	Maffei
Buchanan	Gohmert	Manzullo
Burgess	Goodlatte	Marchant
Burton (IN)	Granger	McCarthy (CA)
Buyer	Griffith	McCaul
Calvert	Guthrie	McClintock
Camp	Hall (TX)	McCotter
Campbell	Harper	McHenry
Cantor	Hastings (WA)	McKeon
Cao	Heller	McMorris Rodgers
Capito	Hensarling	Mica
Carter	Herger	Miller (FL)
Cassidy	Hodes	Miller (MI)
Castle	Hoekstra	Miller, Gary
Chaffetz	Hunter	
Coble	Inglis	

Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—243

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—13

Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Delahunt
Graves
Hastings (FL)
Jones
Latta
Melancon
Ryan (WI)
Shuler
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1421

Ms. JACKSON LEE of Texas and Messrs. GARAMENDI and LUJÁN changed their vote from ''aye'' to ''no.''

Mr. HODES changed his vote from ''no'' to ''aye.''

So the first portion of the amendment was not adopted.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The second portion of the divided question for voting is the portion of the amendment proposing to strike sections 406(b) and (c).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HALL of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 244, not voting 24, as follows:

[Roll No. 327]

AYES—163

Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—244

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Neal (MA)
Nye
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Stark
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—24

Aderholt
Boren
Brown-Waite, Ginny
Costello
Davis (AL)
Davis (KY)
Delahunt
Graves
Hastings (FL)
Jones
LaTourette
Latta
Meeks (NY)
Melancon
Napolitano
Obey
Rush
Ryan (OH)
Ryan (WI)
Shuler
Spratt
Stupak
Waxman
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1427

Mr. MILLER of North Carolina changed his vote from ''aye'' to ''no.''

So the second portion of the amendment was not adopted.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The third portion of the divided question for voting is the portion of the amendment proposing to strike section 502.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HALL of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

Mr. HALL of Texas. Mr. Speaker, I withdraw the request.

The SPEAKER pro tempore. Without objection, the request for a recorded vote is withdrawn. The third portion, in accord with the voice vote, is not adopted.

So the third portion of the amendment was not adopted.

The SPEAKER pro tempore. The fourth portion of the divided question for voting is the portion of the amendment proposing to strike section 503.

The fourth portion of the amendment was not adopted.

The SPEAKER pro tempore. The fifth portion of the divided question for voting is the portion of the amendment proposing to strike subtitle C of title 4.

The fifth portion of the amendment was not adopted.

The SPEAKER pro tempore. The sixth portion of the divided question for voting is the portion of the amendment proposing to amend section 702.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HALL of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 197, noes 215, not voting 19, as follows:

[Roll No. 328]

AYES—197

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Djou
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hodes
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—215

Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—19

Bean
Boren
Brown-Waite, Ginny
Clarke
Courtney
Davis (AL)
Davis (KY)
Delahunt
Graves
Hastings (FL)
Jones
Kilroy
Latta
Melancon
Murphy (NY)
Ruppersberger
Ryan (WI)
Shuler
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1435

Mr. BRIGHT changed his vote from ''no'' to ''aye.''

So the sixth portion of the amendment was not adopted.

The result of the vote was announced as above recorded.

Stated against:

Mr. COURTNEY. Mr. Speaker, on rollcall vote 328, I was not able to cast my vote. If I were recorded, I would have voted ''no.''

The SPEAKER pro tempore. The seventh portion of the divided question for voting is the portion of the amendment proposing to add section 704.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GORDON of Tennessee. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 409, noes 0, not voting 22, as follows:

[Roll No. 329]

AYES—409

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis

Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Alexander
Bachus
Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Delahunt
Graves
Hall (TX)
Hastings (FL)
Jones
Kaptur
King (IA)
Latta
Melancon
Mica
Obey
Ryan (WI)
Sessions
Shuler
Stupak
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1441

So the seventh portion of the amendment was adopted.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The eighth portion of the divided question for voting is the portion of the amendment proposing to add section 705.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HALL of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 348, noes 68, not voting 15, as follows:

[Roll No. 330]

AYES—348

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (TN)
DeFazio
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Etheridge
Fallin
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)
Young (FL)

NOES—68

Andrews
Baldwin
Becerra
Blumenauer
Capps
Capuano
Chu
Cohen
Conyers
Crowley
Davis (IL)
DeGette
DeLauro
Doyle
Edwards (MD)
Ellison
Eshoo
Farr
Filner
Frank (MA)
Garamendi
Hinchey
Holt
Honda
Johnson, E.B.
Kucinich
Lee (CA)
Lewis (GA)
Lofgren, Zoe
Markey (MA)
McDermott
McGovern
Meeks (NY)
Miller, George
Mollohan
Moore (WI)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Payne
Pingree (ME)
Polis (CO)
Price (NC)
Rangel
Roybal-Allard
Rush
Sánchez, Linda T.
Schakowsky
Scott (VA)
Serrano
Slaughter
Stark
Tierney
Towns
Tsongas
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Woolsey
Wu

NOT VOTING—15

Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Delahunt
Frelinghuysen
Graves
Hastings (FL)
Jones
Latta
Melancon
Rogers (AL)
Ryan (WI)
Shuler
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1448

Mr. PASTOR of Arizona changed his vote from ''no'' to ''aye.''

So the eighth portion of the amendment was adopted.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The ninth portion of the divided question for voting is the portion of the amendment proposing to add section 706.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HALL of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 234, not voting 16, as follows:

[Roll No. 331]

AYES—181

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—234

Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—16

Berkley
Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Delahunt
Farr
Graves
Hastings (FL)
Jones
Latta
McKeon
Melancon
Ryan (WI)
Shuler
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1454

Mr. McMAHON changed his vote from ''no'' to ''aye.''

So the ninth portion of the amendment was not adopted.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GORDON of Tennessee. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 262, noes 150, not voting 20, as follows:

[Roll No. 332]

AYES—262

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi

Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McGovern
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NOES—150

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Wilson (SC)
Wittman
Young (AK)
Young (FL)

NOT VOTING—20

Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Delahunt
Djou
Graves
Hastings (FL)
Jones
Latta
McDermott
McNerney
Melancon
Radanovich
Ryan (WI)
Serrano
Shuler
Smith (TX)
Stupak
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1501

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCNERNEY. Mr. Speaker, on rollcall No. 332, Final Passage of America Competes Act, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. BOREN. Mr. Speaker, I was absent on Friday, May 8, when call votes occurred for H.R. 5116, the America COMPETES Reauthorization Act of 2010. I was not present because I was attending a funeral for a family member.

If I would have been present for the rollcall votes listed below for H.R. 5116, I would have voted in the following manner:

1. Roll No. 326, on agreeing to the first portion of the divided question, proposing to strike section 228: I would have voted "nay."

2. Roll No. 327, on agreeing to the second portion of the divided question, proposing to strike sections 406(b) and (c): I would have voted "nay."

3. Roll No. 328, on agreeing to the sixth portion of the divided question, proposing to amend section 702: I would have voted "nay."

4. Roll No. 329, on agreeing to the seventh portion of the divided question, proposing to add a section 704: I would have voted "aye."

5. Roll No. 330, on agreeing to the eighth portion of the divided question, proposing to add a section 705: I would have voted "aye."

6. Roll No. 331, on agreeing to the ninth portion of the divided question, proposing to add a section 706: I would have voted "nay."

7. Roll No. 332, on final passage of H.R. 5116: I would have voted "aye."

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

The SPEAKER pro tempore. Pursuant to House Resolution 1404 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5136.

□ 1501

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, with Mr. SERRANO (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, May 27, 2010, a request for a recorded vote on amendments en bloc No. 9, printed in House Report 111–498, offered by the gentleman from Missouri (Mr. SKELTON) had been postponed.

Mr. SKELTON. Mr. Chairman, I ask unanimous consent that the demand for a recorded vote on amendment No. 81 be withdrawn.

The Acting CHAIR. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Acting CHAIR. The amendment is adopted pursuant to the earlier voice vote.

AMENDMENTS EN BLOC NO. 9 OFFERED BY MR. SKELTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendments en bloc, as modified, offered by the gentleman from Missouri (Mr. SKELTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendments en bloc.

The Clerk redesignated the amendments en bloc.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 1, not voting 20, as follows:

[Roll No. 333]

AYES—416

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)

Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—1

Paul

NOT VOTING—20

Barton (TX)
Bordallo
Boren
Brown-Waite, Ginny
Christensen
Cohen
Davis (AL)
Davis (KY)
Delahunt
Faleomavaega
Graves
Hastings (FL)
Jones
Latta
Melancon
Myrick
Ryan (WI)
Sablan
Shuler
Stupak

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. There is 1 minute remaining in the vote.

□ 1519

So the amendments en bloc were agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. BORDALLO. Mr. Chair, I was absent from the Chamber today, Friday, May 28, 2010, due to the travel schedule for my return to my district on account of official business. Had I been present for the one rollcall vote taken today in the Committee of the Whole House on the State of the Union on the amendments that were offered to H.R. 5136—National Defense Authorization Act for Fiscal Year 2011, I would have voted as follows: "aye" on the En Bloc Amendments, as modified, No. 9 offered by Chairman SKELTON of Missouri (rollcall vote 333).

Mr. COHEN. Mr. Chair, I was detained from voting and missed one vote on Friday, May 28, 2010. If present, I would have voted "yea" on the following rollcall vote: Rollcall 333.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JACKSON of Illinois) having assumed the chair, Mr. SERRANO, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, pursuant to House Resolution 1404, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mrs. BACHMANN. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. BACHMANN. Yes, in its current form.

Mr. SKELTON. Mr. Speaker, I reserve a point of order against the motion to recommit.

The SPEAKER pro tempore. The point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Bachmann moves to recommit the bill back to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new title:

TITLE____—PAY FREEZE

SEC. _01. PAY FREEZE.

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of computing compensation for service performed during fiscal year 2011 and the first quarter of fiscal year 2012, the rate of salary or basic pay for any office or position within the civil service, as defined by section 2101 of title 5, United States Code, shall be deemed to be equal to the rate of salary or basic pay payable for such office or position as of September 30, 2010.

(b) CONGRESSIONAL PAY FREEZE.—Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (related to the Compensation of Members of Congress) during fiscal year 2011 and the first quarter of fiscal year 2012.

(c) RULE FOR NEW POSITIONS.—For purposes of subsection (a), the rate of salary or basic pay payable as of September 30, 2010, for any office or position which was not in existence on such date shall be deemed to be the rate of salary or basic pay payable to individuals in comparable offices or positions on such date.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to apply with respect to any office or position within the uniformed services, as defined by section 2101 of title 5, United States Code.

Mrs. BACHMANN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Minnesota?

Mr. SKELTON. I object.

The SPEAKER pro tempore. Objection is heard.

The reading will continue.

The Clerk continued to read.

Mr. SKELTON (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the continuing of the reading.

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

There was no objection.

POINT OF ORDER

Mr. SKELTON. Mr. Speaker, I make a point of order against this motion as it is not germane, and I insist on that point of order.

Mrs. BACHMANN. Mr. Speaker, I ask to be heard on the point of order.

The SPEAKER pro tempore. The gentlewoman from Minnesota is recognized.

Mrs. BACHMANN. Mr. Speaker, the motion to recommit proposes to add a new amendment to the bill freezing the rate of pay for ourselves, Members of Congress, and for the non-uniformed Federal employees. The amendment relies on the definition of civil service provided in title V of the United States Code which covers positions in the executive, the judicial, and the legislative branches.

The bill before us contains numerous and repeated references to title V of the United States Code, yet the gentleman makes the point of order that this amendment is not germane to the bill.

Mr. Speaker, the bill before us includes provisions, such as the recently adopted Sarbanes amendment, that affect the policies of all executive branch agencies, not just the Department of Defense. And on that basis, I believe that the Chair will find the provisions of the amendment limiting pay for civilian executive branch employees germane. I also believe that the bill is broad enough to cover judicial employees as well.

So, Mr. Speaker, that then leaves the question of ourselves, our pay, and that of non-uniformed Federal employees, legislative branch employees. So, therefore, Mr. Speaker, I believe it would be improper for the Chair to use a point of order for the purpose of protecting the employees of the legislative branch and for the purpose of protecting and shielding us Members of Congress from the pay freeze herein being proposed. And it would otherwise be in order for employees of the executive branch.

And so, Mr. Speaker, I ask the question: Do we really want to go on record saying that the rules of this House should not be used to shield our own Members of Congress' salaries and also those of the legislative salaries of the non-uniformed branch from being fiscally irresponsible?

So, Mr. Speaker, I urge you not to sustain the point of order because when the average wage and benefit package of government workers is double that of private employees, then we should not use—

Mr. SKELTON. Mr. Speaker, I insist on my point of order.

Mrs. BACHMANN. I am speaking on the point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman is reminded to confine her remarks to the point of order.

Mrs. BACHMANN. Yes, Mr. Speaker.

We should not use the arcane rules to somehow exempt ourselves as a Member of Congress from our own pay increases and that of the non-uniformed Federal offices under the responsibility of tightening our belt.

Mr. SKELTON. Mr. Speaker, I insist on my point of order. It is not germane.

The SPEAKER pro tempore. The Chair will rule.

The gentleman from Missouri makes the point of order that the instructions proposed in the motion to recommit offered by the gentlewoman from Minnesota are not germane. The bill broaches a range of subject matters related to both national defense and to general operations of the Federal Government. This range of subject matters implicates the jurisdiction of several committees.

The instructions proposed in the motion to recommit seek to prohibit certain future increases in pay for Members of Congress and employees across the Federal Government. This prohibition, by addressing the legislative branch, involves the jurisdiction of the Committee on House Administration.

One of the fundamental principles of germaneness is that an amendment must confine itself to matters within the jurisdiction of the committees with jurisdiction over the pending text. To the Chair's knowledge, the underlying bill is devoid of subject matter within the jurisdiction of the Committee on House Administration. Thus, the motion offered by the gentlewoman from Minnesota is not germane. The point of order is sustained. The motion is not in order.

Mrs. BACHMANN. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. SKELTON. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to lay the appeal on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. BACHMANN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on tabling the appeal will be followed by 5-minute votes on passage of H.R. 5136 and adoption of H. Res. 407, unless sooner followed by further proceedings in recommittal.

The vote was taken by electronic device, and there were—ayes 227, noes 183, not voting 21, as follows:

[Roll No. 334]

AYES—227

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—183

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie

Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Lamborn
Lance
Latham
LaTourette
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Young (FL)

NOT VOTING—21

Bishop (UT)
Boren
Brown-Waite, Ginny
Chu
Davis (AL)
Davis (KY)
DeFazio
DeGette
Delahunt
Engel
Graves
Gutierrez
Hastings (FL)
Jones
Latta
Melancon
Mica
Rogers (MI)
Ryan (WI)
Shuler
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1545

Mr. FLAKE changed his vote from ''aye'' to ''no.''

Messrs. OBERSTAR and DOGGETT changed their vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated Against:

Mr. MICA. Mr. Speaker, on rollcall No. 334, Motion to Table, I was unavoidably detained. Had I been present, I would have voted ''no.''

MOTION TO RECOMMIT

Mr. FORBES. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FORBES. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Forbes moves to recommit the bill H.R. 5136 to the Committee on Armed Services with instructions to report the same back to the House forthwith, with the following amendment:

Strike section 1032 and insert the following:

SEC. 1032. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated by this Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

In section 1037(a)(1)(C), strike ''within the exclusive investigative jurisdiction of the Inspector General of the Department of Defense'' and insert ''of the United States''.

In section 1037, strike subsection (b).

In section 1037(f), strike paragraph (2).

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, sometimes things are not as complex as we try to make them here in Washington. In fact, sometimes our best decisions come down to simple truths. One of those truths is that Americans are safer when our government fights to keep terrorists off U.S. soil rather than when it fights to bring them here.

Mr. Speaker, in January 2009, 17 months ago, the worst terrorists who had ever attacked the United States were on the verge of conviction in Guantanamo. The most experienced and best prosecutor the U.S. had against terrorists and a full prosecution team had been prosecuting these terrorists for almost 2 years. They had handled over 56 motions, countless hearings, and, according to them, would have had guilty pleas out of all five of the 9/11 defendants within 6 months; in other words, June a year ago.

But this administration issued an order 17 months ago that destroyed all the work that prosecutor had done, all the work his entire team had done, every motion they had won, done away with every hearing, for nothing, and forced us as a nation to begin this prosecution anew sometime, somewhere.

Today, 17 months later, there is not a single individual in this Chamber that has a clue as to when, where, how, or even if these terrorists will be prosecuted. All we know is that we are now 3½ more years down the road and the clock is still ticking while the Attorney General continues to debate whether we should prosecute them here or we should prosecute them there.

Now, while the victims of 9/11 have been waiting, the ACLU has not. They have moved forward with the John Adams Project to robustly defend these terrorists who, by the way, have admitted their guilt. And while the victims of 9/11 have been waiting, there are allegations that the identities of key military and intelligence personnel have been passed to the 9/11 defendants more than a year ago, and allegations that such passage could have come from the attorneys involved in the case. There are further allegations that the passage of this information could have been a criminal act and could have jeopardized the safety of some of the individuals involved.

Finally, Mr. Speaker, there have been concerns that the Secretary of Defense and the Attorney General have failed to timely and adequately investigate these matters.

So what is the difference between our motion to recommit and this bill? First, we say, enough is enough; try the terrorists in Guantanamo. And we therefore prohibit the transfer of the detainees to the United States. Simple, straightforward, no more wobbling.

The majority's position in the bill, Mr. Speaker, is that the President can continue to take all the time he wants to determine if, when, where, and how he will prosecute the terrorists and where he will house them until he does, and all he has to do is file a plan when and if he ultimately decides to do so.

Now, my good friend, the chairman of the committee, loves to tell us, just read the bill. Well, if you just read the bill, you will find that the bill prohibits the Department of Defense from spending any money to reinforce security or other facilities, but it does not stop them from coming. It just stops us from preparing for them to come.

Secondly, Mr. Speaker, this motion to recommit says that the inspector general shall investigate as to whether or not there has been a crime from any of these allegations of distributing this information about military personnel and intelligence personnel. The current bill only allows him to investigate matters within the Department of Defense.

This bill makes sure that if any crime has been committed, he can investigate it, but the bill gives two get-out-of-jail-free cards. If the Secretary of Defense or the Attorney General decides that this would impair or interfere with an investigation, they can stop it—the same Secretary of Defense who has punted the investigation for a year, the same Attorney General who has not prosecuted these terrorists.

Mr. Speaker, I would just say if the Attorney General won't prosecute the terrorists, he is not going to investigate the attorneys that are representing them.

Mr. Speaker, let me say this in conclusion. The bottom line is, we can't stop every terrorist from coming to the United States, but we can stop the ones that are coming from Guantanamo. This motion to recommit does that. We can't protect all of our military and intelligence personnel from terrorists, but we can help the ones involved in this case. And that is what this motion to recommit does.

With that, Mr. Speaker, I yield back my time.

Mr. SKELTON. Mr. Speaker, I seek time in opposition to the motion to recommit, although I am not opposed to it.

The SPEAKER pro tempore. Without objection, the gentleman from Missouri is recognized for 5 minutes.

There was no objection.

Mr. SKELTON. Mr. Speaker, we have dealt with these issues strongly in the

committee. This adds to those particular issues, and we are in a position to accept this motion. I just wish to point out that there is no difference between the Democrats and Republicans when it comes to fighting terrorism.

I agree with the motion.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FORBES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5 minute votes on passage of H.R. 5136, if ordered, and suspending the rules and agreeing to House Resolution 407, if ordered.

The vote was taken by electronic device, and there were—ayes 282, noes 131, not voting 18, as follows:

[Roll No. 335]

AYES—282

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Cuellar
Culberson
Dahlkemper
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hodes
Hoekstra
Holden
Hunter
Inglis
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kanjorski
Kind
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Latham
LaTourette
Lee (NY)
Lewis (CA)
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Ortiz
Owens
Paulsen
Pence
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (OH)
Salazar
Scalise
Schauer
Schmidt
Schock
Schrader
Schwartz
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Turner
Upton
Visclosky
Walden
Walz
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—131

Baird
Baldwin
Becerra
Berry
Blumenauer
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Green, Al
Grijalva
Gutierrez
Hare
Harman
Heinrich
Himes
Hinchey
Hirono
Holt
Honda
Hoyer
Inslee
Jackson Lee (TX)
Johnson, E. B.
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kucinich
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Luján
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks (NY)
Michaud
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rangel
Rothman (NJ)
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Smith (WA)
Snyder
Speier
Stark
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NOT VOTING—18

Ackerman
Berman
Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Delahunt
Graves
Hastings (FL)
Jones
King (NY)
Latta
Linder
Melancon
Ryan (WI)
Shuler
Slaughter
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1609

Messrs. PAYNE, AL GREEN of Texas, HOLT, PERLMUTTER, GEORGE MILLER of California, MICHAUD, and ROTHMAN of New Jersey changed their vote from ''aye'' to ''no.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. SKELTON. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 5136, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SKELTON:

Strike section 1032 and insert the following:

SEC. 1032. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated by this Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

In section 1037(a)(1)(C), strike ''within the exclusive investigative jurisdiction of the Inspector General of the Department of Defense'' and insert ''of the United States''.

In section 1037, strike subsection (b).

In section 1037(f), strike paragraph (2).

Mr. SKELTON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SKELTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 186, not voting 17, as follows:

[Roll No. 336]

AYES—229

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Weiner
Wilson (OH)
Wu
Yarmuth

NOES—186

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Childers
Chu
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (TN)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellison
Emerson
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hirono
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Lee (CA)
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McDermott
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore (WI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Obey
Olson
Olver
Paul
Paulsen
Payne
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stark
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—17

Boren
Brown (SC)
Brown-Waite, Ginny
Conyers
Davis (AL)
Davis (KY)
Delahunt
Graves
Hastings (FL)
Jones
King (NY)
Latta
Levin
Melancon
Ryan (WI)
Shuler
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1619

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LEVIN. Mr. Speaker, earlier today, I was unavoidably absent during rollcall vote 336, passage of H.R. 5136, the National Defense Authorization Act. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. BOREN. Mr. Speaker, I was absent on Thursday, May 27, and Friday, May 28, when call votes occurred for H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I was not present on these days because I was attending a funeral for a family member.

If I would have been present for the rollcall votes listed below for H.R. 5136, I would have voted in the following manner:

1. Roll No. 310, amendment No. 1, printed in House Report 111–498: I would have voted "aye."

2. Roll No. 311, amendment No. 3, printed in House Report 111–498: I would have voted "aye."

3. Roll No. 312, amendment No. 13, printed in House Report 111–498: I would have voted "aye."

4. Roll No. 313, amendment No. 82, printed in House Report 111–498: I would have voted "aye."

5. Roll No. 314, amendment No. 21, printed in House Report 111–498: I would have voted "aye."

6. Roll No. 315, amendment No. 42, printed in House Report 111–498: I would have voted "nay."

7. Roll No. 316, amendment No. 80, printed in House Report 111–498: I would have voted "aye."

8. Roll No. 317, amendment No. 79, printed in House Report 111–498: I would have voted "nay."

9. Roll No. 318, amendment No. 47, printed in House Report 111–498: I would have voted "aye."

10. Roll No. 333, en bloc amendment No. 9: I would have voted "aye."

11. Roll No. 334, on a motion to table the appeal of the ruling of the chair: I would have voted "nay."

12. Roll No. 335, on the motion to recommit H.R. 5136: I would have voted "aye."

13. Roll No. 336, final passage of H.R. 5136: I would have voted "nay."

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Mr. Speaker, on Friday, May 28, 2010, I was unable to participate in all of the day's votes due to a family emergency.

Had I been present I would have voted:

On rollcall No. 319—"no"—On Approving the Journal; on rollcall No. 320—"yes"—H. Res. 1391, Congratulating and commending Israel for its accession to membership in the Organization for Economic Cooperation and Development; on rollcall No. 321—"no"—Previous Question on H. Res. 1403, Providing for consideration of the Senate amendment to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; on rollcall No. 322—"no"—Slaughter of New York Amendment to H. Res. 1403; on rollcall No. 323—"no"—H. Res. 1403, Providing for consideration of the Senate amendment to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; on rollcall No. 324—"no"—H.R. 4213, American Workers, State, and Business Relief Act of 2010—on concurring in Senate amendment with amendment (except portion comprising section 523); on rollcall No. 325—"no"—H.R. 4213, American Workers, State, and Business Relief Act of 2010—on concurring in Senate amendment with portion of amendment comprising section 523; on rollcall No. 326—"yes"—America COMPETES Act—First portion of the Divided Question, Proposing to Strike Section 228; on rollcall No. 327—"yes"—America COMPETES Act—Second portion of the Divided Question, Proposing to Strike Sections 406(b) and (c); on rollcall No. 328—"yes"—America COMPETES Act—Sixth Portion of the Divided Question, Proposing to Amend Section 702; on rollcall No. 329—"yes"—America COMPETES Act—Seventh Portion of the Divided Question, Proposing to Add a Section 704; on rollcall No. 330—"yes"—America COMPETES Act—Eighth Portion of the Divided Question,

Proposing to Add a Section 705; on rollcall No. 331—''yes''—America COMPETES Act—Ninth Portion of the Divided Question, Proposing to Add a Section 706; on rollcall No. 332—''no''—America COMPETES Act—Final Passage; on rollcall No. 333—''yes''—Skelton of Missouri En Bloc Amendments No. 9; on rollcall No. 334—''no''—To Table the Appeal of the Ruling of the Chair—Republican Motion to Recommit #1, To eliminate the 1.4 percent non-military federal employee pay raise, saving taxpayers $30 billion over the next ten years; on rollcall No. 335—''yes''—Republican Motion to Recommit #2, to H.R. 5136, National Defense Authorization Act for Fiscal Year; on rollcall No. 336—''no''—H.R. 5136, National Defense Authorization Act for Fiscal Year 2011—Final Passage.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5136, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 5136, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

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

There was no objection.

NATIONAL ASTHMA AND ALLERGY AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 407, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CASTOR) that the House suspend the rules and agree to the resolution, H. Res. 407, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. JACKSON LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5116.

The SPEAKER pro tempore (Mr. PERRIELLO). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curts, one of its clerks, announced that the Senate has passed without amendment a bill and agreed to without amendment a concurrent resolution of the House of the following title:

H.R. 5330. An act to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.

H. Con. Res. 282. CONCURRENT RESOLUTION: providing for a conditional adjournment of the House of Representatives and a condition recess or adjournment of the Senate.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4899. AN ACT: making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4899) ''An Act making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. NELSON (NE), Mr. PRYOR, Mr. TESTER, Mr. SPECTER, Mr. COCHRAN, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALEXANDER, Ms. COLLINS Mr. VOINOVICH, and Ms. MURKOWSKI to be the conferees on the part of the Senate.

COMMENDING DR. NATHAN FORD

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Mr. Speaker, I rise today to commend Dr. Nathan Ford, the 2010 recipient of the prestigious Celebrate Our Successes award, for his life achievements as an alumni of the Cocke County School System in Newport, Tennessee. Dr. Ford has selflessly devoted his life to providing health care through his practice of optometry, education for children of all ages, and public service to Tennessee.

Dr. Ford began serving at age 27, when he was elected to the Cocke County Board of Education. He has since served as the Economic Development Commission chair, director of the chamber of commerce, chairman of the Cocke County Baptist Hospital Board, and has served four terms as a Tennessee State representative. I commend him for meeting all these roles with dignity and wisdom.

Dr. Ford's love of serving others, medicine, and community involvement continues to this day. It is a great example to those not only in east Tennessee, but to our country. I encourage my colleagues to join with me in commending Dr. Nathan Ford for his outstanding life contributions and his earning this honorable award.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUPPORTING REPEAL OF DON'T ASK, DON'T TELL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of the amendment from yesterday, and I am proud to have joined my colleagues in repealing the discriminatory Don't Ask, Don't Tell policy.

As a member of the House Appropriations Committee and the Select Intelligence Oversight Panel, I did so not only because I believe this is an important step toward full LGBT equality, but also because I believe repealing the policy will make our military stronger and our Nation more secure.

Mr. Speaker, since the Don't Ask, Don't Tell policy was created in 1993, more than 13,000 able-bodied patriotic Americans have been jettisoned from the military simply because of who they are. These are brave men and women who are willing to make the ultimate sacrifice for our country. We owe these Americans a debt of gratitude, not disrespect and dishonor.

This was not a difficult vote for me. The preamble to our Constitution states: ''We, the people, in order to form a more perfect Union, to provide for the common defense, and secure the blessings of liberty, do ordain and establish this Constitution.'' Our President often says we are in the constant process of making our Nation a more perfect Union.

In my view, this amendment is vital if we are to uphold the Constitution's promise of equal protection to gays and lesbians in my home State of Florida and all across America. My friends in the LGBT community know all too well that serving their Nation openly and honestly in the Armed Forces is but one of many rights they are currently denied. That's wrong, and with this vote we made it right.

Yet as important as this amendment is towards bestowing full civil rights for gays and lesbians, it is equally important because it will improve our military readiness and make our Nation more secure. Too often we are told in this Chamber that we must choose between our security and our liberty. And I generally reject that false choice. But in this case, with this vote, we both expand civil liberties and make our Nation more secure.

Mr. Speaker, since the attacks of September 11, when our Nation has

been waging wars in Iraq and Afghanistan, at the very time that we have been under serious and sustained threats from global terror networks, the United States military has discharged more than 800 soldiers in mission-critical positions, including Arabic and Farsi linguists. Why? Are they bad translators or poor soldiers, marines, or airmen? No, they were discharged for only one reason, because they were gay or lesbian.

They were discharged despite the fact they made valuable contributions to our intelligence community. They were discharged despite the fact we have an alarming shortage of translators. So this policy is not only an affront to civil liberties; but at a time when we are fighting two wars, it is idiotic.

But it is important to repeal this policy for a third reason. It is dishonorable. Gays and lesbians are serving in our Nation's Armed Forces with great distinction. They always have. The only question is whether our government must continue to ask them to lie about their sexual orientation in order to do so. The Don't Ask, Don't Tell policy is the only law in the country that requires people to be dishonest about their personal lives or face the possibility of being fired.

Our own Chairman of the Joint Chiefs of Staff, Admiral Michael Mullen, recently said, ''No matter how I look at this issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens. For me personally, it comes down to integrity—theirs as individuals and ours as an institution.''

Mr. Speaker, I could not agree more. No one should have to lie to perform any job, but especially not those sworn to protect our Nation. I think it is only fitting that this amendment was offered by the first Iraq war veteran to serve in Congress, Representative PATRICK MURPHY of Pennsylvania. Congressman MURPHY served in Bosnia and in the famed 82nd Airborne in Iraq. So when he brought his amendment before this House, he did so with deep love for his country and with our military's best interests at heart.

The policy Congressman MURPHY crafted, in cooperation with our Commander in Chief and Pentagon leaders, is a responsible one. It merely unties the hands of leaders at the Pentagon by removing the outdated Don't Ask, Don't Tell statute, while ensuring that the transition to a new personnel policy takes place without disruption to our fighting force.

□ 1630

In the spirit of equality and a more perfect Union, with the confidence we are making our Nation more secure, and with pride that we are ending a policy of dishonor, we uphold our American values by repealing Don't Ask, Don't Tell.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HALT PAY RAISES FOR FEDERAL EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Mr. Speaker, today this Congress had a chance to save our American taxpayers $2 billion next year by halting another scheduled pay raise for Federal employees, but this Chamber refused once again to listen to the cries of the American people.

Today, we know that our budget deficits are clearly unsustainable. They are falling off the cliff, dropping off the cliff of financial sanity, and we simply can't afford anymore to continue the out-of-control spending policies that have marked both Republican and Democrat leadership here in Washington, DC.

I thank my colleague, Representative ERIC CANTOR, for spearheading the new program called YouCut, where we reach out to the American people and ask them to tell us what they would like us to cut here in Washington from the Federal budget.

Clearly, the government doesn't create the wealth or the jobs in this country. It's the private sector that does that. And when the government taxes and spends the way it has been the last several years, then innovators and entrepreneurs are stripped of the flexibility that they need to create jobs by excessive taxes and burdensome regulations.

We're now at the point, Mr. Speaker, where we have over $13 trillion in debt. Who ran the debt up? This is under Democrat leadership, but this is under Republican leadership. Both parties have been at fault with increasing the debt that the next generation has to pay. It isn't a Republican or Democrat issue. And the American people are outraged by all of the out-of-control spending that's been going on in this city by both political parties.

Under President Bush, the Federal employees received across-the-board raises of 3 percent in January of 2008 and 3.9 percent in January of 2009. The same thing happened under President Obama. He recommended increases in pay for Federal employees in each of the years he's been in office. In fact, since the year 2000, Federal workers have received annual pay raises of 3.6 percent a year. But we could have, today, eliminated the latest Federal employee pay raise and also put the kibosh on the pay raises for Members of Congress, but that was voted down, unfortunately, primarily by the Democrat majority of this body.

According to the newspaper USA Today this week, they reported the typical Federal worker is paid 20 percent more than a private-sector worker in the same occupation. In fact, Mr. Speaker, in 83 percent of all job categories between the government worker and the private worker, 83 percent of the time Federal employees are paid more, in fact, substantially more, than their private counterparts. This doesn't include the value of benefits like health care and retirement. When you take them into account, this graph shows Federal employees are making double what people in the private sector are making.

In fact, the numbers, Mr. Speaker, show the average wage and benefit package for a government employee today in America is almost $120,000. For their counterpart in the private sector, their average wage and benefit package is just under $60,000 a year. Double is what people who are government workers are making over those in the private sector.

This Chamber today couldn't even bring themselves to freeze the pay increases of these government workers that are making double what people in the private sector are making today.

Here's one example. Federal employees making over $100,000. When the recession started 18 months ago, 14 percent of Federal employees made over $100,000. The recession has been very kind to government workers. Now it's 19 percent of government workers make over $100,000 a year.

Here's an even more specific example. In the Department of Transportation, only one government worker made over $170,000 a year. Eighteen months of the recession and we have 1,690 employees now making over $170,000 a year in the Department of Transportation. That's even before you consider overtime and bonuses.

The recession has been very kind to the government worker, not so much for those in the private sector.

My proposal today would have prevented Members of Congress from getting pay increases. Unfortunately, the majority party did not want to prevent their own pay increases. We would have kept in place the pay increases for our military. Why? Because they deserve it. At 1.4 percent increase during a time of war, we should not ask our military to make that sacrifice.

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise to address the Chair regarding the votes that I missed on the following dates:

May 12, due to the passing of my mother, Ivalita Jackson, I missed the following votes:

Rollcall vote No. 259, I would have voted ''aye'';

Rollcall vote No. 260, I would have voted ''aye'';

Rollcall vote No. 261, I would have voted ''aye'';

Rollcall vote No. 262, I would have voted ''aye'';

Rollcall vote No. 263, I would have voted no;

Rollcall vote 264, I would have voted ''aye'';

Rollcall vote 265, I would have voted ''aye'';

Rollcall vote 266, I would have voted ''aye''.

I rise to address the Chair regarding my absence from rollcall votes 259–266 on Wednesday, May 12, 2010.

I was not able to cast my votes during roll call 259–266 because I was in bereavement of the passing of my mother, Ivalita Jackson. Had I been present, for rollcall vote 259, on agreeing to the resolution, H. Res. 1344, ''Providing for consideration of the bill H.R. 5116, the America COMPETES Reauthorization Act of 2010,'' I would have voted ''aye''; for rollcall vote 260, on motion to suspend the rules and pass as amended, H.R. 5014, '' To clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage,'' I would have voted ''aye''; for rollcall vote 261, on motion to suspend the rules and agree as amended, H. Con. Res. 268, ''Supporting the goals and ideals of National Women's Health Week, and for other purposes,'' I would have voted ''aye''; for rollcall vote 262, on agreeing to the amendment to H.R. 5116, ''Gordon Amendment No. 1,'' I would have voted ''aye''; for rollcall vote 263, on agreeing to the amendment to H.R. 5116, ''Hall of Texas Amendment No. 6,'' I would have voted ''no''; for rollcall vote 264, on agreeing to the amendment to H.R. 5116, ''Markey of Massachusetts Amendment No. 10,'' I would have voted ''aye''; for rollcall vote 265, on agreeing to the amendment to H.R. 5116, ''George Miller of California, Amendment No. 12,'' I would have voted ''aye''; for roll call vote 266, on agreeing to the amendment to H.R. 5116, ''Reyes of Texas Amendment No. 13,'' I would have voted ''aye'';

Tuesday, May 18, due similarly to the passing of my mother:

Rollcall votes 273 to 275, motion to suspend the rules, rollcall vote 273, I would have voted ''aye'';

Rollcall vote 274, I would have voted ''aye'';

Rollcall vote 275, I would have voted ''aye''.

I rise to address the Chair regarding my absence from rollcall votes 273–275 on Tuesday, May 18, 2010.

I was not able to cast my votes during rollcall 273–275 because I was in bereavement of the passing of my mother, Ivalita Jackson. I would like to state for the record how I would have voted had I been present.

For rollcall vote 273, on motion to suspend the rules and pass as amended, H.R. 2288, ''Endangered Fish Recovery Programs Improvement Act of 2009,'' I would have voted ''aye'';

For rollcall vote 274, on motion to suspend the rules and pass as amended, H.R. 4614, ''Katie Sepich Enhanced DNA Collection Act of 2010,'' I would have voted ''aye'';

For rollcall vote 275, on motion to suspend the rules and agree, H. Res. 1327, ''Honoring the life achievements, and contributions of Floyd Dominy,'' I would have voted ''aye.''

On the 20th of May, due to the passing of my mother, I missed the following votes:

Rollcall vote 284, I would have voted ''aye'';

Rollcall vote 285, I would have voted ''aye'';

Rollcall vote 286, I would have voted ''aye'';

Rollcall vote 287, I would have voted ''aye'';

Rollcall vote 288, I would have voted ''aye'';

Rollcall vote 289, I would have voted ''aye'';

Rollcall vote 290, I would have voted ''aye''.

I rise to address the Chair regarding my absence from rollcall votes 284–290 on Thursday, May 20, 2010.

I was not able to cast my votes during rollcall 284–290 because I was in bereavement of the passing of my mother, Ivalita Jackson. I would like to state for the RECORD how I would have voted had I been present.

For rollcall vote 284, on motion to suspend the rules and pass as amended, H.R. 5327, ''To authorize assistance to Israel for the Iron Dome anti-missile defense system,'' I would have voted ''aye''.

For rollcall vote 285, on motion to suspend the rules agree to, H. Res. 1256, ''Congratulating Phil Mickelson on winning the 2010 Masters golf tournament,'' I would have voted ''aye'';

For rollcall vote 286, on motion to suspend the rules and agree to, H. Res. 1336, '' Congratulating the University of Texas men's swimming and diving team for winning the NCAA Division I national championship,'' I would have voted ''aye'';

For rollcall vote 287, on motion to suspend the rules and pass as amended, H.R. 1361, ''Recognizing North Carolina Central on its 100th anniversary,'' I would have voted ''aye'';

For rollcall vote 288, on ordering the previous question, H. Res. 1363, ''Granting the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives to the Committee on Education and Labor for purposes of its investigation into underground coal mining safety,'' I would have voted ''aye'';

For rollcall vote 289, on agreeing to resolution, H. Res. 163, ''Granting the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives to the Committee on Education and Labor for purposes of its investigation into underground coal mining safety,'' I would have voted ''aye'';

For rollcall vote 290, on motion to suspend the rules and pass as amended, H.R. 5128, ''To designate the Department of the Interior Building in Washington, District of Columbia, as the Stewart Lee Udall Department of the Interior Building,'' I would have voted ''aye'';

Accordingly, I continued to miss time on the passing of my mother on May 24, and I missed rollcall votes 291 to 293.

I would have voted, on rollcall vote 291, I would have voted ''aye'';

Rollcall vote 292, I would have voted ''aye'';

Rollcall vote 293, I would have voted ''aye''.

I rise to address the Chair regarding my absence from rollcall votes 291–293 on Monday, May 24, 2010.

I was not able to cast my votes during rollcall 291–293 because I was in bereavement of the passing of my mother, Ivalita Jackson. I would like to state for the RECORD how I would have voted had I been present.

For rollcall vote 291, on motion to suspend the rules and agree to H. Res. 278, ''Expressing the sense of Congress that a grateful Nation supports and salutes Sons and Daughters in Touch on its 20th Anniversary that is being held on Fathers Day, 2010, at the Vietnam Veterans Memorial in Washington, the District of Columbia,'' I would have voted ''aye'';

For rollcall vote 292, on motion to suspend the rules and pass as amended, H.R. 1017, ''Chiropractic Care Available to All Veterans Act,'' I would have voted ''aye'';

For rollcall vote 293, on motion to suspend the rules and pass as amended, H.R. 5330, ''To amend the Anti-trust Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act for a 5-year period ending June 22, 2015, and for other purposes,'' I would have voted ''aye''.

On Tuesday, May 25, accordingly, I missed the following votes pursuant to the earlier statement:

Rollcall vote 294, I would have voted ''aye'';

Rollcall vote 295, I would have voted ''aye'';

Rollcall vote 296, I would have voted ''aye'';

Rollcall vote 297, I would have voted ''aye'';

Rollcall vote 298, I would have voted ''aye'';

Rollcall vote 299, I would have voted ''aye'';

Rollcall vote 300, I would have voted ''aye'';

Rollcall vote 301, I would have voted ''aye''.

I rise to address the Chair regarding my absence from rollcall votes 294–301 on Tuesday, May 25, 2010.

I was not able to cast my votes during rollcall 294–301 because I was in bereavement of the passing of my mother, Ivalita Jackson. I would like to state for the RECORD how I would have voted had I been present.

For rollcall vote 294, on motion to suspend the rules and agree to H.R. 5145, ''Assuring Quality Care for Veterans Act,'' I would have voted ''aye.''

For rollcall vote 295, on motion to suspend the rule and agree to H. Res. 437, ''Expressing support for designation of May 2010 as Mental Health Month,'' I would have voted ''aye.''

For rollcall vote 296, on motion to suspend the rules and agree as amended to H. Res. 1382, ''Expressing sympathy to the families of those killed by North Korea in the sinking of the Republic of Korea Ship Cheonan, and solidarity with the Republic of Korea in the aftermath of this tragic incident,'' I would have voted ''aye.''

For rollcall vote 297, on motion to suspend the rules and agree as amended to H. Res. 584, ''Recognizing the importance of manufactured and modular housing in the United States,'' I would have voted ''aye.''

For rollcall vote 298, on motion to suspend the rules and agree as amended to H.Res. 3885, ''Veterans Dog Training Therapy Act,'' I would have voted ''aye.''

For rollcall vote 299, on motion to suspend the rules and concur in the Senate amendments to H.R. 2711, ''Special Agent Samuel Hicks Families of Fallen Heroes Act,'' I would have voted ''aye.''

For rollcall vote 300, on motion to suspend the rules and agree as amended to H. Res.

1189, "Commending Lance Mackey on winning a record 4th straight Iditarod Trail Sled Dog Race," I would have voted "aye."

For rollcall vote 301, on motion to suspend the rules and agree as amended to H. Res. 1172, "Recognizing the life and achievements of Will Keith Kellogg," I would have voted "aye."

May 26, I was unavoidably detained on official business. I missed rollcall vote 302. I would have voted aye;

Rollcall vote 303, I would have voted ''aye'';

Rollcall vote 304, I would have voted ''aye''; and

Rollcall vote 305, I would have voted ''aye''.

I rise to address the Chair regarding my absence from rollcall votes 302–305 on Wednesday, May 26, 2010.

Mr. Speaker, I was not able to cast my votes during rollcall on Wednesday, May 26, 2010, because I was away from the office on official business. I would like to state for the RECORD how I would have voted, had I been present.

For rollcall vote, 302, on motion to suspend the rules and agree to H. Res. 1347, "Honoring the workers who perished on the Deepwater Horizon offshore oil platform in the Gulf of Mexico off the coast of Louisiana, extending condolences to their families, and recognizing the valiant efforts of emergency response workers at the disaster site," I would have voted "aye."

For rollcall vote 303, on motion to suspend the rule and agree to H. Res. 1385, ''recognizing and honoring the courage and sacrifice of the members of the Armed Forces and veterans, and for other purposes," I would have voted "aye."

For rollcall vote 304, on motion to suspend the rules and agree as amended to H. Res 1316, "Celebrating Asian/Pacific American Heritage Month," I would have voted "aye."

For rollcall vote 305, on motion to suspend the rules and agree as amended to H. Res. 1169, "Honoring the 125th anniversary of Rollins College," I would have voted "aye."

DON'T ASK, DON'T TELL: ''IT COMES DOWN TO INTEGRITY''

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, we heard all of the arguments before we had our votes yesterday on Don't Ask, Don't Tell, but in the past we heard very similar arguments. The Secretary of the Army said he was concerned about how the proposed change would affect the efficiency of the Army. A 5-star general warned of social experiments and worried that with reform in military personnel policy, we may have difficulty attaining high morale.

Those are not quotations from 2010, Mr. Speaker. Those are not quotations about the right of gay and lesbian Americans to serve openly in the military. They are from more than 60 years ago during the debate over racial integration of the Armed Forces. Does anyone believe they were right? If so, please speak up.

Is anyone prepared to argue that our military has suffered from the full participation of African Americans in its ranks? Thankfully, a majority in this body remembered this history lesson last night when we made history by voting to repeal the Don't Ask, Don't Tell policy, an embarrassment unworthy of a great country and a great military.

It has been responsible for the discharge of 13,000 honorable Americans, men and women who were told their services were dispensable not because of how they behaved, but because of who they are. It has done violence to cherished American values like equality, inclusion, and tolerance. And it has damaged our national security, too.

Given the military's recruitment challenges at a moment that we're still, unfortunately, fighting two wars, it is incomprehensible to me that we would reject any capable person who wishes to serve. It was particularly galling to watch as hundreds of language specialists who could speak Farsi and Arabic were dismissed just when they were needed the most, when our occupation of Iraq began.

The assertion that openly gay servicemembers would undermine unit cohesion is just bunk, Mr. Speaker. It is an argument based on fear, not fact. The research suggests that Iraq and Afghanistan veterans are comfortable serving side by side with fellow soldiers who happen to be gay or lesbian. To suggest otherwise is to insult our troops, as the author of the amendment, Mr. MURPHY, has pointed out, because it assumes our soldiers are so unprofessional, and even unpatriotic, that they would let another soldier's sexual orientation distract them from the mission.

Admiral Mike Mullen, Chairman of the Joint Chiefs of Staff, may have said it best when he said, ''I cannot escape being troubled by . . . a policy which forces young men and women to lie about who they are in order to defend their fellow citizens. For me personally, it comes down to integrity—theirs as individuals and ours as an institution.''

And last night, Mr. Speaker, it came down to our integrity, the integrity of those of us who have the privilege to serve in the people's House. I can't remember too many prouder moments during my time here, because at least we have the integrity to do what's right—to support our troops and strengthen our military by repealing the cruel and un-American Don't Ask, Don't Tell policy.

HONORING CORPORAL JEFFREY W. JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. MCCAUL) is recognized for 5 minutes.

Mr. MCCAUL. Mr. Speaker, as we go back home to our districts to honor the veterans on Memorial Day, today I rise to honor a true American hero, Corporal Jeffrey Johnson, 3rd Battalion, 1st Marine Division.

Born January 27, 1989, in Charleston, South Carolina, Jeffrey joined the Marines in July of 2007. He was killed on May 11, 2010, in the Helmand province in Afghanistan, where we have seen some of the fiercest fighting in the war as the surge moves forward to victory. He was 3 weeks into his second deployment when he was killed by an IED while on patrol.

□ 1645

Corporal Johnson is a graduate of Waller High School and is now being touted in the media as a son of Tomball, Texas. Jeffrey loved Ford trucks and he loved the outdoors, especially hunting and fishing. Corporal Johnson joined the military to provide education and other options. He wanted to attend the University of Texas and become either a game warden or a State trooper.

Katy Anguish, his wife, wanted people to know that Jeffrey was a creative person. He loved to have fun. I spoke to the family the day Jeffrey was brought home to his final homecoming to offer my condolences on behalf of a grateful Nation and to give them flags flown over the United States Capitol in his honor.

To his wife, Katy Anguish; his father and stepmother, Jerry and Kelly Johnson; his mother, Dawn Hardwick; sisters Ashtian Bennett and Kassidy Johnson; his brother, Jason Martin; his grandparents, Delores Campbell, Glenda Schneider, John Farmer, and Jerry Tyner, it's hard to put in words how you must feel, but know that the United States Congress and the American people are so grateful for your son's service.

Unfortunately, I have attended too many military funerals, as many Members of Congress have, but I have never seen such an overwhelming support and love in the welcoming home of this fallen hero.

He arrived by airplane from Afghanistan in Tomball, Texas. He was greeted by the marines, who carried his casket to the hearse. It reminded me of the greatness of this country. It was so inspiring to me that at a time of great tragedy and sorrow that over 30,000 people in a small town showed up to pay their respects, to show their appreciation for a man who made the ultimate sacrifice for his country, to signal to the rest of the Nation that patriotism and love of country are still alive and well in America, and it restored my faith in America.

The Tomball Fire Department hung a large U.S. flag from two extended ladder trucks as Corporal Johnson's body traveled by motorcade to the funeral home. Thousands of friends, veterans, school children, and ordinary citizens, showed their support and lined the streets waving American flags. This is what it's all about.

As a Member of Congress, the hardest thing we have to do is to comfort families when they have lost a loved one in a time of war. My heart goes out to the family.

But Jeffrey did not die in vain. He was part of something greater than himself. He was on a mission for freedom and liberty, on a mission to liberate the world from the scourge of terrorism.

My father, a World War II veteran, was part of what we now call the Greatest Generation. Jeffrey is now part of a new great generation of heroes.

His life embodies what we see in the Gospel of John, Chapter 15:13, ''Greater love hath no man than this, that a man lay down his life for his friends.''

Jeffrey, you are home now with God. Well done, good and faithful servant. May God bless you and may he hold you in the palm of his hand.

I would like to close with a quote from Abraham Lincoln's Gettysburg address, which I read to the family the day of the homecoming. His words are as timeless today and relevant as they were so many years ago, when he said, ''The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion, that we here highly resolve that these dead shall not have died in vain, that this Nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the Earth.''

God bless you, Jeffrey.

HONORING GARY WAYNE COLEMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, it is with great sadness that I learned of the passing today of actor Gary Wayne Coleman. Although short in stature, Gary stole the hearts of American viewers with his humor and his infectious smile. He lived his life with a spunky sense of humor.

Coleman was born in Zion, Illinois. He was adopted by Edmonia Sue, a nurse practitioner, and W.G. Coleman, a forklift operator. He suffered from a congenital kidney disease which halted his growth at an early age, leading to his small stature.

Gary was best known for his role on ''Diff'rent Strokes.'' He was cast in the role of Arnold Jackson, where he portrayed a child adopted by a wealthy widower. The show was broadcast from 1978 to 1986 and was a huge success.

At the height of his fame on ''Diff'rent Strokes,'' he earned as much as $100,000 per episode. Gary also appeared on ''The Jeffersons'' and on ''Good Times.'' He also appeared in a 1978 pilot for a revival of ''The Little Rascals,'' as Stymie.

His life was tough after he was off the small screen and the large screen. He struggled, but he won the attention of the world as an actor. I want to join with his family and the rest of his fans and those who admired and loved him and extend my condolences to his family, his friends, his fans and those that he worked with throughout his career.

We all mourn the passing of Gary Wayne Coleman.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

(Mr. HOLT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICAN JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, this has been a whirlwind of a week, and I believe it is more than appropriate to summarize for the American people the real work that has been done, the triumphs, the challenges, but also the admitted courage of those who recognize that without heavy lifting, this country may not have been explored and stretched to the far reaches of the west coast, where many who traveled beyond the original settlements went West, young man, courage of Americans. This country would not have been great had Abraham Lincoln not stood up to a divided Nation, spoke against the evils of slavery, and unified this Nation.

Although we have traveled a rocky road in the 20th century, moving to ensure the equality of all persons through the civil rights movement and women's movement, there have been many women of courage who made America different and better. I am grateful today that we left this place having voted on the American jobs bill that will provide for small businesses, that will create summer jobs, that will stop the moving of jobs overseas, that provide for the closing of tax loopholes, that provide for the physicians who nurture us, provide for our families, and it will create jobs.

A position I have taken is on an amendment that I have written that would allow those unemployed to receive training and stipends without losing their unemployment insurance. Oh, yes, Mr. Speaker, we have work to do. I ask the governors of our States to stand up and be heard and provide for the FMAC, the Medicaid that is so much needed. I will fight with you. Of course, we need to work on the COBRA.

But what we have done is to provide for jobs. Then we have said to the men and women of the United States military, we believe in you, providing for more benefits, more quality of life support for their family, more posttraumatic stress disorder counseling, providing for counseling of civilians that might have suffered a violent act on a military base such as those in Fort Hood—and an amendment that I offered will support it—provided opportunities for small businesses to do business with the Defense Department.

To stand up for justice, to stand up for a young man by the name of Ensign Provo who lost his life because of his sexual orientation and the ugliness of hate, I believe we did the right thing in eliminating Don't Ask, Don't Tell, because the men and women in the United States military are well aware of what justice is all about. They are well aware of what political grandstanding is all about. They are well aware that this amendment will only move forward after we have scrutinized your opinion.

Thank you to the men and women who are courageous enough to send us home, along with my own vote, to say to those who are an American in need that we believe in you and have fought for you.

I close by thanking my beloved mom and acknowledging that her teaching gave me the grounding to be able to say that all men and women are created equal. She is no longer here, but I truly believe teachings of our mothers and fathers have always brought us to the higher calling of being able to help all people.

On behalf of myself, my brother and our extended family, we are grateful to all who expressed their concerns. I just believe, with all seriousness, that what we must do is continue to help people to make their lives better and to change America for the best.

I think we have got the best constitutional institution of democracy the world has ever seen, and that is the United States Congress. As we disagree, we still uphold this flag and the Constitution of the United States of America. We have now been sent home with a great amount of bounty for the American people and those who are in need, and we have gone home to say thank you to the men and women in the United States military and to acknowledge and to appreciate and to honor those who have fallen in battle.

May God bless you as God blesses America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

(Mr. WHITFIELD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order speech in favor of the gentleman from Texas (Mr. GOHMERT) is hereby vacated.

There was no objection.

□ 1700

THE WEEK AT A GLANCE IN CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Mr. Speaker, it has been quite a week. We've heard friends across the aisle get up and talk about how we've ''expanded civil rights in the military.'' And I appreciate the fact that friends believe they did a wonderfully noble thing for the military, just as they would probably think they did a wonderfully noble thing to expand civil rights in courts martial that occur in the military. But the fact is, under our United States Constitution, that so many people want to keep referring to when it's convenient, it anticipates that there will be different rights afforded in different areas, one of which is in our United States military.

The purpose of the military is not to be some socially engineered experiment. It is to do one thing, and that is to protect our homeland, protect our way of life. For that reason, the Constitution anticipated that Congress, under its authority to create courts, could set up military commissions, could set up and pass the Uniform Code of Military Justice, which gave the military an entirely different type of structure when it comes to processing their rights and adjudicating different aspects of military life. Because to do otherwise, to give everyone in the military, as I was for 4 years, the same rights that are afforded in a civilian court means that you can destroy the function of the military because so often the military doesn't have time to do all of the same things a civilian court does. That's why the UCMJ was created, that's why it's constitutional, and that's why we needed some forum like that for our military.

It is always an honor to get to speak in this hallowed Hall, but hopefully we can cast some light on what it means to be in the military because, for example, if you are suspected and there is probable cause to believe that a military member has committed a crime, then it can be pursued as an article 15, nonjudicial punishment. And as we saw with the outrageous pursuit of an article 15 against three valiant servicemembers, they had the right to choose not to accept the nonjudicial punishment that could have forced them into restriction, extra duty, taken away pay, dropped them in rank. Instead of having that forced on them, they were afforded their right, under the UCMJ, to say I'm not going to accept this; I want to go to trial in a court martial. That's what occurred, and all three were acquitted—fortunately and appropriately. But that's one of the ways.

Another way is the commander, at different levels of command, can order a court martial be convened. A court will be convened, and a military judge is appointed. And if it is the commanding general of a facility, he can order a general court martial, the highest level court martial under the UCMJ. And at that general court martial, you can have a dishonorable discharge—and it depends on the crime as to how serious the punishment could be—but it could be as serious as a dishonorable discharge and even life in prison. So it's a very serious matter.

But whereas during the days when I was a prosecutor, an attorney, a judge, a chief justice, when there was a jury selection in a civil court, you randomly sent out notices and randomly brought people in, and then you went through a jury qualification with all of those and called out those who did not meet the requirements of the law to be a juror in a particular case. And then once the jury panel was qualified, they were brought before the parties of a particular case and they went through what we in Texas call voir dire, but most of the country calls voir dire—it's just the way we talk in Texas. But during voir dire, the attorneys have the opportunity to ask questions of the jury panel so that they can determine whether or not there are people who can be struck for cause, and to also allow them to exercise what are called peremptory strikes so they can go through—and in Texas, you can have as many as 10 strikes in the right cases—to strike them for any reason as long as it was not prohibited by the Constitution, strike people for no reason.

In the military, if a commanding general convenes a court martial, it means he has signed off ordering that that servicemember be prosecuted. So he's the convening authority for the court martial. He has ordered that this person be prosecuted, so he is satisfied in his mind, he thinks this guy ought to be prosecuted, brought to justice. And then that same authority gets to pick the people who will be on the jury. And the attorney for the defendant in the military will have no rights to peremptory challenges as you would in the civilian court. They would have no right to try to determine who he would like to strike for peremptory reasons.

It's a very difficult process for a defendant or defense attorney. There are cases in which someone can get life in prison in the military and may only have five members handpicked by the commanding general to be on the jury. Now, why would that be allowed? That probably just really infuriates some who are so concerned about civil rights and they will say, well, that's not fair. But what they don't understand is, in the military, you can't go through all the processes that we have so luxuriously been bestowed with in the civilian sector and still be able to fight wars and protect us against all these enemies, foreign and domestic. There has to be a difference in the rights that are afforded those in the military and those in the civilian sector, or the military cannot function. If they are out on the battlefield, they don't have time to go through a full civil trial and afford all the civil rights because, if they did, they would lose every battle. You can't do that to them and expect them to defend us.

So there are different rights for those in the military than those in American society, and it has to be so to have the strongest military that mankind and the world and history has ever known and ever seen, and that is exactly what we have today.

But our military was made promises earlier this year from the White House through the leadership here in Congress. They were promised that we're looking at changing the policy of Don't Ask, Don't Tell, which will allow those who practice homosexuality to do so openly and overtly. For most of the history of our Nation, the military has made sodomy a crime for which you could go to prison. So we've made a dramatic turn in more recent years so that people could feel comfortable that they are afforded all the civil rights.

We're moving to giving our military all the civil rights that we all have in the civilian sector, not realizing a military can't function like that, not realizing that the military has to have different rights, to some extent, in order

to function properly. Because those in the military and most who have served in the military—obviously not all—out of the millions and millions and millions—our colleagues across the aisle keep talking about 13,000—but of the millions and millions and millions who have served in our military, most understand that when you are in harm's way and you have people firing at you and you're hunkered down in a bunker or you're in a foxhole, you're in an untenable position and lives are at risk, that one of the strongest tendencies in the human body, the sexual urge, needs to be one that is not an issue. So whether it is those who cannot control their urges of heterosexuality or homosexuality, it absolutely should not be an issue when it comes to combat.

And because those in the military have been scared to death of what kind of transformative change the repeal of Don't Ask, Don't Tell would have, what it would mean, what it would do to their functioning, their ability to function as a military and protecting us, they ask, At least let us submit our opinions, let us give you our input. We're the ones out here willing to lay down our lives for you in Congress, for you in America, for you in the ACLU. We're the ones out here willing to lay down our lives for you, let us have some input, let us tell you how it is in the military because we're not sure you understand it has to be different in the military for the military to function.

And our White House and our majority leaders in Congress said, We hear you and we'll listen to you. We're going to do a study, and it's due December 1 of this year. And we will get your input because you're out there willing to lay down your lives for us, so we'll get your input and we'll have a study on exactly what kind of transformation this will make in the military. Will there have to be separate quarters for heterosexual males and homosexual males and heterosexual females and homosexual females? I mean, what is this going to look like in the military? What are we going to need to do in the way of facilities to accommodate the different types of sexual attraction?

It's going to be an interesting question, and I think it's very important to get that study. We need to know what it's going to do. How much is it going to cost our military in the way of time and transformation at the very time they're losing their lives in Afghanistan? We still lose some in Iraq. And what many people don't know and what broke my heart in peacetime was to attend funerals of military friends during peacetime, because people die even in peacetime in the military. What is it going to do to the military trying to adapt to another potential war?

What if Iran gets their nuclear weapons because all we're doing is playing footsie talking about sanctions at a time that Iran's centrifuges continue to spin, they're spinning, they're continuing to enrich uranium, they're getting closer every day to not having the small amount they've got, but moving toward full enrichment and the full bomb that could take out Israel. And if you read the quotes from Ahmadinejad, he makes it very clear—even though reporters in America have been scared to ask him anything other than ridiculous questions and not get to his claims that he is going to destroy the ''Great Satan'' America—he has made clear that our way of life needs to be wiped off the planet, as does that in Israel. He has made it very clear. And in furtherance of that goal, he has made clear they're continuing to move toward nuclear weapons, and we are not going to stop them.

And we talk about sanctions. Now, China, to their credit, has been honest. They say, we don't want to go along with sanctions. I've been very concerned that China will come along and say, you know what? We'll agree to sanctions, just like Germany, France and Russia did against Iraq during the Oil-for-Food sanctions. And then we found out later after we went into Iraq that Germany, France and Russia had been cheating and had made billions and billions of dollars. They loved having the sanctions because it meant they had no competition because everyone else was observing the sanctions.

□ 1715

So, it is to China's credit that they have at least been honest enough to say they don't think the idea of sanctions is a good idea because, if they did and if China said, Okay. Okay. We'll do sanctions, and then they started cheating, not only have we not done anything with sanctions, but we've enriched people who wouldn't mind seeing us leave this Earth as the greatest Nation in history. So we need our military to be able to function as well as it is now.

We have heard testimonials from those who have said, I had a friend who couldn't stand to keep his homosexual feelings private. He had to go overt. He had to go public. He wanted everybody in the military to know. Yet, even though the vast majority of the military says that creates a real problem for us, our majority voted yesterday: Not only are we going to force you to have a different system than you've ever had before, but we don't care what you think.

Now, we've heard today that—let's see. I believe the term ''political grandstanding'' was used. The fact is I've been heartbroken for my friends in the military. People I know so well are heartbroken over what we've done. We've betrayed our promise to the military. When I say ''we,'' I mean this body. We are part of it. We have betrayed our promise to the military that we would hear them out.

Why would we rush in and pass the elimination of Don't Ask, Don't Tell right now? We told them we'd wait for the study, and people yesterday were saying, Well, we're going to wait for the study. We're just going to pass it now that we're going to eliminate it, regardless of what they say, and then we'll get the study at the end of the year and use that.

Well, the headlines already hit the paper—last night and this morning. The military reads the news. Although, they can't complain about things that their Commander in Chief orders because that would be punishable by court-martial. They read the news. They know when they are about to be adversely affected, and they know when they've been made promises that haven't been kept by the very people sending them out to potentially lay down their lives, and they know the headlines in the papers all read that the House voted yesterday to repeal Don't Ask, Don't Tell.

Is it so much to ask in the military that you keep your sexual desires private so that we all concentrate on our military missions? Wouldn't that be a good idea?

You know, I've known people to be kicked out of the military for having affairs because it has adversely affected the morale and the well-being of the military. You can't put up with that. When it hurts its well-being and the morale of the military, it needs to be dealt with or you'll lose your military. We've had a policy since 1993 that President Clinton put in place, which said, Look. Just keep your sexual attractions private, and we welcome you to serve in the military; but our number one function in the military is to provide for the common defense, and anything that distracts from that is not appropriate.

We heard the civil libertarians, who were so proud last night, clapping and cheering over the fact that we've betrayed our promise to the military, clapping and rejoicing that the huge, vast majority of the military was begging them not to do this, but they wouldn't wait for the official report.

I still am heartbroken.

For the charge of political grandstanding on our side of the aisle, I come back to the question again:

Why was it so important to betray our promise to the military that we would wait and get their input on what was going to have such a profound effect on the way they protect us and on the way they live every day? Because it isn't like living in the civilian sector. I can assure you that.

Could it have been that the political left was getting upset that the majority had not done enough for them and their view and that, if they didn't rush and do something big to show them they really cared about the far left, they would not be there for them in the fall for November's election? Could it be that the majority wanted to stay in the majority and that they didn't want to lose such an important part of their base, albeit the far left end? Could that have been the reason that we had to

rush in here and pass this law yesterday and betray our promise to this Nation's military?

I am at a loss, particularly as we recess to go home for Memorial Day to pay tribute to those who have made the ultimate sacrifice for this Nation.

As John 15:13 said, ''Greater love has no one than this, that he lay down his life for his friends.'' We are to pay tribute to them at the same time we've betrayed the promise we made to them, dramatically altering their future.

One other point. Then I have a friend from Minnesota here, and I want to yield to her.

On the very day after we betrayed our promise to the military and basically said, We don't care what you think. We're going to change your way of life, and we're going to change the way everything works in the military, particularly while we're in two battlefields, we took up today an amendment to H.R. 5116.

In that amendment, all it was asking was that our disabled veterans be given the same special consideration that minorities are given under this bill, those who are trying to get an education in a college or in a university. Most of us over here on this side did not think that was such an untenable position.

Our disabled vets, those who have lost part of their lives and their ability to function physically, we can't even give them the same consideration that a minority gets who attends a college or a university?

I figured it would be virtually unanimous. Yet the amendment failed. The majority brought down the amendment and said, You know what? Disabled veterans, on the day after we betrayed our promise to the military, we're not even going to give you the same status as a minority in America to help you further your education. We don't want you to have that special consideration.

So, if you listen to the beautiful prose that is spoken here on the floor, you would believe that every single Member of this House wants to do absolutely everything they can for our veterans, but if you look at what was done, we've betrayed our military, the promise we made to them. Then, the next day, we said, We don't consider you, disabled veterans, to be as important as minorities in America.

Why wouldn't they be? I am at a loss.

I yield to my friend from Minnesota.

Mrs. BACHMANN. I thank the gentleman from Texas, and I thank him for his statements in reviewing some of ''the week that was.''

That's really the theme of this hour that we have. We are talking about some of the events that have happened, a kind of ''week in review,'' if you will, of the events of this week. I'm sure the gentleman will want to comment on some of these things as we go on, but we need to go through items that are very crucial and critical, not only to the future of the Nation but to what has happened, in particular, this week.

We saw this week that our country took a very historic line and broke it, and it was this:

We broke the $13 trillion mark in debt for this country. This is real money, and all we have to do is know the comparison. Think of dollars in terms of time. A million seconds equals 11½ days. A billion seconds equals 32 years. A trillion seconds equals 32,000 years.

Then think of that in terms of money and what debt will mean for the new generation that is coming up. All of us are a part of the debt-paying generation. All of us have to pay for this out-of-control spending, but it is in particular those who are born today, who are between the ages of 5 and 30, who are now the debt-paying generation. Just with the stimulus bill alone, $787 billion, which we didn't have, we had to go and borrow it from foreign countries in order to spend that money. With debt service, that bill will cost us over $1 trillion. This is the cost of that bill to the debt-paying generation.

Those who are between the ages of 5 and 30 will spend, presumably, 45 years in the workforce. For every month the debt-paying generation is in the workforce, one will effectively have to go out and buy a full-sized iPod and give it over to the Federal Government. The next month, one will have to go out and buy another full-sized iPod and give it over to the Federal Government. That is the real cost for the debt-paying generation's lives, those who are between the ages of 5 and 30. For 45 years, they will have to effectively buy the price of a full-sized iPod for their portion of paying off just that one debt obligation that has been accrued by this body.

This week, we broke the $13 trillion mark. No one's hands are clean on this deal. Republicans spent too much money. This red line on the chart shows the excess debt that was accrued under Republican leadership. This blue line shows the excess debt that was accrued under Democrat leadership. It's by a 2:1 ratio, so it's both parties that have been part of the problem. Yet, under the recent leadership of the Democrat Party, we have seen literally debt fall off a cliff of fiscal sanity.

I have another figure that came out this week as well that I'd like to share, and it's on who is getting paid and on what has happened to pay scales in the United States. No one thought it could get this out of whack, but this is how stunning the statistic is.

If we look at those who are government workers, Federal employees, and if you take comparable professions in the private sector versus those of government employees, government employees, on average, make more than private employees in 83 percent of all professions. So, whether it's white collar or blue collar or management or professional or highly skilled or low skilled, it doesn't matter. In 83 percent of all professions, it's the government worker who is making more than the person in the private sector.

Well, is that so bad?

Well, consider it's the private sector that creates the revenue to pay for the government workers. Not only do the government workers make more; they make substantially more than their counterparts in the private sector—on average, 20 percent more in wages—but that isn't the whole package. When you combine the wages with the benefits package, which would be health care and retirement benefits, the government employees are making double what their counterparts are making in the private sector.

So, if you take someone, let's say, who is a janitor who is working for the government, the person is making, on average, double what a janitor is making in the private sector. If a person is a cook or if a person is a copy editor, on average, they are making double what people are making in the private sector. If you're working in the private sector at the exact same job, you're making about $60,000 a year versus $120,000 a year if you're a government employee.

So, today, this body was offered the opportunity to freeze the increase in wages for government employees. This body decided to take a pass. They didn't even want to freeze the increase, the next increase, in wages for the only sector in this economy that is making double what people in the private sector are making.

We also offered an opportunity for people in this body to freeze the wages of Members of Congress in 2011 and thereafter. Again, this body took a pass. Recently, on a Web site called YouCut, 500,000 American people voted and said this is the number one issue they would like Congress to address—freezing the salary of government employees.

Did this body listen? Well, not the majority party.

Those who are in the Republican Party voted almost uniformly to freeze the wages. In fact, I think it was uniform. One hundred percent of Republicans voted to freeze the wages of government employees and to freeze the salaries of Members of Congress. That didn't happen on the Democrat side of the aisle. Perhaps that could be because, as we have seen, it is the Democrats, unfortunately, who have been wild with taxpayer money, spending it at a rate of over double the excess rate that Republicans have spent. That's just one of the issues that has happened this week.

□ 1730

We also were watching the tragedy of the administration's late-to-the-dance response to the tragedy of the Deepwater Horizon explosion in the Gulf of Mexico with BP. Where was the competence from the Federal Government and from the Obama administration when we needed them most, when all of this oil has been gushing into the Gulf and destroying the shoreline of the Gulf of Mexico, destroying the way of

life and fishing opportunities and rich tourism opportunities for those who live on the Gulf Coast? Where was the competence from our government when we needed it most?

We haven't seen competence in the government's hands-off policy with this disaster. We needed to ask the question on day one, what did the Obama administration do about the Coast Guard? What did they ask the Coast Guard to do to intervene? On day one, they weren't there. What did the administration do on day one with the booms that could have been put out in the ocean in order to quarantine off, if you will, this oil as it surged to the surface? Nowhere to be found.

The administration, they were hands off. They didn't do anything. Where were the boats that could have been commandeered by the government to be sent into this region to deal with that oil plume as it was coming up in the water and destroying marine life? Nowhere to be found. Why? The administration was hands off on this policy. They were missing in action.

Where was the emergency plan to deal with an oil rig explosion? There wasn't one. We found out to our horror there was no plan A, much less any plan B to deal with an emergency of this magnitude. And still the oil flows.

Also we saw this week the travesty of 1,000 soldiers now dead in Afghanistan. This is a horrible, chilling thought to see this happen, and we mourn their loss and we weep for their families and thank them for their service to our country.

Then, finally, today more news came out from the White House. We saw this week that back in February Representative JOE SESTAK of this body said he was offered a job by someone in the administration in order not to run against Senator SPECTER in the primary in Pennsylvania.

Today, after three months, the White House said it was former President Bill Clinton who as an intermediary offered Mr. SESTAK a job to stop running for political office in the primary in Pennsylvania against Senator SPECTER. Why? Because apparently President Obama backed Senator SPECTER for that political office. The only problem is that this activity is illegal to do under the United States Code, whether a job was offered either directly or indirectly by the administration.

When President Obama was asked yesterday in his press conference, the President refused to answer the reporter when he asked the question, Major Garrett. Instead, the President said the White House would issue a formal response.

Well, the American people need answers to this very serious question that was asked by Major Garrett: Who authorized former President Clinton to make this offer to Mr. SESTAK? We don't know. The White House won't tell us. Who on the President's staff was involved in any of these discussions? We don't know. The White House won't tell us. What was offered to Mr. SESTAK? We don't know. The White House won't tell us. Who was present when the offer was made? We don't know. The White House won't tell us. And what was the reply? We don't know. The White House won't tell us.

Did President Obama discuss this job for leaving the political race when he met with President Clinton this week at the White House? We don't know. The White House won't tell us.

This is a very serious charge, and for three months the media has failed to press President Obama for an answer, much less press him for details. Now that Mr. SESTAK has won the primary over Mr. SPECTER, this issue looms large, and it demands an answer from the White House.

Double standards are wrong when it comes to equal application of the law. The law should not apply just one way for Republicans and another way for Democrats. We need to get to the bottom of this very serious issue, no matter which political party is in the White House.

Mr. GOHMERT. Reclaiming my time, the White House has stonewalled, as the gentlelady has pointed out. But it has been also intriguing to me that you have a former admiral in the United States Navy who brought this up, and he has refused to give full details and make sure that the full truth about all of this was known himself.

I am deeply intrigued by that, because I understand that our colleague was a graduate in 1974 of the Naval Academy of the United States, and the academies have an honor code. And when I was in school at Texas A&M, we had an honor code as well. Aggies do not lie, cheat, or steal, or tolerate those who do.

The Naval Academy's honor code that is supposed to be kept by Naval Academy students and graduates says, ''They stand for that which is right, they tell the truth, and ensure that the full truth is known.'' That is part of the honor code for midshipmen for the Naval Academy.

So I am looking forward to both the White House and our colleague stepping up and giving the full truth, so we can get this behind us and move on, for heaven's sake. It shouldn't have gone on this long without having a complete answer. There is no purpose to that.

We also heard this week from our colleagues how proud they were that they successfully passed within the last couple or three hours what is called the ''doc fix,'' because doctors were going to be cut 20 percent in their reimbursement under Medicare.

I have seen documentation that makes clear that for some doctors, some treatment, when you cut them any more than they are already, they lose substantial amounts of money. So why would they even undergo to help someone with a physical problem on Medicare, particularly Medicaid that pays even less, when they are receiving less compensation than it costs them just to conduct the activity with the patient?

What has not been talked about here on the floor by those who are so proud that they passed the ''doc fix'' and did not cut the doctors 20 percent more this year was that, originally, there was supposed to be a fix in the reimbursement to physicians that would last at least 3½ years, and then at the end it would begin being cut 20 percent again.

Well, what was inserted and actually came to the floor was a fix for not 3½ years, but 19 months, and at the end of the 19 months, instead of going back to a 20 percent cut again, it moved and advanced to a 33 percent cut.

Even though we had colleagues across the aisle so proud that they helped our doctors continue to be able to see patients, it turns out that not just the AMA—I don't really trust their endorsements after seeing what they did on the health care fiasco that would cut care to seniors by $500 billion and would dramatically change their professions forever—but looking further, every physician organization that weighed in said this is a disaster. Don't pass this.

Yet it was passed anyway, and the majority stands up after it passes it and basically says, ''You're welcome.'' You're welcome? They haven't really said thank you, because they were begging them not to pass it.

That is kind of what we have seen with the military as well. When we get into this area of special rights, as we have heard people clamor around the country for special rights in the military and special constitutional rights for those who are trying to kill and destroy us, if you go back, and I know everybody hasn't been fortunate enough to have a legal education. I am very blessed with a legal education at Baylor University. Serving in the Army for 4 years, you learn probably more than you ever wanted to.

But, anyway, terrorists, people who are part of a group who have said they are at war with this Nation, they are not entitled to the same rights under the Constitution that we are. Just like people in the military are not entitled to the same rights as people in the civilian sector, people at war with this country, going back to the Quirin case in 1942, they were called enemy combatants. If they abided by the Geneva Convention, if they wore a uniform, if they abided by the rules of law, then they were entitled to be treated as prisoners of war under the Geneva Convention.

We treat the enemy combatants who are not entitled to anything under the Geneva Convention better than the Geneva Convention affords them. And throughout the history of mankind, for people who have studied war, and if you are an officer in the military you have been required to study military history, you know that if a nation was a civilized nation and they captured people who were at war with them,

part of a group or a country who said they were at war, then you held them until their friends or country said, we are no longer at war.

At that point, and it may be 10 or 20 years down the line, but at that point, when the friends finally admitted we are no longer at war, then you would release those enemy combatants and let them return home on the promise not to be at war anymore.

And if they were suspected or there was probable cause to believe they had committed a war crime, then you didn't even release them to go back home, even if they served 20 years in a POW camp. You tried them before a military commission for war crimes. And, again, the Constitution of the United States anticipated that in those situations, when they were tried, it would be before a military commission, and the Constitution specifically gives the Congress the power to set up military commissions to do that.

But because people don't realize our way of life is at risk, and the Constitution, drafted by our Founders, who realized you have to have a different set of rights for those at war against you, they have pushed and said no, no, no; let's give these extra rights and treat these enemy combatants as extra special. That is why in the Military Commissions Act of 2006, which has been upheld by the U.S. Supreme Court, they were referred to as enemy combatants, going back to the Quirin case of 1942.

Well, once our friends across the aisle took the majority, they could not live with this horrible language of calling these people that want to kill us, destroy our way of life, destroy our families, our children, everything we hold dear, they didn't like them being called enemy combatants. It sounded offensive. So an amendment to the Military Commissions Act of 2006 was passed calling it the Military Commissions Act of 2009 in which we struck the language ''enemy combatant.''

It is no longer appropriate under the law of this Congress to call someone an enemy combatant who wants to kill us and destroy our way of life. Now we call them, and the term is quoted, ''unprivileged alien enemy belligerent,'' hoping that will be less offensive to those who want to kill us, destroy us, wipe out our families and take all we have.

Mrs. BACHMANN. If the gentleman will yield, just recently the President made an announcement on the nuclear strategy document that he will also change the language and no longer allow the use of the term ''extreme radicalism'' in the document as well. Now we are applying terms of political correctness to our military documents and to our documents for our national security.

We can go ahead and change all the terms we want, but that doesn't make any difference to the people who mean to destroy our country and to kill our people. They still have the same intent. And it seems that the first rule of war is to know your enemy and appreciate what their purpose is.

I think the thing that shocked me the most in this Chamber was when we took a vote, the last vote of the week before we left town, and it was unbelievable, because it expanded the civil rights of terrorists.

If you recall, those who interrogate like, let's say the underwear bomber on Christmas Day, when he was taken off the plane and interrogators sat down with that underwear bomber to find out everything he knew, and, of course, we found out it was less than an hour he was subjected to interrogation.

Well, the bill that was passed in this Chamber would put a 15-year jail sentence on our interrogators, our good guy interrogators, if they were found to treat an alleged terrorist either inhumanely, cruelly or in a demeaning fashion.

□ 1745

Now, the one thing we know is that our Attorney General is now giving taxpayer subsidized attorneys to these terrorists after they try to kill us, which they don't necessarily have the right to. They're given Miranda warnings. The privileges and immunities under the Constitution reserved to a U.S. citizen are given to terrorists, they're given a taxpayer subsidized lawyer, and so how often do we think it will be that these taxpayer subsidized lawyers, under this new bill, will raise the issue that the interrogator was maybe demeaning his client? Try 100 percent of the time. And so, won't that have a chilling effect on our interrogators when they're trying to pull information out of these terrorists? Maybe information like, do you have a computer? How are you financed? Are there any other guys like you out there? Are there any more coming behind? Maybe information like that that would help us to keep our people safe.

This is the unbelievable action of the current Democrat majority that is not keeping our people safe, and, in fact, as the gentleman from Texas said, is working to enhance the civil rights, not of freedom-loving, God-fearing, patriotic Americans but of terrorists who seek only the destruction of the United States and to destroy the lives of the American people.

Mr. GOHMERT. I'm concerned, my friend keeps using the term ''terrorist,'' and I'm worried that she may not realize that that might offend somebody that wants to kill her.

Mrs. BACHMANN. Thank God, if I could just reclaim my time, that we are standing in the well of the United States House of Representatives, one bastion left for free speech, at least I hope so for the time being.

Mr. GOHMERT. Well, as long as you don't say that somebody lied, then we're okay.

But I know that there are people who are concerned that if we are just nice enough to those folks who want to kill us and destroy our way of life, that they'll come around and see how wonderful and nice they are. Unfortunately, they don't realize, to those who want to destroy our way of life and kill us, it appears to be weakness; and a weakness to them means we are worthy to be destroyed because we have no business being on the planet. But I know there are still those that say let's help those, do everything we can for them. And I come back to this article. There's a former CIA operative, Wayne Simmons, terrorist analyst, who was amazed at the medical treatment that was provided to those who want to kill and destroy us.

Having been to Guantanamo a couple of times myself, seeing the extraordinary court set-up that was ready to start trying terrorists back over a year ago when the President, the Commander-in-Chief, put the stop on it, they were about to go to trial and the first five to go to trial had already said they were going to plead guilty. But once they were told they were coming to New York and were going to get a civilian trial, well, obviously they made clear, well, we're going to be proud of what we did but we're not going to plead guilty. We're looking forward to that wonderful format in New York.

Again, for those who are worried that, you know, if we would just treat these folks nicely, they'll love us instead of wanting to destroy our way of life, well, I would give them humbly the example of Abdullah Massoud. Abdullah Massoud, a/k/a Said Mohammed Ali Shah, was released from Guantanamo. But because, during his attempts to destroy American lives, he had lost his leg below his knee, well, we fitted him with a prosthesis that cost between 50 and $75,000. So those who were worried about if we just are nicer to these folks, well, we were nice to Mr. Massoud, gave him a prosthesis to help him, even though he lost his leg in trying to kill us. Well, we tried to help him and did and gave him that wonderful prosthesis, American ingenuity at its best, creating a prosthesis like that that would help him walk, help him be a participant in society.

So knowing that he would surely have to love us after we had helped restore his leg that he lost trying to be violent against us, he was released. And he, according to Pakistani officials, directed a homicide attack that killed 31 people in Pakistan, and then 2 months later, when he was about to be captured by Pakistani forces, he blew himself up, including the $75,000 prosthesis. Apparently, it didn't mean a whole lot, how nice we were to him in Guantanamo.

On my first trip to Guantanamo, it was interesting. At one point there were a couple of us that were in one of the detention areas. We had been warned, now, when we go through this door, do not talk because you won't be able to hear their interaction between each other if they know a voice that

they're not familiar with is somewhere around here.

And so we listened. There was laughing. I didn't understand what they were saying, kidding around, a lot of banter back and forth between the different units where they were being held. And as we stood at the end of the hallway, someone with us said something that was heard by those on that hallway, and immediately, the banter, the cheerfulness turned into, ''Help, I'm being tortured. Help.'' And we were treated to cries for help. They didn't realize that we had been hearing them kidding around, laughing and joking with each other until they heard that a new voice was on the floor. And we were told, that's because they know that there are different groups that come, Amnesty International, different ones that come to check on them, and so that's why as soon as they hear a voice that they don't hear every day, they want to make sure that they get lots of sympathy. It's what they're trained to do. It was just amazing to observe that firsthand. It was really interesting and amazing.

But also, we know that no one who is a guard is allowed to assault or even speak in a negative way toward anyone being held at Guantanamo. The only assaults now for some years that have gone on at Guantanamo occur when the inmates there figure out new and exciting ways to throw urine or feces on our guards. There's been only one guard that reacted hostily by yelling an insult, a verbal insult at the one who threw feces on him. And he was punished for that, what was deemed to be, by our military, overreaction. Though he did not strike, he spoke angrily and insultingly and, therefore, he was punished.

You might wonder, Mr. Speaker, what happens to those that keep throwing urine and feces? Well, in a normal prison, and I've been through many of those, if you will not quit assaulting the guards, then ultimately you're put in an isolation cell where you can't possibly do it anymore. But because of all the complaints about what a horrible place Guantanamo is, though the people there are treated better than most any maximum security prison I've ever seen or heard about, we don't put them in isolation because Amnesty International, some of these groups, would just go nuts. And so they say it's easier just to punish them by taking away a couple of their hours that they're allowed to watch movies each day. And if it's bad enough, they may take some of their time away of the hours that they're allowed to be outdoors. That's their punishment—losing some movie time. In view of some of the movies out now, they're not missing that much. But that's how they're punished for throwing urine or feces on our guards.

I realize that some in this body, some around the country, want to help the terrorists and they believe if we'll just be nice to them, everything will work out fine. That's not the case. It is absolutely not the case.

It is religious zealotry. And I thank God that it is only a very small percentage of Islamic believers who believe in this type of violent jihad. The vast majority of Islamic believers don't believe jihad means the violent physical event that these jihadist extremists that we've come to know and see kill people do. So, thank goodness for that.

But for those jihadist extremists who believe, as Ahmadinejad said, that he can usher in the coming of the Mahdi, the Grand Mahdi that will rule over the caliphate, that he can usher that in by using nuclear weapons to blow us up, Israel up, this is serious. He believes it to his core, even though some of the American interviewers were either scared to ask, Why do you want to blow us up and destroy us? And do you really believe that you'll bring about the return of the Mahdi to rule the world if you use nuclear weapons? Nobody had the nerve to ask those.

That's what he has said repeatedly. And as the lesson should have been learned from Hitler, when you have a nut that's claiming he's going to kill people and destroy countries and destroy societies and commit genocide, and he achieves the weaponry to do that, you'd better take him seriously. But we haven't done that.

It's been a very interesting week. Earlier I was mentioning the bill, H.R. 5116, the COMPETES Act, it's called. This would have amended section 702, persons with disabilities, to include veterans with disabilities in achieving the same type of special consideration. That's all it says, special consideration that other groups designated as minorities under this do. How unfortunate, the same week we betray our promise to our military.

Well, as we anticipate heading home this weekend, which I do each weekend, and we think about Memorial Day and those who have laid down their lives for us, having attended the funeral of Sergeant Kenneth B. May, Jr., 26 years old, of Kilgore, Texas, in the last 10 days, our hearts and our tributes go out to those who served this Nation. May they forgive us for what we've done to them this week.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BORDALLO (at the request of Mr. HOYER) for today on account of official business in the district.

Mr. JONES (at the request of Mr. BOEHNER) for today on account of addressing a high school graduation.

Mr. LATTA (at the request of Mr. BOEHNER) for today after 11:35 a.m. on account of attending his daughter's high school graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WASSERMAN SCHULTZ) to revise and extend their remarks and include extraneous material:)

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Members (at the request of Mrs. BACHMANN) to revise and extend their remarks and include extraneous material:)

Mr. WHITFIELD, for 5 minutes, today.

Mr. MCCAUL, for 5 minutes, today.

Mrs. BACHMANN, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on May 27, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 5139. To provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, pursuant to House Concurrent Resolution 282, 111th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 59 minutes p.m.), the House adjourned until Tuesday, June 8, 2010, at 2 p.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie*, Gary L. Ackerman, Robert B. Aderholt, John H. Adler, W. Todd Akin, Rodney Alexander, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boccieri, John A. Boehner, Jo Bonner, Mary Bono Mack, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Bruce L. Braley, Kevin Brady, Robert A. Brady, Bobby Bright, Paul C. Broun, Corrine Brown, Ginny Brown-Waite, Henry E. Brown, Jr., Vern Buchanan, Michael C. Burgess, Dan Burton, G.K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Eric Cantor, Anh ''Joseph'' Cao, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, John R. Carter, Bill Cassidy, Michael N. Castle, Kathy Castor, Jason Chaffetz, Ben Chandler, Travis W. Childers, Judy Chu, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel

Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. Connolly, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Ander Crenshaw, Mark S. Critz, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Kathleen A. Dahlkemper, Artur Davis, Danny K. Davis, Geoff Davis, Lincoln Davis, Susan A. Davis, Nathan Deal*, Peter A. DeFazio, Diana DeGette, Bill Delahunt, Rosa L. DeLauro, Charles W. Dent, Theodore E. Deutch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Charles Djou, Lloyd Doggett, Joe Donnelly, Michael F. Doyle, David Dreier, Steve Driehaus, John J. Duncan, Jr., Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Eni F.H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Bob Filner, Jeff Flake, John Fleming, J. Randy Forbes, Jeff Fortenberry, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Kirsten E. Gillibrand*, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Charles A. Gonzalez, Bart Gordon, Kay Granger, Sam Graves, Alan Grayson, Al Green, Gene Green, Parker Griffith, Raúl M. Grijalva, Brett Guthrie, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Deborah L. Halvorson, Phil Hare, Jane Harman, Gregg Harper, Alcee L. Hastings, Doc Hastings, Martin Heinrich, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth Sandlin, Brian Higgins, Baron P. Hill, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie K. Hirono, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson Lee, Lynn Jenkins, Eddie Bernice Johnson, Henry C. ''Hank'' Johnson, Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Mary Jo Kilroy, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ann Kirkpatrick, Larry Kissell, Ron Klein, John Kline, Suzanne M. Kosmas, Frank Kratovil, Jr., Doug Lamborn, Leonard Lance, James R. Langevin, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher John Lee, Sander M. Levin, Jerry Lewis, John Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Luján, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, John M. McHugh*, Mike McIntyre, Howard P. ''Buck'' McKeon, Michael E. McMahon, Cathy McMorris Rodgers, Jerry McNerney, Connie Mack, Daniel B. Maffei, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Betsy Markey, Edward J. Markey, Jim Marshall, Eric J.J. Massa*, Jim Matheson, Doris O. Matsui, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Walt Minnick, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Scott Murphy, Tim Murphy, John P. Murtha*, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Devin Nunes, Glenn C. Nye, James L. Oberstar, David R. Obey, John W. Olver, Pete Olson, Solomon P. Ortiz, William L. Owens, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Nancy Pelosi, Mike Pence, Ed Perlmutter, Thomas S.P. Perriello, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Earl Pomeroy, Bill Posey, David E. Price, Tom Price, Adam H. Putnam, Mike Quigley, George Radanovich, Nick J. Rahall II, Charles B. Rangel, Denny Rehberg, David G. Reichert, Silvestre Reyes, Laura Richardson, Ciro D. Rodriguez, David P. Roe, Harold Rogers, Mike Rogers (AL–03), Mike Rogers (MI–08), Dana Rohrabacher, Thomas J. Rooney, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Sablan, John T. Salazar, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Scott, Robert C. ''Bobby'' Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Mark Shauer, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis*, Mark E. Souder*, Zachary T. Space, Jackie Speier, John M. Spratt, Jr., Bart Stupak, Cliff Stearns, John Sullivan, Betty Sutton, John S. Tanner, Ellen O. Tauscher*, Gene Taylor, Harry Teague, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Dina Titus, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Lynn A. Westmoreland, Robert Wexler*, Ed Whitfield, Charles A. Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, John A. Yarmuth, C.W. Bill Young, Don Young.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, after consultation with the Chairman of the Senate Budget Committee, and on behalf of both of us, Mr. SPRATT hereby submits, prior to the vote on the House amendment to the Senate amendment to the bill H.R. 4213, the American Jobs and Closing Tax Loopholes Act, the following attached cost estimates for printing in the CONGRESSIONAL RECORD.

A. An estimate of the costs of section 523 of the amendment printed in part A of House Report 111–497, as modified by the amendment printed in part B of House Report 111–497 and the further amendment printed in section 2 of House Resolution 1403. Section 523 of the House amendment, as modified, has been scored using an adjustment for current policy pursuant to sections 4(c) and 7(c) of Public Law 111–139.

If only section 523 passes, then the estimate for purposes of Public Law 111–139 shall be the estimate labeled Division I.

B. An estimate of the costs of the amendment printed in part A of House Report 111–497, as modified by the amendment printed in part B of House Report 111–497 and the further amendment printed in section 2 of House Resolution 1403, excluding section 523. The amendment, as modified and excluding section 523, includes an emergency designation for section 501 pursuant to section 4(g) of Public Law 111–139.

If only the amendment, as modified and excluding section 523, passes, then the estimate for purposes of Public Law 111–139 shall be the estimate labeled Division II.

C. An estimate of the costs of the amendment printed in part A of House Report 111–497, as modified by the amendment printed in part B of House Report 111–497 and the further amendment printed in section 2 of House Resolution 1403. Section 523 of the amendment, as modified, has been scored using in adjustment for current policy pursuant to sections 4(c) and 7(c) of Public Law 111–139. In addition, the amendment, as modified, includes an emergency designation for section 501 pursuant to section 4(g) of Public Law 111–139.

If the amendment printed in part A of House Report 111–497, as modified by the amendment printed in part B of House Report 111–497 and the further amendment printed in section 2 of House Resolution 1403 passes, then the estimate for purposes of Public Law 111–139 shall be the estimate labeled Division I and Division II Combined.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 4213, THE AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010 (AS REPORTED BY THE COMMITTEE ON RULES ON MAY 26, 2010 WITH A SUBSEQUENT DRAFT AMENDMENT TRANSMITTED TO CBO ON MAY 27, 2010)

[Millions of dollars, by fiscal year]

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Division I: Section 523—Medicare Sustainable Growth Rate Reform													
NET INCREASE OR DECREASE (−) IN THE ON-BUDGET DEFICIT													
Total On-Budget Changes for Division I	3,143	14,455	5,320	0	0	0	0	0	0	0	0	22,918	22,918
Less:													
Current-Policy Adjustment for Medicare Payments to Physicians [1]	3,143	14,455	4,281	0	0	0	0	0	0	0	0	21,879	21,879
Statutory Pay-As-You-Go Impact for Division I	0	0	1,040	0	0	0	0	0	0	0	0	1,040	1,040
Division II: All Other Provisions (The amendment printed in part A of the Rules Committee report on H.R. 4213, as modified by the amendment printed in part B of Rules Committee report and the further amendment printed in section 2 of the rule, except for section 523 of the amendment.)													
NET INCREASE OR DECREASE (−) IN THE ON-BUDGET DEFICIT													
Total On-Budget Changes for Division II	22,305	45,115	−763	−3,319	−3,764	−25,092	17,098	−4,360	−3,648	−2,915	−3,095	34,481	37,573
Less:.													
Designated as Emergency Requirements [2]	12,205	26,715	180	175	120	60	45	0	0	0	0	39,455	39,500
Statutory Pay-As-You-Go Impact for Division II	10,100	18,400	−943	−3,494	−3,884	−25,152	17,053	−4,360	−3,648	−2,915	−3,095	−4,974	−1,927
Division I and Division II Combined:													
NET INCREASE OR DECREASE (−) IN THE ON-BUDGET DEFICIT													
Total On-Budget Changes	25,448	59,570	4,557	−3,319	−3,764	−25,092	17,098	−4,360	−3,648	−2,915	−3,095	57,399	60,492
Less:													
Current-Policy Adjustment for Medicare Payments to Physicians [1]	3,143	14,455	4,281	0	0	0	0	0	0	0	0	21,879	21,879
Designated as Emergency Requirements [2]	12,205	26,715	180	175	120	60	45	0	0	0	0	39,455	39,500
Statutory Pay-As-You-Go Impact	10,100	18,400	96	−3,494	−3,884	−25,152	17,053	−4,360	−3,648	−2,915	−3,095	−3,934	−887
Memorandum—Components of the Emergency Designation (Division I and Division II Combined)													
Changes in Outlays	12,205	26,555	0	0	0	0	0	0	0	0	0	38,760	38,760
Changes in Revenues [3]	0	−160	−180	−175	−120	−60	−45	0	0	0	0	−695	−740

Sources: Congressional Budget Office and Joint Committee on Taxation.
Note: Components may not sum to totals because of rounding.

[1] Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians. CBO estimates that the maximum available adjustment for a physician payment policy through December 31, 2011, is about $21.9 billion.
[2] Section 701 of H.R. 4213, the American Jobs and Closing Tax Loopholes Act of 2010 would designate section 501 (unemployment insurance) of the bill as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.
[3] Negative numbers represent a DECREASE in revenues.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5116, the America COMPETES Reauthorization Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5116, THE AMERICA COMPETES REAUTHORIZATION ACT OF 2010, AS AMENDED

	By fiscal year in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (−) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5136, AS AMENDED

	By fiscal year in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (−) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	3,973	−3,972	−11	−4	−1	4,369	144	−4,510	6	6	−15	0

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7694. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clethodim; Pesticide Tolerances [EPA-HQ-OPP-2009-0307; FRL-8822-7] received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7695. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluazinam; Pesticide Tolerances [EPA-HQ-OPP-2009-0032; FRL-8824-5] received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7696. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flutriafol; Pesticide Tolerances [EPA-HQ-OPP-2009-0184; FRL-8812-6] received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7697. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's ''Major'' final rule — Teacher Incentive Fund Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.385 and 84.374 [Docket ID: ED-2010-OESE-0001] (RIN: 1810-AB08) received May 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7698. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Final Determination to Approve Alternative Final Cover Request for the Lake County Montana Landfill [EPA-R08-RCRA-2009-0621; FRL-9149-7] received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7699. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Reformulated Gasoline and Diesel Fuels; California [EPA-R09-OAR-2009-0344; FRL-9112-7] received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7700. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 06-10 informing of an intent to sign a Memorandum of Understanding with Canada; to the Committee on Foreign Affairs.

7701. A letter from the Assistant Secretary, Legislative Affairs, Department of State,

transmitting Transmittal No. DDTC 10-021, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7702. A letter from the Assistant Legal Advisor for Treaty Affiars, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

7703. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-409, ''Uniform Principal and Income Technical Amendments Act of 2010''; to the Committee on Oversight and Government Reform.

7704. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-408, ''Liquid PCP Possession Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7705. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-407, ''Residential Aid Discount Subsidy Stabilization Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7706. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-406, ''Corrections Information Council Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7707. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-405, ''Stimulus Accountability Act of 2010''; to the Committee on Oversight and Government Reform.

7708. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-404, ''Tenant Opportunity to Purchase Preservation Clarification Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7709. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-402, ''School Safe Passage Emergency Zone Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7710. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-401, ''Unemployment Compensation Reform Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7711. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-412, ''Predatory Pawnbroker Regulation and Community Notification Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

7712. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-411, ''Keep D.C. Working Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

7713. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-410, ''Closing of Public Streets Adjacent to Square 1048-S (S.O. 09-11792) Act of 2010''; to the Committee on Oversight and Government Reform.

7714. A letter from the EEO Programs Director, Federal Reserve System, transmitting the sixth annual report pursuant to Section 203(a) of the No Fear Act, Pub. L. 107-174, for fiscal year 2009; to the Committee on Oversight and Government Reform.

7715. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification of Jet Routes J-37 and J-55; Northeast United States [Docket No.: FAA-2010-0003; Airspace Docket No. 09-ANE-104] received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7716. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Mountain City, TN [Docket No.: FAA-2009-0061; Airspace Docket No. 09-ASO-10] received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7717. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Jackson, AL [Docket No.: FAA-2009-0937; Airspace Docket No. 09-ASO-27] received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7718. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Fort A.P. Hill, VA [Docket No.: FAA-2009-0739; Airspace Docket No. 09-AEA-14] received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7719. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Liberty Aerospace Incorporated Model XL-2 Airplanes [Docket No.: FAA-2009-0329; Directorate Identifier 2009-CE-020-AD; Amendment 39-16264; AD 2009-08-05 R1] (RIN: 2120-AA64) received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7720. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Relief for U.S. Military and Civilian Personnel Who Are Assigned Outside the United States in Support of U.S. Armed Forces Operations [Docket No.: FAA-2009-0923; Special Federal Aviation Regulation No. 100-2] (RIN: 2120-AJ54) received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7721. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30716; Amdt. No. 3366] received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7722. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CJ610 Series Turbojet Engines and CF700 Series Turbofan Engines [Docket No.: FAA-2009-0502; Directorate Identifier 2009-NE-02-AD; Amendment 39-16273; AD 2010-09-08] (RIN: 2120-AA64) received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7723. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30717; Amdt. No. 3367], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7724. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's second fiscal year 2010 quarterly report on unobligated and unexpended appropriated funds; jointly to the Committees on Appropriations and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 2889. A bill to modify the boundary of the Oregon Caves National Monument, and for other purposes; with an amendment (Rept. 111–500). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4438. A bill to authorize the Secretary of the Interior to enter into an agreement to lease space from a nonprofit group or other government entity for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes; with amendments (Rept. 111–501). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4349. A bill to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes; with an amendment (Rept. 111–502). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Ways and Means discharged from further consideration. H.R. 2989 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 3376. Referral to the Committees on the Judiciary and Homeland Security extended for a period ending not later than August 6, 2010.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HELLER (for himself, Mr. CALVERT, Mr. LEWIS of California, Mr. MCCARTHY of California, Mr. MCKEON, Mr. WALDEN, Mrs. BONO MACK, Mr. CANTOR, Mr. CAMP, Mr. UPTON, Mr. BOUSTANY, Mr. DENT, Mr. THOMPSON of Pennsylvania, Mr. LATOURETTE, Mr. MANZULLO, Mr. ADERHOLT, Mr. GUTHRIE, Mr. BOEHNER, Mr. LOBIONDO, Mr. ROGERS of Michigan, Mr. TURNER, Mr. PAULSEN, Mrs. MILLER of Michigan, Mr. GERLACH, Mr. KIRK, Mr. SMITH of

New Jersey, Mr. CASTLE, Mr. FLEMING, Mr. ROGERS of Alabama, Mr. BONNER, Mr. GRIFFITH, Mr. CASSIDY, Mr. BILIRAKIS, Mr. PITTS, Mr. REICHERT, Mr. BUCHANAN, Mr. LANCE, Mr. CONAWAY, Mr. CRENSHAW, Mr. WILSON of South Carolina, Mr. MCCOTTER, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. EHLERS, Mr. TIBERI, and Mr. KLINE of Minnesota):

H.R. 5453. A bill to provide a temporary extension of certain programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Appropriations, Education and Labor, Financial Services, the Budget, Small Business, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT (for himself, Mr. MINNICK, Ms. BEAN, Mr. BOYD, Mr. BRALEY of Iowa, Mr. CONNOLLY of Virginia, Mr. COOPER, Mr. CUELLAR, Mr. ELLSWORTH, Ms. GIFFORDS, Mr. LARSEN of Washington, Mr. MATHESON, Mr. MOORE of Kansas, Mr. MURPHY of New York, Mr. OWENS, Mr. PETERS, Mr. POMEROY, Mr. QUIGLEY, Mr. RUPPERSBERGER, Mr. SCHRADER, and Mr. WELCH) (all by request):

H.R. 5454. A bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHOCK (for himself and Mr. HARE):

H.R. 5455. A bill to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the state of Illinois, and for other purposes; to the Committee on Natural Resources.

By Ms. MCCOLLUM (for herself, Mr. SCOTT of Virginia, Mr. LATHAM, Mr. ELLISON, Mr. LUJÁN, Mr. KAGEN, Mr. GRIJALVA, Mr. PUTNAM, Mr. MICHAUD, Mr. AL GREEN of Texas, Ms. KAPTUR, Mr. CARNAHAN, Mr. MOORE of Kansas, Ms. PINGREE of Maine, Mr. BLUMENAUER, Mr. SHULER, Mr. KIND, Mr. LOEBSACK, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Mr. COURTNEY, Mr. WALZ, Mr. HOLT, Mr. PERRIELLO, and Mr. MORAN of Virginia):

H.R. 5456. A bill to amend the Richard B. Russell National School Lunch Act to award competitive grants to assist eligible entities in implementing or expanding farm-to-school programs; to the Committee on Education and Labor, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CASTOR of Florida (for herself and Mr. MURPHY of Connecticut):

H.R. 5457. A bill to provide supplemental payments to nursing facilities serving Medicare and Medicaid patients and to amend title XIX of the Social Security Act to assure adequate Medicaid payment levels for services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADLER of New Jersey (for himself, Mr. PASCRELL, Mr. CUMMINGS, and Mr. ROTHMAN of New Jersey):

H.R. 5458. A bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require additional disclosures and protections for students and cosigners with respect to student loans, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself and Mr. WEINER):

H.R. 5459. A bill to increase the limits on liability under the Outer Continental Shelf Lands Act; to the Committee on Natural Resources.

By Ms. CHU:

H.R. 5460. A bill to amend the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1965 to require the Secretary of Education to establish grant programs to help pregnant and parenting students stay in school, and for other purposes; to the Committee on Education and Labor.

By Mr. DAVIS of Illinois (for himself, Mr. KIRK, and Mr. BOREN):

H.R. 5461. A bill to amend title XVIII of the Social Security Act to cover screening computed tomography colonography as a colorectal cancer screening test under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. BURGESS, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mrs. CAPPS, Mrs. BLACKBURN, Ms. DEGETTE, Mr. COURTNEY, Ms. ESHOO, Mr. SARBANES, Mr. SESSIONS, Mr. GONZALEZ, Mr. RUSH, Mr. WEINER, Mrs. MCMORRIS RODGERS, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Ms. SUTTON, Mr. MARKEY of Massachusetts, Mr. MATHESON, Mr. BUTTERFIELD, Ms. NORTON, Mr. TERRY, and Ms. HARMAN):

H.R. 5462. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program; to the Committee on Energy and Commerce.

By Mr. FORTENBERRY:

H.R. 5463. A bill to rename the Homestead National Monument of America near Beatrice, Nebraska, as the Homestead National Historical Park; to the Committee on Natural Resources.

By Ms. GIFFORDS (for herself, Mr. BLUMENAUER, Mr. THOMPSON of California, Mr. POLIS, Mr. LUJÁN, Ms. HIRONO, Mr. GARAMENDI, Mr. WU, and Mrs. BONO MACK):

H.R. 5464. A bill to amend the Internal Revenue Code of 1986 to provide that solar electric property need not be located on the property with respect to which it is generating electricity in order to qualify for the residential energy efficient property credit; to the Committee on Ways and Means.

By Mr. HELLER (for himself, Ms. BERKLEY, and Ms. TITUS):

H.R. 5465. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year recovery period for computer-based gambling machines; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself and Mr. GENE GREEN of Texas):

H.R. 5466. A bill to amend titles V and XIX of the Public Health Service Act to revise and extend substance use disorder and mental health programs, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H.R. 5467. A bill to authorize the Secretary of Education to award contracts to nonprofit organizations with national experience that enter into partnerships with local educational agencies to turn around low-performing public high schools; to the Committee on Education and Labor.

By Mr. MCKEON:

H.R. 5468. A bill to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony; to the Committee on Natural Resources.

By Mrs. MCMORRIS RODGERS (for herself and Mr. BISHOP of Georgia):

H.R. 5469. A bill to increase the mileage reimbursement rate for members of the armed services during permanent change of station and to authorize the transportation of additional motor vehicles of members on change of permanent station to or from nonforeign areas outside the continental United States; to the Committee on Armed Services.

By Mr. PALLONE (for himself, Mr. BLUNT, and Ms. MATSUI):

H.R. 5470. A bill to exclude an external power supply for certain security or life safety alarms and surveillance system components from the application of certain energy efficiency standards under the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

By Ms. PINGREE of Maine (for herself, Mrs. CAPPS, Mr. GENE GREEN of Texas, and Mr. WEINER):

H.R. 5471. A bill to amend the American Recovery and Reinvestment Act of 2009 to extend for 6 months the increase provided under that Act in the Medicaid Federal medical assistance percentage (FMAP); to the Committee on Energy and Commerce.

By Ms. RICHARDSON (for herself, Mr. JOHNSON of Georgia, and Ms. JACKSON LEE of Texas):

H.R. 5472. A bill to establish a grant program for stipends to assist in the cost of compensation paid by employers to certain recent college graduates and to provide funding for their further education in subjects relating to mathematics, science, engineering, and technology; to the Committee on Education and Labor.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 5473. A bill to amend the Internal Revenue Code of 1986 to exclude from personal holding company income dividends which are received from foreign affiliates and which are reinvested in the United States; to the Committee on Ways and Means.

By Mr. SCHAUER:

H.R. 5474. A bill to amend title XVIII of the Social Security Act with respect to reclassification of hospitals as rural referral centers under the Medicare Program; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself, Mr. SALAZAR, Mr. MCCARTHY of California, Mr. BLUMENAUER, Mr. CARDOZA, Mr. COSTA, Mr. FARR, Mr. MANZULLO, Mr. ELLSWORTH, Mrs. CAPPS, Mr. KRATOVIL, Mr. CUELLAR, Mr. KIND, Ms. ESHOO, Mr. RADANOVICH, Mr. CONAWAY, Mr. GARAMENDI, Mr. BERRY, Ms. MATSUI, Ms. HERSETH SANDLIN, Mr. SIMPSON, and Mr. MINNICK):

H.R. 5475. A bill to amend the Internal Revenue Code of 1986 to exempt certain farmland from the estate tax, and for other purposes; to the Committee on Ways and Means.

By Mr. WELCH (for himself, Mr. VAN HOLLEN, Mr. WEINER, Mr. ISRAEL, Mr. CARNAHAN, Ms. BEAN, Mr. MCNERNEY, and Mr. DEUTCH):

H.R. 5476. A bill to assist in the creation of new jobs by providing financial incentives for owners of commercial buildings and multifamily residential buildings to retrofit their buildings with energy efficient building equipment and materials, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YARMUTH (for himself, Mr. CHANDLER, and Ms. SHEA-PORTER):

H.R. 5477. A bill to amend the Elementary and Secondary Education Act of 1965 and the Workforce Investment Act of 1998 to award grants to prepare individuals for the 21st century workplace and to increase America's global competitiveness, and for other purposes; to the Committee on Education and Labor.

By Mr. RUSH (for himself, Ms. RICHARDSON, Mrs. NAPOLITANO, Mr. ANDREWS, Mr. CLYBURN, Ms. MOORE of Wisconsin, Mr. ELLISON, Mr. ENGEL, Mr. ACKERMAN, Mr. FOSTER, Mr. PERLMUTTER, Mr. HODES, Mr. DAVIS of Illinois, Mrs. HALVORSON, Mr. JACKSON of Illinois, Mr. TOWNS, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Ms. CLARKE, Ms. FUDGE, Mr. BUTTERFIELD, Mr. WATT, Ms. KILPATRICK of Michigan, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. CLAY, and Mr. KENNEDY):

H. Res. 1414. A resolution congratulating Urban Prep Charter Academy for Young Men-Englewood Campus, the Nation's first all-male charter high school, for achieving a 100 percent college acceptance rate for all 107 members of its first graduating class of 2010; to the Committee on Education and Labor.

By Mr. PENCE:

H. Res. 1415. A resolution electing minority members to certain standing committees; considered and agreed to. considered and agreed to.

By Ms. FUDGE (for herself, Mr. THOMPSON of Mississippi, Mr. CLAY, Mr. ELLISON, Mr. BISHOP of Georgia, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATERS, Ms. MOORE of Wisconsin, Mr. PAYNE, Ms. CLARKE, Mr. WATT, Ms. JACKSON LEE of Texas, Ms. LEE of California, Mr. MEEKS of New York, Mr. CUMMINGS, Mr. JOHNSON of Georgia, and Mr. CARSON of Indiana):

H. Res. 1416. A resolution amending the Rules of the House of Representatives regarding the public disclosure by the Committee on Standards of Official Conduct of written reports and findings of the board of the Office of Congressional Ethics, and for other purposes; to the Committee on Rules, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, and Mr. COSTA):

H. Res. 1417. A resolution recognizing the importance of transatlantic relations between the United States and the European Union and recognizing the growing importance of the dialogue between Congress and the European Parliament; to the Committee on Foreign Affairs.

By Mr. CANTOR (for himself and Mr. ROSS):

H. Res. 1418. A resolution expressing support for increasing awareness of craniofacial anomalies; to the Committee on Energy and Commerce.

By Mr. DRIEHAUS:

H. Res. 1419. A resolution celebrating the 100th anniversary of the Ohio Fire Chiefs' Association and commending the Association on its century of service to the State of Ohio; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida (for himself, Ms. WASSERMAN SCHULTZ, Mr. STARK, and Mr. CONYERS):

H. Res. 1420. A resolution recognizing the Convention on International Trade in Endangered Species of Wild Fauna and Flora on its 35th anniversary; to the Committee on Foreign Affairs.

By Mr. POE of Texas (for himself, Mr. MCCAUL, Mr. OLSON, Mr. CULBERSON, Ms. GRANGER, and Mr. BRADY of Texas):

H. Res. 1421. A resolution recognizing the 40th anniversary of the Apollo 13 mission and the heroic actions of both the crew and those working at mission control in Houston, Texas, for bringing the three astronauts, Fred Haise, Jim Lovell, and Jack Swigert, home to Earth safely; to the Committee on Science and Technology.

By Mr. SENSENBRENNER:

H. Res. 1422. A resolution honoring the Department of Justice on the occasion of its 140th anniversary; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. CARNAHAN, Mr. WOLF, and Mr. BAIRD):

H. Res. 1423. A resolution observing the 15th anniversary of the Srebrenica genocide and expressing support for ''Srebrenica Remembrance Day'' in the United States; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Ms. CORRINE BROWN of Florida.
H.R. 197: Mr. KIND and Mr. WOLF.
H.R. 442: Mr. KIND.
H.R. 540: Mr. THOMPSON of Pennsylvania.
H.R. 583: Ms. RICHARDSON.
H.R. 610: Ms. RICHARDSON.
H.R. 678: Mr. BLUMENAUER and Mr. PERLMUTTER.
H.R. 692: Mr. PLATTS.
H.R. 953: Mr. GORDON of Tennessee.
H.R. 1034: Mr. WALDEN.
H.R. 1074: Mr. KIND.
H.R. 1079: Mr. SCHOCK.
H.R. 1230: Mr. LOEBSACK.
H.R. 1277: Mr. CASSIDY and Ms. JENKINS.
H.R. 1314: Mr. KAGEN.
H.R. 1396: Ms. ZOE LOFGREN of California.
H.R. 1476: Mr. HASTINGS of Florida.
H.R. 1546: Mr. RYAN of Ohio.
H.R. 1587: Mr. LOEBSACK.
H.R. 1806: Ms. SUTTON.
H.R. 1966: Ms. SHEA-PORTER.
H.R. 2024: Mr. CONYERS.
H.R. 2103: Mr. UPTON and Mr. LARSEN of Washington.
H.R. 2275: Mr. TERRY, Ms. NORTON, and Mrs. MCCARTHY of New York.
H.R. 2287: Mr. REHBERG and Mrs. SCHMIDT.
H.R. 2850: Mr. RAHALL.
H.R. 2932: Ms. EDWARDS of Maryland.
H.R. 3012: Mr. OBEY.
H.R. 3043: Mr. ARCURI and Mr. BISHOP of Georgia.
H.R. 3044: Mr. RODRIGUEZ.
H.R. 3077: Mr. LARSEN of Washington.
H.R. 3212: Mr. OWENS.
H.R. 3271: Mr. QUIGLEY.
H.R. 3421: Mr. DRIEHAUS and Mr. POLIS.
H.R. 3488: Mr. ELLISON.
H.R. 3554: Ms. NORTON.
H.R. 3652: Ms. KAPTUR, Ms. SUTTON, Mr. LATOURETTE, Ms. GIFFORDS, Mr. AKIN, and Mr. LATTA.
H.R. 3721: Mr. SIRES.
H.R. 3765: Mr. JONES.
H.R. 3797: Mr. DUNCAN.
H.R. 3856: Mr. GRAYSON.
H.R. 3888: Ms. ROYBAL-ALLARD.
H.R. 4100: Mr. WAMP.
H.R. 4115: Mr. SERRANO.
H.R. 4123: Ms. ZOE LOFGREN of California.
H.R. 4278: Mr. SCHRADER and Mr. ROSS.
H.R. 4347: Mr. FALEOMAVAEGA.
H.R. 4405: Ms. ZOE LOFGREN of California and Ms. EDWARDS of Maryland.
H.R. 4420: Ms. WOOLSEY.
H.R. 4427: Ms. KOSMAS.
H.R. 4558: Mrs. MILLER of Michigan.
H.R. 4638: Mr. LOEBSACK.
H.R. 4662: Mr. PAULSEN and Mr. BOUCHER.
H.R. 4671: Mr. BOSWELL.
H.R. 4684: Mr. SMITH of New Jersey, Mr. ANDREWS, Mr. BACHUS, Mr. BECERRA, Ms. BERKLEY, Mr. BOSWELL, Mr. CALVERT, Mr. CANTOR, Mr. CHANDLER, Mr. CLYBURN, Mr. CONYERS, Mr. COURTNEY, Mr. CULBERSON, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DOGGETT, Mr. EDWARDS of Texas, Ms. EDWARDS of Maryland, Ms. ESHOO, Mr. DEUTCH, Mr. FALEOMAVAEGA, Mr. FARR, Mr. GARAMENDI, Mr. GONZALEZ, Mr. GOODLATTE, Mr. GRAYSON, Ms. HIRONO, Mr. HONDA, Mr. KAGEN, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. DANIEL E. LUNGREN of California, Mr. MANZULLO, Mr. GEORGE MILLER of California, Mr. OBERSTAR, Mr. PRICE of North Carolina, Mr. RODRIGUEZ, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Mr. SCHRADER, Mr. SHERMAN, Mr. SNYDER, Mr. SPACE, Mr. STARK, Mr. TAYLOR, Mr. THOMPSON of California, Mr. VAN HOLLEN, Ms. WATERS, Mr. WAXMAN, Mr. WELCH, and Ms. WOOLSEY.
H.R. 4698: Mr. CARNEY.
H.R. 4756: Ms. NORTON.
H.R. 4771: Mr. LEWIS of Georgia and Ms. JACKSON LEE of Texas.
H.R. 4772: Mr. SPACE.
H.R. 4785: Mr. DINGELL.
H.R. 4868: Ms. SPEIER and Ms. LEE of California.
H.R. 4870: Mr. DEUTCH.
H.R. 4881: Mr. BUCHANAN.
H.R. 4897: Ms. JACKSON LEE of Texas and Ms. CORRINE BROWN of Florida.
H.R. 4914: Mr. LYNCH, Mr. ROTHMAN of New Jersey, Ms. HIRONO, and Mr. ACKERMAN.
H.R. 4952: Mr. BISHOP of Utah.
H.R. 4959: Mr. BISHOP of Georgia and Ms. MOORE of Wisconsin.
H.R. 4972: Mr. LINDER, Mr. BROWN of South Carolina, Mr. LUETKEMEYER, Mr. HUNTER, Mr. GUTHRIE, Mr. CONAWAY, Mr. THOMPSON of Pennsylvania, Mr. LANCE, Mr. BOOZMAN, Mr. FLAKE, Mr. BILBRAY, Mrs. MYRICK, Mr. ALEXANDER, Mr. BARTLETT, Mr. MCCOTTER, Mr. COFFMAN of Colorado, Mr. PAUL, and Mr. ROHRABACHER.
H.R. 5015: Mr. TONKO.
H.R. 5029: Mr. FLAKE.
H.R. 5032: Mr. ROTHMAN of New Jersey.
H.R. 5049: Mr. PETERSON.
H.R. 5081: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5087: Mrs. BACHMANN.
H.R. 5090: Mr. COHEN.
H.R. 5092: Mr. WAMP, Mr. BOUCHER, Mr. NEUGEBAUER, Mr. GUTHRIE, Ms. MARKEY of Colorado, Mr. CARDOZA, Ms. DEGETTE, Mr. COSTA, Mr. GINGREY of Georgia, Mr. THOMPSON of Mississippi, and Mr. SAM JOHNSON of Texas.
H.R. 5111: Mr. PETERSON, Mr. COSTELLO, and Mr. DAVIS of Kentucky.

H.R. 5141: Mr. SMITH of Nebraska.
H.R. 5142: Mr. TONKO.
H.R. 5177: Mr. NEUGEBAUER.
H.R. 5198: Mr. POLIS.
H.R. 5211: Mr. FRANK of Massachusetts.
H.R. 5214: Mrs. NAPOLITANO, Ms. MATSUI, Mr. STARK, Mr. BERMAN, Mr. ELLISON, Mr. ELLSWORTH, Ms. NORTON, and Mr. SERRANO.
H.R. 5235: Mr. BACHUS and Mr. LOBIONDO.
H.R. 5268: Mr. LARSEN of Washington.
H.R. 5283: Mr. DANIEL E. LUNGREN of California, Mr. LATTA, Mr. SMITH of New Jersey, Mr. CAO, Mr. CASSIDY, Mr. YOUNG of Alaska, Mr. TERRY, Mr. COSTA, and Mr. JONES.
H.R. 5304: Ms. NORTON.
H.R. 5307: Mr. MITCHELL, Ms. HERSETH SANDLIN, and Mr. PASTOR of Arizona.
H.R. 5310: Mr. WELCH.
H.R. 5312: Ms. SPEIER.
H.R. 5351: Mr. BROUN of Georgia, Mr. LOBIONDO, and Mr. SESSIONS.
H.R. 5353: Mr. JACKSON of Illinois, Mr. CLAY, Mr. ELLISON, Ms. WATSON, Mr. GRIJALVA, Mr. STARK, Mr. NADLER of New York, and Mr. HINCHEY.
H.R. 5354: Mr. GRIJALVA.
H.R. 5371: Mr. TURNER.
H.R. 5382: Mr. COFFMAN of Colorado.
H.R. 5424: Mr. BACHUS, Mr. GINGREY of Georgia, Mr. GALLEGLY, Mr. LATTA, Mr. MCCAUL, Mr. HARPER, Mr. MANZULLO, Mr. HASTINGS of Washington, Mr. BURTON of Indiana, and Mr. UPTON.
H.R. 5425: Mr. JONES.
H.R. 5426: Mrs. MCMORRIS RODGERS.
H.R. 5430: Ms. CLARKE, Mr. TONKO, and Mrs. EMERSON.
H.R. 5431: Ms. CLARKE, Mr. TONKO, Ms. FUDGE, and Mrs. EMERSON.
H.R. 5432: Ms. CLARKE and Mr. TONKO.
H.J. Res. 47: Mr. DUNCAN.
H.J. Res. 77: Mr. ALEXANDER, Mr. PAUL, Mr. WALDEN, and Mr. JONES.
H.J. Res. 86: Mr. KINGSTON, Mr. GALLEGLY, and Mr. WOLF.
H.J. Res. 87: Mrs. MCMORRIS RODGERS.
H. Con. Res. 205: Mr. DONNELLY of Indiana.
H. Con. Res. 266: Ms. LORETTA SANCHEZ of California, Ms. ROS-LEHTINEN, Mr. HONDA, Mr. BURTON of Indiana, Mr. DUNCAN, and Mr. BARTON of Texas.
H. Con. Res. 280: Ms. HIRONO and Mr. GRAYSON.
H. Con. Res. 281: Mr. CHAFFETZ, Mr. FLEMING, Mr. ROONEY, Mr. FLAKE, Mr. AKIN, Mr. BARTLETT, Mrs. BACHMANN, Mr. LAMBORN, Mr. SHADEGG, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. KING of Iowa, Mr. CAMPBELL, Mr. WILSON of South Carolina, and Mr. MCCLINTOCK.
H. Con. Res. 283: Mr. KANJORSKI.
H. Res. 173: Mr. KAGEN.
H. Res. 546: Mr. JACKSON of Illinois, Ms. CLARKE, and Mr. SCHAUER.
H. Res. 1138: Mr. SESTAK.
H. Res. 1217: Mr. ORTIZ.
H. Res. 1226: Mr. MCCARTHY of California and Mr. PAULsen.
H. Res. 1251: Mr. LAMBORN, Mr. SCALISE, and Mr. ADERHOLT.
H. Res. 1313: Mr. POE of Texas.
H. Res. 1330: Mr. ROTHMAN of New Jersey and Ms. EDWARDS of Maryland.
H. Res. 1366: Mr. CARNAHAN.
H. Res. 1368: Mr. PATRICK J. MURPHY of Pennsylvania.
H. Res. 1369: Mr. HASTINGS of Florida, Mr. BACA, Mr. CARSON of Indiana, and Mr. SABLAN.
H. Res. 1370: Mr. NADLER of New York, Mr. HONDA, Mrs. CHRISTENSEN, Ms. EDWARDS of Maryland, Ms. WATERS, Mr. MCGOVERN, Mr. CUELLAR, Mr. TOWNS, Ms. LEE of California, Mr. SIRES, Mr. CROWLEY, Mr. REYES, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. GENE GREEN of Texas, Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, Ms. RICHARDSON, Mr. NAPOLITANO, Ms. CLARKE, Ms. KILPATRICK of Michigan, Mr. WATT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ESHOO, Mr. CLAY, Mr. WAXMAN, and Mr. PIERLUISI.
H. Res. 1371: Mr. WOLF.
H. Res. 1375: Ms. CORRINE BROWN of Florida, Mr. BOREN, and Ms. NORTON.
H. Res. 1378: Mr. WOLF and Mr. BACA.
H. Res. 1379: Ms. NORTON and Mr. SNYDER.
H. Res. 1384: Mr. BOOZMAN and Mr. ROGERS of Kentucky.
H. Res. 1388: Mr. DEUTCH.
H. Res. 1389: Ms. RICHARDSON.
H. Res. 1396: Mr. LEWIS of Georgia.
H. Res. 1398: Mr. TOWNS, Mr. GENE GREEN of Texas, and Mr. POLIS.
H. Res. 1401: Mr. HARE, Ms. RICHARDSON, and Mr. GARAMENDI.
H. Res. 1411: Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. DAHLKEMPER, Mr. ALTMIRE, Mr. THOMPSON of Pennsylvania, Mr. GERLACH, Mr. SESTAK, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SHUSTER, Mr. CARNEY, Mr. KANJORSKI, Mr. CRITZ, Mr. DOYLE, Mr. DENT, Mr. PITTS, Mr. HOLDEN, Mr. TIM MURPHY of Pennsylvania, and Mr. PLATTS.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, FRIDAY, MAY 28, 2010 *No. 83*

Senate

(Legislative day of Wednesday, May 26, 2010)

The Senate met at 10 a.m., upon the expiration of the recess, and was called to order by the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our forebears, whose almighty hands lead forth in beauty all the starry bands. As Memorial Day approaches, we remember those who have made ultimate sacrifices for our freedom. Lord, pour Your richest blessings on our service men and women and the members of their families, surrounding them with Your shield of protection.

Teach us, Lord, this day through all our employments to see You working for the good of those who love You. Deliver our lawmakers from all dejection of spirit and free their hearts to give You zealous, active, and cheerful service. May they vigorously perform whatever You command, thankfully enduring whatever You have chosen for them to bear. Guard their desires so that they will not deviate from the path of integrity.

We pray in Your great name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK WARNER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 28, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

There will be no rollcall votes today. Our next vote will be a week from Monday at about 5:30. We will have a number of votes—we hope two or three, but at least we will have one.

We finished a difficult bill yesterday, the supplemental appropriations bill. It was tedious, but it was done very well. Senators INOUYE and COCHRAN did an outstanding job. Members from both sides with strong feelings were able to compromise on a number of issues and allow us to finish this bill. The same thing happened—it took a little longer—on the Wall Street reform bill. Both of those pieces of legislation are now in conference.

We are going to await the action of the House before we can determine the direction of what we do with the extenders bill, the jobs bill. I will have some meetings during this coming week to determine how we will change the bill we get from the House. I think the changes should not be major, but there will be some, and we have to work through that. I have spoken with the Republican leader, and we are going to have to have a number of amendments—not a large number, but we need to work through that, because the next work period is relatively short.

We don't have many speakers coming today, so the session should be relatively short.

I ask the Chair to announce morning business.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

AUTHORIZATION TO SIGN ENROLLMENT OF H.R. 5128

Mr. REID. Mr. President, I ask unanimous consent that Senator UDALL of New Mexico be authorized to sign the enrollment of H.R. 5128.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WICKER. I ask to be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DON'T ASK, DON'T TELL POLICY

Mr. WICKER. Mr. President, yesterday the Senate Armed Services Committee completed its markup of the Defense authorization bill. Normally, Senators are asked to wait for a period of days until the report can be issued and the specifics are made public. But yesterday the chairman clearly understood when we were finished with business that there were two items dealing with social policy that would be widely known immediately. I speak on those topics today with a clear understanding that the Chair knows that these items will be talked about, an exception to the general rule.

Yesterday, I believe, the committee made a very grave mistake with regard to the provision involving the repeal of the don't ask, don't tell policy. This has been the policy since the days of the Clinton administration. It has worked reasonably well. I am opposed to the repeal of the don't ask, don't tell policy.

In February of this year, Secretary Gates announced that a survey would be conducted with a view toward assessing whether this policy should be changed. There was a working group that was going to be established and a survey of servicemembers and their families would be conducted. This working group would report the results of this assessment by December of this year. At that point, the Congress and the administration would have additional information about how today's servicemembers and their families would feel about a change which would allow gays and lesbians to serve openly in the military. This would, of course, be a dramatic change.

That was the policy. A number of us were skeptical about it, but that was the announced policy. Somehow, in the last few days that has changed, and a so-called compromise has been put forward and adopted now by the committee and apparently by the House of Representatives also that would say that while the assessment is going on—which, as I said, is to end in December—that we would vote on this bill this summer, possibly in the next few weeks, to go ahead and repeal the don't ask, don't tell policy and then to allow the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff to review the assessment in December and see whether, indeed, the enactment of the bill by the Senate and House should go forward.

This seems to be getting the cart before the horse. I want to make several points.

This so-called compromise is not a compromise. It is, in effect, for all intents and purposes, a repeal of the don't ask, don't tell policy. Giving the President and the two military people who are most answerable to him the authority to make this decision and pretend they might decide against it is a mockery, and it is a figleaf.

Does anyone doubt what their decision will be? After all, the President of the United States campaigned that he wanted to do away with the don't ask, don't tell policy. There is no question he favors this. The Secretary of Defense answers directly to him. The Chairman of the Joint Chiefs of Staff answers directly to the President of the United States. It is foolhardy for anyone in this Senate to suggest there will be any decision other than a repeal of the don't ask, don't tell policy.

It is said that these three people will wait for the assessment to see what military members and their families think. I think Congress has the authority to do this. Congress should wait for the assessment. We might be surprised. We might be troubled by what the assessment shows. But it is, as I said, a mockery to make the decision now in May or June or July and then look forward to an assessment which is due in December.

What has changed? I ask my fellow Members and the American people: What has changed? What has brought about this sudden compromise over the past weekend and attaching this bit of social engineering to the national Defense authorization bill?

Frankly, I think a lot of Americans are going to conclude that politics changed. We can look at RealClearPolitics that estimates Republicans may gain six seats in the November election. That would be before the December assessment is due. Some people say Republicans may gain 8 to 10 seats. That would change attitudes considerably with regard to don't ask, don't tell. It would allow the people of the United States to be heard on this issue.

Americans are justified in concluding that with this election looming, that is what changed. There has been no change in the national security needs to rush this process ahead and get the cart before the horse and make the decision before the assessment is made.

The point of view of those of us in the committee who voted against the Lieberman amendment yesterday is supported by the heads of the four branches of our service. They support the original plan of Secretary Gates announced in February to do an assessment and then to make a decision based on what we find out in the assessment.

I have a letter dated May 26, 2010, to Senator JOHN MCCAIN from George Casey, general, U.S. Army, the Chief of Staff of the Army. He says to Senator MCCAIN that his views have not changed since his testimony.

I quote directly:

> I continue to support the review and timeline offered by Secretary Gates.
>
> I remain convinced that it is critically important to get a better understanding of where our Soldiers and Families are on this issue.

Yesterday, in their wisdom, the members of the Armed Services Committee decided they knew better than our soldiers and their families.

General Casey said we need to know whether this ''impacts on readiness and unit cohesion.''

He concludes by saying:

> I also believe that repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.

ADM Gary Roughhead, Chief of Naval Operations, in a letter to Senator MCCAIN dated May 26 says, among other things:

> I testified in February about the importance of the comprehensive review that began in March and is now well under way within the Department of Defense. We need this review to fully assess our force and carefully examine potential impacts of a change in the law.

Yesterday, the members of the Armed Services Committee said: No, we disagree with Admirable Roughead, the Chief of Naval Operations. We don't need this review. We, as the elected representatives of the 50 States, are going to punt that decision to someone whose mind is already made up.

Admirable Roughead goes on to say:

> I have spoken with sailors and fellow flag officers alike about the importance of conducting the review in a thoughtful and deliberate manner.

In this quick reversal that occurred just yesterday in the Armed Services Committee, we abandoned the thoughtful review.

GEN James T. Conway, Commandant of the Marine Corps, said to Senator MCCAIN in a letter dated 25 May 2010:

> During testimony, I spoke of the confidence I had as a Service Chief in the DOD Working Group that Secretary Gates laid out in the wake of President Obama's guidance on ''Don't Ask-Don't Tell.'' I felt that an organized and systematic approach on such an important issue was precisely the way to develop ''best military advice.''

He goes on to say:

> I encourage the Congress to let the process the Secretary of Defense created to run its course.

That was the Commandant of the Marine Corps.

Finally, a letter from GEN Norton A. Schwartz, Chief of Staff of the Air Force, says:

> . . . my position remains that DOD should conduct a review that carefully investigates and evaluates the facts and circumstances, the potential implications, the possible complications, and potential mitigations to repealing this law.

All four of our service heads were explicit in asking the committee to let the process continue. Yet, in our wisdom, with an election looming, the committee voted with a majority vote to go ahead and say: We really don't care to hear what the assessment says. We are just going to let three people make that decision on their own.

I have this question for Members of the Senate who will be asked to vote on this after the break: What if the assessment comes back and says that soldiers and marines in significant numbers are not willing to continue in a voluntary service under these conditions? What if that is the result of the assessment? Then it will be too late for the Members of the House and Senate to make a change in this policy.

The time to take a pause and the time to see what our members actually think is now. We can force this on the services, but in a voluntary armed force, we cannot force members to enlist. We cannot force marines, who are putting their lives on the line for what they believe is the American way of life and for our freedom and for the security of all Americans, to reenlist when their time is up. We need to know if they are going to be willing to stay in the service and to make that commitment and to put themselves in harm's way under this very drastic, dramatic change. We should not substitute our judgment for what the members of the service and their families think. And I regret that we have gone this far and regret the action of the Armed Services Committee.

There is one other issue that was regrettably voted on in the affirmative by the committee yesterday, and that is with regard to abortion policy. Since 1996, we have had a policy that abortions—elective abortions—will not be performed on our military installations. This is a policy that was passed by the House and Senate and signed into law by a Democratic President, President Clinton. For the past 14 years, it has been our policy that elective abortions will not be performed in our military installations.

Yesterday, the committee decided to reverse this longstanding policy and to say that, indeed, abortions for whatever reason will be performed in these facilities that are paid for at taxpayer expense and are there for the care of our servicemembers, to keep them healthy and to repair their injuries. We are going to use those facilities for elective abortions.

I guarantee you this will be challenged on the floor of the House and Senate with separate amendments, and Members will be given a chance to vote on this separate issue. But if this amendment stands, the medical facilities of our military installations—Fort Bragg, Columbus Air Force Base, Keesler Air Force Base in my home State of Mississippi—will be able to be used for abortions performed late term, abortions performed for purposes of sex selection, abortions performed for any reason, abortions at will. That will be the requirement for our military installations and the medical facilities on those installations—again, another piece of social engineering, another vast and serious and consequential departure from longstanding Department of Defense policy.

I regret these two positions. I call on my colleagues, Mr. President, during this Memorial Day break, when we are talking with those who have served, who have put themselves in harm's way, and when we are talking with the families of those who have served and who have given the ultimate sacrifice, that we seriously consider whether the committee has made the right decision and that we come back to Washington, DC, with a determination to reverse these two very harmful and, in my view, mistaken actions by the Armed Services Committee.

With that, I wish my friend, the Acting President pro tempore of the Senate, a happy and prosperous Memorial Day, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE RHODE ISLAND FLOOD

Mr. REED. Mr. President, in March my State was hit with back-to-back historic floods that caused hundreds of millions of dollars in damage in Rhode Island. I thank the chairman of the Appropriations Committee, Senator INOUYE, and the ranking member, Senator COCHRAN, and my colleagues on the committee especially, who have recognized the needs of Rhode Island in the appropriations bill we recently completed. We are struggling to overcome the effects of the worst flooding in centuries in the midst of the worst economic environment we have seen since the 1930s.

Indeed, Rhode Island was among the first States to sink into this latest recession. In the last 2 years, Rhode Island has consistently ranked among the top three States in unemployment, with as many as 12.7 percent of our workforce without jobs. By the latest estimates, 12.5 percent of the State is out of work, and this is not including all of the jobs that have been lost in the flooding.

Our major commercial mall in Warwick, RI, has been closed since March. Hundreds, perhaps even 1,000 or more jobs, have been lost. They are rapidly trying to reopen this facility under the incredible leadership of the owner, Aram Garabedian, but to date they have opened one store. Soon they hope to open another. For those hundreds of people, they have lost their jobs and are waiting to go back to work.

The reach of the flood was widespread, covering every county of the State. In the space of 2 weeks, separate rainstorms caused four rivers—the Blackstone, Pawtuxet, the Pawcatuck, and the Pocasset—to go above flood stage. Interstate 95, the major north-south route in the Northeast of this country, was closed for 2 days. It has never been closed for that length of time. The last time I can recall it being closed was in 1978 during a huge blizzard which shut down traffic for about a day or so.

President Obama and FEMA issued major disaster declarations for the entire State, and I thank the President. He moved very quickly and very aggressively. I also thank FEMA. They dispatched immediately their deputy for disaster operations. They had on the ground within, it seemed, hours, key personnel. I particularly want to recognize Gracia Szczech, an incredible woman who, in fact, frankly, left Rhode Island to be sent down to the next great flood in Tennessee. Senator ALEXANDER and Senator CORKER have spoken about their problems. I thank both the President and FEMA for the incredible response.

But what you find in a flood like this—all of my colleagues have been subject to them and, frankly, this is a phenomenon that is usually found in other parts of the country—but what you find in floods is that the water recedes, the Sun comes out, but the damage and devastation remains. We have about 2,000 households that are still not able to live in their homes. This is something that has caused a tremendous shock to our economy and to our workforce and to the people of Rhode Island.

After 2 months, homeowners and businesses in much of the State are still struggling with these effects. The flooding caused job losses in a number of sectors; 1,800 jobs were lost in the food services and accommodation sector alone. I mentioned the Warwick Mall. Approximately 1,100 people have lost their jobs because of the shutdown of that commercial center. Health, education, manufacturing, construction, transportation, art and recreation—all of these sectors have experienced significant job losses.

As my colleagues know, Rhode Island has been fortunate for many decades to have avoided this kind of natural disaster, particularly from flooding. The last major natural disaster of the State was Hurricane Bob in 1991. It roared up and hit our State, like other parts of the Northeast, and we suffered significant damage. Since that time we have been rather fortunate, but our fortune ran out with these floods this spring.

There has been no question about the support of people of Rhode Island or my colleagues in our State's congressional delegation when this type of disaster hits elsewhere. Midwest flooding, Katrina in Louisiana and along the gulf coast—we are there because we know, No. 1, Americans, our neighbors, are suffering, and that is when we all have to pull together and help them. We also know, too, and expect that when it happens in our home States that same spirit of pulling together, of helping out, of getting people back in their homes and opening up businesses would be something we would experience and we would see too.

I am grateful, again, in the midst of this challenging fiscal environment, the Appropriations Committee on a bipartisan basis has included assistance for Rhode Island and for Tennessee. They have responded, as they have so many times before, to the needs of people who have lost homes, lost jobs.

One thing they do not want them to lose is hope. So they stepped forward to provide the resources necessary to begin the difficult task of rebuilding. I thank again Chairman INOUYE and Vice Chairman COCHRAN, gentlemen of extraordinary kindness but extraordinary faithfulness to the core values of this country.

One of the basic values is, when difficult times affect people in this country, we are not going to look away, we are going to try to help them. They have done it again for Rhode Island and Tennessee. We still have a long way to go for recovery. I look forward to continuing to work with the chairman and other members of the committee as we go forward. But their efforts will provide meaningful and material support to the people of Rhode Island. I thank them very much.

EXTENDING UNEMPLOYMENT INSURANCE

This is a moment also, as we reflect upon the damage caused by the flood, to once again underscore the damage that has been caused for now several years by an economy that has lost millions of jobs.

Few States, have felt the impact of this job loss more severely than Rhode Island. If we fail to act on unemployment compensation before June 2—and I am so disappointed that it seems quite obvious that we will not act—we are going to once again put thousands of Rhode Islanders and millions of Americans who are looking for work and cannot find it, in jeopardy of not being able to receive unemployment compensation.

All of the economic arguments about unemployment compensation are obvious but bear repeating. This is one of those programs that for every dollar we invest we get significantly more in terms of economic activity in the country. So it is part of our recovery package as well as part of keeping faith with people who have worked hard, paid their dues, literally, and now are looking for the benefits of this program.

In March, the Senate passed, on a bipartisan basis, with six of my Republican colleagues, an extension of unemployment benefits as part of an early extenders package to the end of the year, 62 to 36. The unemployment extension, as it was then and has been in the past, was unpaid for. It was deemed emergency spending. I find it ironic and interesting that we can deem billions of dollars as an emergency to support our troops in Afghanistan and Iraq and, frankly, part of that support is not simply to buy ammunition and fuel products and HUMVEES for American troops, it is to give our commanders CERP money so they can go into the communities of Iraq and Afghanistan and put people to work because of their unemployment problems.

It is very difficult to go back to Rhode Island and tell them it is an emergency to put people in Kabul to work, put people in Kandahar to work, put people in Basra and Baghdad to work, but it is not an emergency to put people to work in Boise, not an emergency to put people to work in Keokuk, IA. And, certainly, in places such as Providence, Cranston, Central Falls, Woonsocket, all through my State.

It is truly unfortunate that we are now, at this juncture, in a position where these benefits for which a long-term extension has been passed separately in both the Senate and the House will lapse. That is regrettable, to say the least; in fact, it is deplorable.

I am optimistic that when we come back after this Memorial Day recess, we will craft an extension. I am afraid it is going to be a short-term extension. I am also afraid, once again, millions of Americans are going to be living month to month with an ocean of, I have benefits, but how long can I keep them? That uncertainty is unacceptable. We can do better. We have done it individually by extending benefits at least to the end of this year. We have to do that. If we do not extend them at least for a short period, millions of unemployed workers will lose benefits throughout the country, including 2,000 in Rhode Island.

Since last year's passage of the Recovery Act, I would point out, there have been eight filibusters of legislation to extend unemployment benefits. I think the people in this country who need help and not just pointless debate are those who are out of work, looking for it, and needing the support of unemployment compensation.

We have allowed it to lapse twice this year. Weeks have gone by, as they will go by, unfortunately, in the next few weeks, where there is uncertainty and doubt about payments being maintained. I think it is outrageous that having my colleagues on the other side repeatedly approve budgets sent by President Bush that were unpaid for, not even an attempt to pay for them, that provided tax cuts to the wealthiest citizens, that conducted two major military conflicts without paying for them, suddenly feel they have got to pay for unemployment benefits for workers in America. We have to be focused on this deficit. That is correct. Let me remind my colleagues, we did focus on the deficit. In the 1990s when I was a Member of the House, we focused on it to the extent that we reversed the deficit and created a surplus. Critical votes under President Clinton without any Republican support. When push comes to shove, when it is not about the rhetoric but it is about standing up and doing tough things to eliminate a deficit, many of my colleagues on the other side are missing in action.

We can and we must reverse this deficit. It will take difficult votes, not rhetoric alone. But at this juncture to once again engage in rhetorical debate rather than actively helping our countrymen and our constituents is missing the point. I think we have to go forward. I think we must go forward to provide these short-term benefits, and to do it in a way that is consistent with our history and our values.

When times are tough, yes, we have always talked about the deficit and everything else, but we have reached out and helped our citizens who need this kind of help. Congress has never ended emergency unemployment benefits until unemployment has declined to at least 7.4 percent in this Nation.

In Rhode Island it is 12.5 percent. We have got a long way to go before we get to the point where we can talk about a self-correcting economy. If you look at our history through every administration, Republicans and Democrats, when we had unemployment at this level affecting so many Americans, affecting not just their wallets but their future and their hopes for a future, we have extended, almost automatically, emergency unemployment benefits.

The rate today is 9.9 percent nationally, and again, 12.5 percent in Rhode Island. We have a long way to go before we can start talking about this unemployment crisis as something of the past. We need to extend unemployment benefits at least through the end of this year. We have got to do it because we need to help people and give them the certainty of that help.

We have to move. We have to act. It is going to be something we will do. I think we should do it now. I think we should put aside the posturing and extend benefits and then get on to the difficult work, not just the easy talk, but the difficult work of deficit reduction.

I have done that work. I have listened to complaints in campaigns repeatedly about tough votes we took in the 1990s. But because we took those tough votes, by 2000 we had an economy that was producing jobs, not losing them; we had a budget that was in surplus, not in deficit; we had the wherewithal to make investments in education, in energy, and in health care that would make us even more productive and more successful and more equitable in terms of the benefits to this country.

But many of the same people who now are talking about deficits sort of cavalierly said, let's cut taxes for the rich. Let's engage in a military operation that is not paid for. So from 2000 to 2008, the economy collapsed, the deficit soared, opportunities narrowed, unemployment grew. I do not think that is a coincidence. Let's get back to business. Let's first give people who need unemployment benefits those benefits. And let's take those tough steps—and they will not be easy—to reduce the deficit. Do not use the deficit as an excuse to break faith with the

American public. One article of faith is when we have unemployment levels of 10 percent nationally, we have never failed to extend, in a routine fashion, emergency unemployment compensation.

We have got a lot of work to do when we get back. I am sorely disappointed we could not conclude this work before we left.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ILLEGALITY AT THE BORDER

Mr. SESSIONS. Mr. President, we had a number of votes this week, including one last night in the Armed Services Committee concerning whether to utilize the National Guard to confront the raging illegality that is occurring particularly in the Tucson sector of Arizona. It is a national crisis. The American people fully understand that.

President Obama announced, with some fanfare, that he would send 1,200 National Guard troops to the border. To some, that may have sounded like a good thing. It is certainly not a bad thing. But the truth is, President Bush, under Operation Jumpstart, had 6,000 National Guard at the border at one point, and they made a positive difference. The immigration and Border Patrol people were very complimentary of the National Guard. They repeatedly stated how much it helped them do their job. Since that period, a lot of developments have occurred on the border that have put us in a much better position to be effective in ending this massive illegality than had been the case previously. For example, we have completed close to 350 miles of pedestrian fencing and almost 300 miles of vehicle fencing along the Southern border. Though this only half of the 700 miles of reinforced pedestrian fencing mandated by the Secure Fence Act of 2006, it is a good start. President Bush reluctantly signed that bill into law, and started the process of building fencing and vehicle barriers. Much of it is has been completed now, but we still need to finish what Congress mandated. The fence has multiplied the capabilities of law enforcement officers in many sectors along the border. In addition, the Operation Streamline concept that had begun under the Bush administration in certain sectors of the border is working superbly and is a valuable tool. Other steps have been taken, including increasing the number of Border Patrol agents we authorized several years ago. They are just now coming on line and have been trained. So we have a lot more agents at the border.

The number of people being arrested at the border remains unacceptable, but it is better than it has been. The numbers are down and, in some sectors, down dramatically. For example, in the Yuma sector of Arizona, about 6,900 people were arrested at the border trying to enter the country illegally in 2009. That may sound like a lot—and it is—but it is much less than the over 118,000 apprehended in 2006. In fact, that is a 94 percent decrease in just three years. But in the Tucson sector, where we have old fencing and limited Operation Streamline in effect, over 240,000 were arrested last year—a stunning number. Over a million pounds of marijuana were seized as part of that enforcement effort in the Tucson sector. That is what has caused such a pushback by the people of Arizona.

The President and Washington say: It is our job to end illegality at the border. You can't do anything. You have no jurisdiction. We don't want you to do anything.

That is not correct legally. I have done research on that point. A local law enforcement officer can stop and detain a person whom he identifies as being in the country illegally and turn them over to the Federal Government for the crime of entering the country illegally and for the crime of any other Federal offense they ascertain. This is classical law. It is well recognized. There is no dispute about it.

The people of Arizona rightly have gotten a bellyful. Their hospitals are being overrun. Crime is up. Phoenix is now the second leading kidnapping center in the world, second only to Mexico City in kidnappings, apparently.

It is not acceptable. It is a Federal responsibility. It is the President's responsibility. The President is the chief law enforcement officer. The ICE agents, the Border Patrol agents, Homeland Security, and the Defense Department are under the executive branch, of which the President is the head. I have been through this. We have talked about this. I made a speech before the last election and went into detail about what it would take to end the illegality at the border. It is not hard. It can be done. But we have to have the President committed.

Congress can pass laws. We can send money and force it on the departments. But if they are not willing to utilize it and apply it in an effective way, then we have problems.

Someone came up with the idea of having a virtual fence. They were going to apply that concept. We have now spent over $1.1 billion to create this virtual fence and it didn't work. In fact, Secretary Napolitano has suspended work on the project. But if we build a fence with a good response time from Border Patrol agents, it makes a big difference. Go to Yuma or El Passo to see what that means. The President needs to lead.

What would we expect to happen? I have always believed the normal, natural thing is that the President would come to Congress and say: The borders are wide open. We have had 240,000 people arrested in the Tucson sector. This is unacceptable. I need A, B, C, and D, Congress. Give it to me. We will end this.

He should be telling us what he needs—unless, of course, we have no real desire to end the illegality, which is the case. Why? Because of politics, apparently, and some promise that must have been made in the last campaign that, we are not going to do anything significant at the border until those people in Congress give us amnesty. That is what comprehensive immigration reform is, in the minds of the pro-immigration crowd. They say: We won't fix the border until you agree to give us amnesty.

The American people have seen that before. It doesn't work. We did it in 1986. If we don't end the illegality and we grant amnesty, it sends a message to the world. And what message is that? If someone can get into the United States illegally, if they can burrow in a little bit and hold on, pretty soon they will get amnesty, too. They come in. They get work. Nobody complains if they are working. They hang on and hang on, and they get amnesty.

This eviscerates the American legal system. It makes a mockery of the law. It sends a message to the world: Come on down. Come on into our country in violation of our laws. We will welcome you and eventually make you a citizen. And those of you who want to come lawfully, you have to fill out paperwork, and you have to wait. And if you have a relative to the right degree, you can get in. But if you graduated at the top of your high school class in Honduras and you learned English and you have a year of college, you don't have a relative or whatever, you have to wait in line, unless, of course, you come in and enter illegally.

This is a dysfunctional legal system. We continue to see things develop that indicate to me that the views of the American people, which are sound and reasonable—they just want a lawful system of immigration; they are not against immigration; they are not against immigrants, but they are tired of this massive illegality—are not being listened to by the politicians. The politicians are saying things that are incorrect.

President Obama said he cares about workplace enforcement. What happened right after he took office? Apparently a raid—planned maybe even before he took office—in the State of Washington at a company that had a large number of illegal workers occurred. What happened? The pro-illegal immigration crowd, La Raza, the activists, they were all up in arms. Basically, they said: You promised us you wouldn't do this, Mr. President.

Wait a minute. I thought we had all the candidates saying we need to do better enforcement in the workplace. The jobs magnet does attract people

into the country. But did they have a secret agreement somewhere?

What happened? Secretary Napolitano said she was going to have an investigation and get to the bottom of it. Was she investigating the company that had hired people illegally? No. She was investigating the ICE agents who conducted the raid. Do my colleagues think that didn't send a message throughout the entire United States about this administration's policy of aggressive worksite enforcement—that was the policy of the United States at that point—that we are not going to do it in any effective way? That is indisputable. That is what happened.

This kind of duplicity is going to come home to roost. The American people are not going to continue to put up with it. Members of Congress who voted against the McCain amendment to put 6,000 National Guard on the border to end this violence and illegality that is occurring and threatening the very viability of the State of Arizona are going to have to answer for their votes. This is what democracy is all about.

This all leads me to an article from, I guess, yesterday, a report from Washington. This is what the news article says:

U.S. National Guard troops being sent to the Mexican border will be used to stem the flow of guns and drugs across the frontier and not to enforce U.S. immigration laws, the State Department said Wednesday.

Well, you know: You fool me once, shame on you; fool me twice, shame on me.

So I thought the President was saying he was sending 1,200 troops to the border to help end illegality at the border. But, oh, no, they are not doing that. We want to be sure everybody understands, it is only going to be for guns and drugs.

Who do they want to understand this? Do they want the American people to understand it? I do not think so.

The next sentence in the article:

The clarification came after the Mexican government urged Washington not to use the additional troops to go after illegal immigrants.

Philip Crowley, the State Department spokesperson, the flack from the State Department, told reporters, ''It's not about immigration.'' He said, ''We have explained the president's announcement to the government of Mexico, and they fully understand the rationale behind it.''

Quoting the article further:

Obama's announcement came less than a week after a state visit to Washington by Mexican President Felipe Calderon, who asked for greater U.S. backing for a . . . war on drug cartels.

Well, who are we representing? Mr. Calderon and the Mexican Government or the American people? Is this another flimflam view? I am afraid it is. I can say it appears quite clearly it is, and it is not acceptable. So I think Congress is going to have to act.

They did not want the fence. President Bush did not want the fence. But Congress, after the situation got so bad, appropriated the money and directed it be built, and it has had a great and positive benefit wherever the fence has been built.

We know the history in San Diego when there was massive violence, massive illegality going on at the border. We know that occurred. We built the fence there and violence on both sides of the border went down. Economic growth on both sides of the border went up. Drugs and prostitution and other kinds of illegalities ended, and solid prosperity began to reoccur. You can not operate effectively in an area of violence and illegality and drugs.

So the flow of guns is a Mexican complaint, that too many guns are being bought in the United States and taken to Mexico. I do not dispute that we should be effective in enforcing those laws. But I would suggest, having prosecuted more Federal gun violations than all other Members of this Senate put together, that the National Guard is not the kind of folks we need to prosecute guns going into Mexico. That should be done by ATF and the Border Patrol.

So what does this say about the decision that the President said he is going to deploy 1,200 troops? I say it is just further proof it is not a serious commitment in any way. I do not know what they are going to be doing. I do not see how they can be helpful, and I am not being taken in by what appears to be a ruse. So they are not going to be used for immigration; they are going to be used for drugs and guns, which I think they will not be that particularly effective about. They are talking about guns going from the United States to Mexico. So those are the questions I have.

What Congress needs to do, what the President needs to do, is to make a clear statement that illegality at our border will end. We will do what it takes to end it. It is within our power to do so. We made some progress already. We have about half as many arrests today along the whole border as we did just 6 or 7 years ago. It is because enforcement is much better than it was, and we are going to continue that. We are going to drive down dramatically this illegality, and we are going to effectively improve our immigration legal system so people can have some certainty about that and create a system that serves our national interest in the process.

We are going to tell everybody in the world: Do not come to the border expecting to walk in. You are not going to be successful, and it will stop. It will go down dramatically. It already has in certain sectors. The word gets out. The word was out that the border was wide open and anybody could enter. When the word gets out that the border is closed, people will stop trying. So we will have a massive reduction in the attempts to enter, leaving fewer people for the Border Patrol to have to apprehend, and we will be having a spiral in the right way instead of the wrong way.

So I think we are going to have more votes. I think people who cast a vote in opposition to Senator MCCAIN's amendment, Senator KYL's amendment, Senator CORNYN's amendment to take the steps that actually work to eliminate illegality at the border need to be answering to their constituents.

I think it is time for Congress to step up. The President is not stepping up. Congress was able to make real progress a few years ago when we built the fence and did some other things that I worked very hard on. I believe we can make progress again. I think the American people have a way, eventually, of having their voices heard, and I think we are going to hear those voices more loudly, with more clarity, in the future.

Somehow, some way, I believe the government is going to come around to affirm the legitimate demands of the American people. They have been right from the beginning. Their instincts, their character, should not be questioned. They simply want an effective immigration system, a lawful immigration system, and they believe it is an embarrassment and a disgrace to our country to have massive illegality going on, as it is today.

I thank the Acting President pro tempore and yield the floor.

TRIBUTE TO JUDGE JAMES F. MCKAY III

Mr. REID. Mr. President, I rise to honor Judge James F. McKay III on his appointment as Honorary Counsel of Ireland of the State of Louisiana.

In addition to his public service as an appellate court judge on Louisiana's Fourth Circuit Court of Appeal and national leadership as president of the American Judge's Association, Judge McKay is widely known for his long and distinguished leadership and service to the Ancient Order of Hibernians at the national level. He served as the National Chairman of the 94th National Convention and was elected national treasurer of the Ancient Order of Hibernians, AOH, in 2008. He has held a variety of other leadership positions within AOH including: chairman of the Grievance Tribunals; chairman of the Constitution Revision Committee; chairman of the Home Fund; national board member and chairman of the 1992 national convention in New Orleans.

Judge McKay is the son of James F. McKay and Katherine Raphiel McKay and grew up in the Lakeview neighborhood of New Orleans. Along with his six siblings, he was educated by the Carmelite Sisters at St. Dominic School and remains active in the affairs of both St. Dominic School and St. Dominic Church, serving as a member of the Knights of Columbus St. Dominic Council. Judge McKay went on to graduate from De La Salle High

School and has served as a board member and past president of the De La Salle Alumni Association, as well as an advisor to the Christian Brothers.

Among his more notable civil contributions, Judge McKay has been president of the Fireman's Charitable and Benevolent Association, FCBA, since 2000. Founded in 1834, the FCBA was organized to care for the widows and children of volunteer firemen who died in the line of duty. The association built two cemeteries in New Orleans—Cypress Grove and Greenwood—as a mausoleum, funeral home, and corporate offices, were devastated following Hurricane Katrina in 2005 and would never have been rebounded if it were not for Judge McKay's efforts and leadership in the immediate weeks and subsequent years following the storm.

Service to the Irish has been a longstanding tradition in the McKay family, and Judge McKay, a native of New Orleans, has worked tirelessly to preserve the city's strong history of Irish culture. He is a longtime participant in the annual St. Patrick's Day parade in the world famous Irish Channel of New Orleans. He was among the leaders who helped erect the city's first monument to thousands of Irish immigrants who died of yellow fever, malaria, cholera, occupational hazards, and exhaustion while digging the New Basin Canal in 1831 to link Lake Pontchartrain to the inner city. As Louisiana's foremost Irish-American leader, he regularly receives public officials and notables from all of Ireland upon visiting New Orleans.

Judge McKay was elected to the Louisiana Fourth Circuit Court of Appeal in 1998. He served as a judge on the Criminal District Court in Orleans Parish from 1982–1989. He was the chief prosecuter for the Metropolitan Office of the Louisiana Attorney General from 1978 to 1982, and from 1974 to 1978, he served as an assistant district attorney for Orleans Parish. He received his juris doctorate in 1974 from Loyola Law School, worked as a probation and parole officer while studying the law, and graduated from the University of Southwestern Louisiana in 1969 with a bachelor of arts in History.

He has served on the board of governors of the American Judges Association since 1996 and as secretary and president-elect. He now presides as president of the association—an honor that was bestowed upon him at a ceremony in September of this year in my home city of Las Vegas, NV. Judge McKay also serves as a member of the American Bar Association, the Louisiana State Bar Association, the Fourth and Fifth Circuit District Judge's Association, and the St. Thomas Moore Law Society.

I also am grateful for my Washington DC, contact with the McKay family. Laurie McKay, the judge's daughter, is a longtime friend of the Reid family. In fact, some say she is part of our family.

Therefore, I am delighted to join with Judge McKay's family, including his wife of almost 40 years, Marie Soniat McKay, and their four children and five grandchildren in celebrating and honoring him on all of his accomplishments. I invite my colleagues to join me in officially congratulating Judge James F. McKay III on his appointment as Honorary Counsel of Ireland for the State of Louisiana, and wish him the greatest success in his endeavors.

HONORING OUR ARMED FORCES

Mr. CASEY. Mr. President, in honor of servicemembers from across Pennsylvania, I would like to recognize those lost in combat operations supporting both Operation Enduring Freedom and Operation Iraqi Freedom from 2001 through May 22, 2010.

SGT Brandon Adams of Hollidaysburg; SFC Brent Adams of West View; 1LT Louis Allen of Milford; SGT Jan Argonish of Scranton; SSG Daniel Arnold of Montrose; SGT Andrew Baddick of Jim Thorpe; SGT Sherwood Baker of Plymouth; SFC Scott Ball of Carlisle; LCpl Aric Barr of Pittsburgh; SSG Mark Baum of Telford; GySgt Ronald Baum of Hollidaysburg; LCpl Jacob Beisel of Lackawaxen; SSG Keith Bennett of Holtwood; 1LT David Bernstein of Phoenixville; LTC Richard Berrettini of Wilcox; SGT Allan Bevington of Beaver Falls; SSG Stevon Booker of Apollo; CAPT David Boris of Pottsville; SPC Matthew Bowe of Moon Township; SPC Edward Brabazon of Philadelphia.

SGT Andrew Brown of Mount Pleasant; PVT Matthew Brown of Zelienople; SPC Oliver Brown of Athens; PFC Timothy Brown Jr. of Conway; SPC Daniel Brozovich of Greenville; SGT John Bubeck of Collegeville; SFC Raymond Buchan of Johnstown; SSG Ernest Bucklew of Enon Valley; SGT Douglas Bull of Wilkes Barre; SFC Keith Callahan of McClure; SGT Jeremy Campbell of Middlebury Center; SPC Frederick Carlson, IV of Bethlehem; SSG Edward Carman of McKeesport; CPL Adam Chitjian of Philadelphia; 1LT Michael Cleary of Dallas; SPC Zachary Clouser of Dover; CPL Michael Cohen of Jacobus; PFC Bradli Coleman of Ford City; LCpl Adam Conboy of Philadelphia; SFC David Cooper, Jr. of State College.

SSG Victor Cortes, III of Erie; SPC Gregory Cox of Carmichaels; CPL Russell Culbertson, III of Amity; SSG Carl Curran, II of Union City; SSG Christopher Cutchall of McConnellsburg; SPC Shawn Davies of Aliquippa; PFC Robert Dembowski, Jr. of Ivyland; 1LT Jeffrey Deprimo of Pittston; PFC Nathaniel Detample of Morrisville; PFC David Dietrich of Marysville; PFC James Dillon, Jr. of Grove City; PFC Michael Dinterman of Littlestown; PFC Justin Dreese of Freeburg; SGT Allen Dunckley, Jr. of Yardley; SGT Brent Dunkleberger of New Bloomfield; PFC Chad Edmundson of Williamsburg; SGT Michael Egan of Philadelphia; SPC William Evans of Hallstead; SSG Troy Ezernack of Lancaster; CAPT Brian Faunce of Philadelphia.

PFC Shelby Feniello of Connellsville; SGT William Fernandez of Reading; SPC Camy Florexil of Philadelphia; SGT James Fordyce of Newtown Square; SGT Curtis Forshey of Hollidaysburg; CAPT Erick Foster of Wexford; PO3 John Fralish of New Kingstown; SPC Michael Franklin of Coudersport; LCpl Michael Freeman, Jr. of Fayetteville; PFC Steven Freund of Pittsburgh; LCpl Jason Frye of Landisburg; A1C Austin Gates of Hellertown; SGT Christopher Geiger of Northampton; SPC Aaron Genevie of Chambersburg; CPL Albert Gettings of New Castle; PFC Landon Giles of Indiana; 2LT Michael Girdano of Apollo; SPC Michael Gleason of Warren; SGT Christopher Golby of Johnston; PFC Orlando Gonzalez of New Freedom.

SSG Joseph Goodrich of Allegheny; CPL Kyle Grimes of Bethlehem; SPC Robert Hall, Jr. of Pittsburgh; CPL Brandon Hardy of Cochranville; SGT Jennifer Hartman of New Ringgold; SSG Brian Hause of Stoystown; SGT Timothy Hayslett of Newville; SGT Michael Heede, Jr. of Delta; SPC Joshua Henry of Avonmore; SGT Brett Hershey of State College; SPC Derek Holland of Wind Gap; SPC Michael Hook of Altoona; SSG Jeremy Horton of Erie; SSG Sergeant Sean Huey of Fredericktown; SGT Eric Hull of Uniontown; CPL Barton Humlhanz of Hellertown; SSG Matthew Ingham of Altoona; SSG Thor Ingraham of Murrysville; SPC Craig Ivory of Port Matilda; SGT Brahim Jeffcoat of Philadelphia.

PO2 Robert Jenkins of Altoona; SGT Andrew Jodon of Karthaus; CPL Carl Johnson, II of Philadelphia; LCpl Larry Johnson of Scranton; SPC Maurice Johnson of Levittown; SPC Rodney Jones of Philadelphia; SSG Joseph Kane of Darby; MSgt Paul Karpowich of Bridgeport; SPC Mark Kasecky of McKees Rocks; SPC Douglas Kashmer of Sharon; CPL Jason Kazarick of Oakmont; SGT Nathan Kennedy of Claysville; LCpl Patrick Kenny of Allegheny; SPC Jonathan Kephart of Oil City; LCpl Joshua Klinger of Easton; SFC Tony Knier of Sabinsville; CPO Michael Koch of State College; SPC Martin Kondor of York; LCpl Ryan Kovacicek of Washington; PFC Bradley Kritzer of Irvona.

PFC Serge Kropov of Hawley; SPC Kurt Krout of Lansdale; SPC John Kulick of Harleysville; SGT Russell Kurtz of Bethel Park; SSG Patrick Kutschbach of McKees Rocks; SGT Ryan Lane of Pittsburgh; CPL Timothy Lauer of Saegertown; SFC Daniel Lightner, Jr. of Hollidaysburg; MSgt Arthur Lilley of Smithfield; SGT Dale Lloyd of Watsontown; SPC Zachariah Long of Milton; PFC Christopher Lotter of Chester Heights; 2LT Christopher Loudon of Brockport; CAPT Ronald Luce, Jr. of Wayne; SPC Jonathon Luscher of Scranton; LCpl Joseph Maglione of Lansdale; SPC William Maher, III of Yardley; MSgt Sergeant Thomas Maholic of Bradford; 1LT Travis Manion of Doylestown; SPC Jeremy Maresh of Jim Thorpe.

LT Ralph Marino of Houston; SGT Michael Marzano of Greenville; SSG Ryan Maseth of Pittsburgh; SPC Clint Matthews of Bedford; SFC Randy McCaulley of Indiana; SGT Jonathan McColley of Gettysburg; SGT Andrew McConnell of Carlisle; SPC Ross McGinnis of Knox; SSG Eric McIntosh of Trafford; LTC Michael McLaughlin of Mercer; SPC Mark Melcher of Pittsburgh; LCpl Robert Mininger of Sellersville; SGT Joseph Minucci, II of Richeyville; SGT Sean Robert Mitchell of Youngsville; SSG Jae Sik Moon of Levittown; SGT Carl Morgain of Butler; LCpl Nicholas Morrison of Carlisle; SPC Clifford Moxley, Jr. of Berwick; SGT Ashly Moyer of Emmaus; PO3 Roger Napper, Jr. of Greensburg.

SPC Rafael Navea of Pittsburgh; PFC Albert Nelson of Philadelphia; SGT Joseph Nolan of Philadelphia; SGT Donald Oaks, Jr. of Erie; SSG Ryan Ostrom of Liberty; PFC Larry Parks, Jr. of Altoona; PVT Dylan Paytas of Freedom; SPC Gennaro Pellegrini, Jr. of Philadelphia; LTC Mark Phelan of Green Lane; CWO John Priestner of Leraysville; SGT Cristobal Puello-Coronado of Long Pond; SFC George Pugliese of Carbondale; 1SG Christopher Rafferty of Brownsville; SPC Tamarra Ramos of Quakertown; CAPT Nathan Raudenbush of Royersford; CPL Kyle Renehan of Oxford; CAPT Mark Resh of Fogelsville; SGT Joshua

Rimer of Rochester; SPC Luis Rodriguez Contreras of Allentown; PO1 Gary Rovinski of Wilkes-Barre.

CPL Luke Runyan of Spring Grove; PFC Aaron Rusin of Johnstown; SGT Matthew Sandri of Shamokin; 1LT Neil Santoriello of Verona; 1LT Robert Seidel, III of Gettysburg; CAPT Christopher Seifert of Bethlehem; SA Joshua Seitz of Sinking Springs; SGT Edward Shaffer of Mont Alto; SGT Jason Shaffer of Derry; SFC Michael Shannon of Canadensis; LTC Anthony Sherman of Pottstown; CAPT Todd Siebert of Baden; SGT Eric Slebodnik of Greenfield; CWO Michael Slebodnik of Gibsonia; PFC Corey Small of East Berlin; SSG Marc Small of Collegeville; SPC Michael Smith of Media; SFC Scott Smith of Punxsutawney; SPC Tristan Smith of Bryn Athyn; PFC Stephen Snowberger, III of Lopez.

SSG Glen Stivison, Jr. of Blairsville; Lcpl Travis Stottlemyer of Hatfield; SGT Francis Straub, Jr. of Philadelphia; CPL Sascha Struble of Philadelphia; SPC William Sturges, Jr. of Spring Church; PFC Brandon Styer of Lancaster; SFC Shawn Suzch of Hilltown; SGT Brett Swank of Northumberland; SSG Paul Sweeney of Lakeville; LCpl Steven Szwydek of Warfordsburg; MSgt Sean Thomas of Harrisburg; PFC Nils Thompson of Confluence; SSG Richard Tieman of Waynesboro; MAJ Jeffery Toczylowski of Ambler; CPL John Todd, III of Bridgeport; SGT Nicholas Tomko of McKees Rocks; SSG Steven Tudor of Dunmore; SFC Michael Tully of Falls Creek; LCpl Robert Ulmer of Landisville; 1LT Colby Umbrell of Doylestown.

LCpl Brandon Van Parys of New Tripoli; SGT Thomas Vandling, Jr. of Pittsburgh; SGT Timothy Vanorman of Port Matilda; LCpl Dennis Veater of Jessup; SSG William Vile of Philadelphia; SSG Kimberly Voelz of Carlisle; SPC Ross Vogel, III of Red Lion; SGT David Wallace, III of Sharpsville; SGT Jonathan Walls of West Lawn; PFC Joshua Waltenbaugh of Ford City; SPC Douglas Weismantle of Pittsburgh; SGT Lonny Wells of Vandergrift; CAPT Jason West of Pittsburgh; SPC Lee Wiegand of Hallstead; SSG David Wieger of North Huntingdon; CAPT Bryan Willard of Hummelstown; CPL Anthony Williams of Oxford; PVT Wesley Williams of Philadelphia; SPC James Yohn, Sr. of Highspire; SPC Nicholas Zangara of Philadelphia; PFC Kenneth Zeigler, II of Dillsburg; and PFC Travis Zimmerman of New Berlinville.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. LEIBERMAN. Mr. President, I rise to offer my support for H.R. 4899, the Disaster Relief and Summer Jobs Act. I would like to begin first by explaining why I voted for this measure—although I did so reluctantly and with strong reservations, since I firmly believe that it is past time for us to end our reliance on emergency supplemental appropriations, which undermine our fiscal discipline and exacerbate our skyrocketing deficit.

I supported this measure because the funds it appropriates are critical to the first and most fundamental purpose of our government—keeping America safe.

The money appropriated in the bill will be used, in large part, to support our troops in Afghanistan and Iraq who are fighting against the enemy who attacked our homeland on September 11, 2001. We went to war in Afghanistan because the 9/11 attacks were a direct consequence of the safe haven given to al-Qaida in that country under the Taliban government that ruled there. We remain at war because a resurgent Taliban, still allied with al-Qaida, is trying to restore its brutal regime and reestablish that country as a terrorist safe haven.

A large portion of the funds appropriated in this bill will be used to deploy the surge of additional troops that our commander on the ground in Afghanistan, GEN Stanley McChrystal, has said is essential to turning the tide there. I agree with President Obama that the war in Afghanistan is ''a war of necessity,'' and as such, we must fund our efforts there to the full measure necessary.

Allowing the Taliban to return to power would represent a major victory for Islamist extremist forces throughout the world, tilting the balance of power in South Asia in their favor and directly endangering America's homeland security from terrorists trained there. As we were reminded just a few weeks ago, in the wake of the attempted terrorist bombing in Times Square by an individual who received terrorism training in Pakistan, the Afghanistan-Pakistan border remains the central front of the global war on terror. If we fail there, the ramifications will be devastating.

I also believe it is imperative that we continue to provide the necessary resources to ensure a successful outcome in Iraq, which faces a window of heightened instability and danger. In particular, it is essential that we provide the necessary funding for the Iraqi Security Forces so that—as our own troops draw down—our Iraqi counterparts are capable of maintaining the hard-fought security gains that we have achieved together.

Because this bill is essential for our national security, I voted for it.

However, as I said, I strongly oppose our continued reliance on the emergency supplemental appropriations bills to fund our military efforts abroad. I agree with President Obama that this method of spending has obscured the costs and budgetary consequences of our ongoing military operations. I believe we must end the practice of labeling our long-term military costs as ''emergency funds,'' which allows us to avoid our own self-imposed spending limits. This practice has also significantly reduced our ability to exercise effective congressional oversight.

A sound budgeting process, by contrast—which would factor future military costs into the annual budget—will allow for a more precise, honest, and fiscally responsible estimate of Federal spending and will force us to grapple with and pay for the true costs of our policy choices.

Simply put, we must change the way we do business in Washington. We cannot continue to ask our children and grandchildren to pay for the policy choices of today. For this reason, it is imperative that 2010 be the last year that we use an emergency supplemental for initiatives that are not truly ''emergencies.'' After all, our ballooning Federal debt and out-of-control deficits are not only a threat to our economic health—they are also a threat to our national security.

Secretary of State Hillary Clinton argued in testimony before Congress earlier this year that as America relies increasingly on foreign lenders to fund our government, we compromise our national security. Let's not forget that each year, we are paying almost $200 billion in interest on public debt, a significant percentage of which goes to nations whose political interests may not always be aligned with our own. Today, nearly half of our publicly held debt is in foreign holdings, compared to nineteen percent twenty years ago. This is dangerous to America's financial autonomy and long-term national security.

In Congress, we are motivated by good intentions—each of us wants to govern well and make it easier for our constituents to live, work, and prosper—but those good intentions often have serious and adverse consequences for our long term economic health and our vitality as a nation when we ignore their economic consequences. Unfortunately, if we do not act quickly and decisively to address our mounting debt and continuing deficit spending, we will soon face a fiscal crisis that will dwarf the financial turmoil we have experienced in the past several months.

We are all concerned about the deficit, but unless we actually stop passing bills that we are not paid for, we will not make the progress that we must in reining in deficits.

We all know what the answer to this problem is: The United States of America must begin to live within our means again. Responsible American families and businesses do this—it is time for the U.S. Congress to do the same.

Mrs. SHAHEEN. Mr. President, I rise in support of an amendment that was filed by Chairman BINGAMAN, Ranking Member MURKOWSKI and myself that would help create jobs in communities across the country and help us transition to a clean energy economy.

When Congress passed the Recovery Act last year, it recognized the challenges that many developers of alternative energy and other clean energy projects are facing in obtaining financing by expanding the Department of Energy's loan guarantee program.

This program, known as the 1705 program, is helping developers to finance their projects, create jobs and spur the development of innovative clean energy technologies across the country, including New Hampshire.

Our amendment would expand the 1705 program further to include loan guarantees for energy efficiency technologies, including making buildings energy efficient.

And that is what I want to talk about today.

I see enormous potential in reducing our Nation's energy consumption by simply investing in energy efficiency, especially through renovating existing buildings. Renovating our existing buildings is a tremendous opportunity for us to cut energy use, save money and create jobs.

According to the Energy Information Administration, buildings account for more than 48 percent of total energy consumption in the United States. That is more than the transportation sector and more than the industrial sector. More than 70 percent of the commercial buildings in this country are older than 20 years and these buildings are significantly less efficient than buildings built today. Improvements to these types of buildings can improve efficiency by 20 to 40 percent using widely available technologies and the payback period can be as little 5 years.

Updating buildings with modern energy efficiency technologies not only saves money on energy costs, it also creates jobs. Jobs in the construction industry. Jobs in the manufacturing industry. Jobs in the retail sector of the economy. These jobs can't be outsourced and they are jobs that can serve as an important part of our clean, alternative energy economy.

Yet despite all this potential, there is actually very little of this energy efficient renovation taking place because of the financial barriers. Lenders typically will not accept projected energy savings—even if guaranteed by an energy services company as sufficient collateral.

That's why I am working with Chairman BINGAMAN and Ranking Member MURKOWSKI to use the DOE loan guarantee program to help unlock private capital and encourage investment in building retrofit projects and programs.

I am also working with Senator MARY LANDRIEU to develop legislation to further expand the DOE loan guarantee program to cover large building in the commercial sector, in schools and universities, and hospitals so that they can also be renovated to be more energy efficient.

There is so much potential that exists here and I think we need to put existing programs to work, like the loan guarantee program, to unlock private capital and reap the benefits that will come from making these buildings more energy efficient.

We have the opportunity to create jobs, support our continued economic recovery and save money by making these investments in energy efficiency.

While it is unfortunate that we could not get the amendment added to the supplemental appropriations bill, I look forward to working with my colleagues to pass this important provision this year.

HAITI

Mr. FEINGOLD. Mr. President, it has been more than 4 months since an earthquake struck Haiti, devastating not only its citizens, but also the support infrastructure—government, NGO and international—that is critical in responding to such emergencies. The U.S. and the international community rallied to Haiti's aid. Americans put their concerns to action, whether by writing to elected officials in support of greater assistance to Haiti, as so many of my constituents have done, or by contributing their own time and resources. Although it might seem to the people of Haiti, that along with the original flurry of media attention, the support of the American people has now dissipated, this is not the case.

I continue to hear regularly from the people of Wisconsin, who write not only to express their thoughts and prayers for the Haitian people, but who also request that their government do everything in its power to provide continuously needed relief and to encourage close collaboration with the Haitian people to support long-term recovery and rebuilding efforts. I was pleased to support Senator KERRY's Haiti Empowerment, Assistance, and Rebuilding Act of 2010, as amended, out of committee earlier this week and appreciate the signal it sends about our ongoing dedication to helping the people of Haiti get back on their feet in this time of great need.

While we work towards recovery and reconstruction, we must not lose focus on the immediate needs of the Haitian people—who remain in a suspended state of normalcy. More than 1 million people reside in camps, both official and informal, for the displaced. Major challenges remain in the areas of drainage, sanitation, food distribution, water, and coordination. Communicable diseases such as tetanus, malaria, and typhoid are on the rise. I especially share the concerns my constituents have raised about physical security for vulnerable populations, particularly women and children, who have suffered unacceptably from sexual violence, as well as for the disabled. Such populations are often the most severely affected by a lack of security and difficulties in accessing resources.

I am encouraged to see funding for many of these issues and areas in the supplemental request, but, as always, the devil is in the details. We must make sure our effort to provide timely and expedited assistance is not done at the expense of doing it right. We must make sure we are coordinating with all actors working in Haiti, including the Haitian government, international donors and organizations and the people of Haiti themselves. We can better understand the needs of the Haitian people and ensure we are addressing them effectively if we make sure to incorporate their voices into the planning process. To overlook the voices of the very individuals who are experiencing such devastation would be a severe injustice and yet it appears we may be doing just that.

I am troubled by reports from Haitian civil society of the obstacles to their full participation. We must not ignore the invaluable experience and insight of leaders on the ground by favoring large international NGOs over smaller grassroots organizations. We must make sure all relevant actors are at the table as we seek to implement a pragmatic and efficient plan for recovery. As Senator KERRY's bill notes, ''when the people and other civil society actors in an affected country play a significant role in the design and execution of the rebuilding efforts, the efforts are often more sustainable and more in line with the needs and aspirations of local populations.'' We must therefore facilitate the participation of civil society and the Haitian people as well as their collaboration with the international community and their government as we continue relief and transition to recovery and rebuilding.

The damage done by the January 12 earthquake was all the more destructive because Haiti, the poorest country in the Western Hemisphere, was still recovering from the devastating hurricane season of 2008, and still struggling with poverty and stability. Prior to the earthquake, the U.N. and the U.S. Government, along with many domestic and international partners, had been working alongside the Haitian people to strengthen their country. Now more than ever, we must redouble our efforts to ensure that priorities and needs do not go unmet and that in relief and recovery we give the Haitian people, and through them our own citizens and constituents, the biggest possible returns.

GULF OF MEXICO FISHERIES

Mr. NELSON of Florida. Mr. President, I filed two amendments to the emergency supplemental bill that focused on the desperate need for gulf fisheries data in the wake of the Deepwater Horizon spill.

The National Oceanic and Atmospheric Administration knows our oceans and has responsibilities under several Federal laws to analyze the impacts of oil and gas production on sea life. My first amendment would have added $22 million in funding to support baseline environmental monitoring and assessments of the Gulf of Mexico's fisheries. $5 million of that funding would have gone to cooperative research grants that would have allowed fishermen to get out on the water and help collect this data.

These funds are needed so that NOAA can do this valuable research throughout the gulf before the oil hits and then again while the spill moves. Like my colleague from New Jersey, Senator LAUTENBERG, I am committed to ensuring that those responsible bear the costs of this incident. And so my amendment would have required that

the parties responsible for this spill reimburse these funds so that the American taxpayer doesn't shoulder this burden in the longrun.

Why do we need this information? At a commerce hearing on May 18, Dr. French-Mckay, a Ph.D. in biological oceanography, testified that the lighter hydrocarbons in the oil—chemicals like benzene and toluene—would dissolve by the time the oil reaches Florida's coral reefs. These hydrocarbons in solution might be just as toxic as they would be if they were still in the oil—but you won't be able to see when they hit. Yesterday, the University of South Florida issued a press release about research they had done that confirmed that there are dissolved hydrocarbons northeast of the spill that you cannot see with the naked eye. The only way you will know the effects of the hydrocarbons on coral and on the entire food web is to know the baseline amounts of these dissolved chemicals present in the water before the spill hits.

Additionally, the fisheries in the fertile Gulf of Mexico are in jeopardy. Mangrove habitats provide nursery grounds for juvenile sportfish. The spawning season of many economically and ecologically significant species is upon us. A recent report estimated that saltwater recreational fishing the Everglades alone is worth more than $800 million a year.

Unfortunately, baseline data for fisheries in the Gulf of Mexico is lacking. For example, there has never been a complete stock assessment for Tarpon and as a result, there are gaps in the knowledge of Tarpon behavior. Data that is available has been collected by a tagging program implemented by anglers. The research on economically important reef fish that our commercial and charter fishermen make their livelihoods from is also sparse at best.

The effects of oil and dispersants on spawning, larval stages, juvenile stages, migrating patterns and lifespan of these valuable fishery and coral resources must be documented. Our Nation's scientists cannot accurately measure the impacts of this devastating spill on our fisheries without baseline pre-impact data. The research community in Florida knows how to conduct these assessments. In fact, they have done this for years when funding is available. The State of Florida has already spent over half a million dollars collecting baseline data.

Yesterday, I filed a second-degree amendment. I worked with Members from the Gulf Coast States to try to put something together that could help all of the fishermen impacted by the spill and also evaluate the impacts on the natural resources. Unfortunately, that did not work, but I am pleased to have been a part of getting some funding for fisheries research with the passage of Senator SHELBY's amendment. This will provide funds that can be utilized immediately to collect this data. This is an invaluable investment. I would hope that there is a way to utilize the skill and resources of the fishermen by doing cooperative research.

MEDICARE PART D

Mr. CARPER. Mr. President, while Medicare Part D has been a very popular program and has improved access to tens of millions of patients, the donut hole has been a continuing source of frustration for many beneficiaries. The Patient Protection and Affordable Care Act begins to fill in the ''donut hole'' with a 50 percent discount program that will begin in 2011. The purpose of the coverage gap discount was to provide relief for those beneficiaries who struggle with paying for medications in the coverage gap and, as a result, stop taking medicines as prescribed or cut back on their monthly medication use.

The Centers for Medicare and Medicaid Services recently released guidance to Part D plans regarding the administration of the Part D coverage gap discount. In that guidance, CMS responded to comments that sought clarification on the relationship between the 50 percent discount program and existing Part D rebate contracts. Although the CMS guidance clarified that manufacturers would continue to negotiate with Part D plans to provide rebates, I feel the need to further clarify this issue.

Any interference by CMS with price negotiations between manufacturers and Part D plans would be counter to the explicit intent of Congress through the government noninterference clause. With the passage of PPACA, and specifically the Part D Coverage Gap Discount Program, the government non-interference clause continues to be the existing law; therefore, CMS does not have the authority to require manufacturers to provide rebates at any particular level.

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILLS SIGNED

Under the order of January 6, 2009, the Secretary of the Senate, on May 27, 2010, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 2711. An act to amend title 5, United States Code, to provide for the transportation and moving expenses for the immediate family of certain Federal employees who die in the performance of their duties.

H.R. 3250. An act to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the ''Private First Class Garfield M. Langhorn Post Office Building''.

H.R. 3634. An act to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the ''George Kell Post Office''.

H.R. 3892. An act to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the ''E.V. Wilkins Post Office''.

H.R. 4017. An act to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the ''Ann Marie Blute Post Office''.

H.R. 4095. An act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the ''Congresswoman Jan Meyers Post Office Building''.

H.R. 4139. An act to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the ''Sergeant Matthew L. Ingram Post Office''.

H.R. 4214. An act to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office''.

H.R. 4238. An act to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the ''W.D. Farr Post Office Building''.

H.R. 4425 An act to designate the facility of the United States Postal Service located at 2–116th Street in North Troy, New York, as the ''Martin G. 'Marty' Mahar Post Office''.

H.R. 4547. An act to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the ''Captain Luther H. Smith, U.S. Army Air Forces Post Office''.

H.R. 4628. An act to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building''.

H.R. 5128. An act to designate the United States Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. UDALL of New Mexico) announced that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 5128. An act to designate the United States Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON of Florida (for himself, Mr. CARPER, and Mr. CHAMBLISS):

S. 3453. A bill to provide an exception from the payout requirements established for certain section 501(c)(3) type III supporting organizations under section 1241(d) of the Pension Protection Act of 2006; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 31. A joint resolution to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

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

S. Res. 546. A resolution recognizing the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the United States dedicated exclusively to exploring and preserving the American Jewish experience; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 504

At the request of Mr. ROBERTS, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 504, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

S. 1216

At the request of Ms. KLOBUCHAR, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1216, a bill to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes.

S. 2924

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

S. 3262

At the request of Mr. MENENDEZ, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3262, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 3401

At the request of Mr. BURR, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3401, a bill to provide for the use of unobligated discretionary stimulus dollars to address AIDS Drug Assistance Program waiting lists and other cost containment measures impacting State ADAP programs.

S.J. RES. 29

At the request of Mrs. FEINSTEIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 512

At the request of Mr. THUNE, his name was added as a cosponsor of S. Res. 512, a resolution designating June 2010 as ''National Aphasia Awareness Month'' and supporting efforts to increase awareness of aphasia.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 546—RECOGNIZING THE NATIONAL MUSEUM OF AMERICAN JEWISH HISTORY, AN AFFILIATE OF THE SMITHSONIAN INSTITUTION, AS THE ONLY MUSEUM IN THE UNITED STATES DEDICATED EXCLUSIVELY TO EXPLORING AND PRESERVING THE AMERICAN JEWISH EXPERIENCE

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 546

Whereas the National Museum of American Jewish History serves to illustrate how the freedom present in the United States and its associated choices, challenges, and responsibilities fostered an environment in which Jewish Americans have made and continue to make extraordinary contributions in all facets of American life;

Whereas the mission of the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, is to connect Jewish people more closely to their heritage and to inspire in individuals of all backgrounds a greater appreciation for the diversity of the American experience and the freedoms to which all Americans aspire;

Whereas the National Museum of American Jewish History was founded in 1976 by members of the historic Congregation Mikveh Israel, which was itself established in 1740 and known as the ''Synagogue of the American Revolution'';

Whereas the National Museum of American Jewish History has attracted a broad audience to its public programs, which explore American Jewish identity through lectures, panel discussions, authors' talks, films, activities for children, theater, and music;

Whereas the National Museum of American Jewish History is the repository of the largest collection of Jewish Americana in the world, with more than 25,000 objects; and

Whereas the National Museum of American Jewish History will soon be relocated to a 100,000-square-foot, 5-story, state-of-the-art facility on Independence Mall in Philadelphia, Pennsylvania, standing just steps from the Liberty Bell and Independence Hall, which shall serve as a cornerstone of the American Jewish community and a source of national pride: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the importance of the continuing study and preservation of the unique American Jewish experience; and

(2) recognizes the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the United States dedicated exclusively to exploring and preserving the American Jewish experience and, as such, designates it as the national museum of American Jewish history.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010

On Thursday, May 27, 2010, the Senate passed H.R. 4899, as amended, as follows:

H.R. 4899

Resolved, That the bill from the House of Representatives (H.R. 4899) entitled ''An Act making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund, as follows: guaranteed farm ownership loans, $300,000,000; operating loans, $650,000,000, of which $250,000,000 shall be for unsubsidized guaranteed loans, $50,000,000 shall be for subsidized guaranteed loans, and $350,000,000 shall be for direct loans.

For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: guaranteed farm ownership loans, $1,110,000; operating loans, $29,470,000, of which $5,850,000 shall be for unsubsidized guaranteed loans, $7,030,000 shall be for subsidized guaranteed loans, and $16,590,000 shall be for direct loans.

For an additional amount for administrative expenses necessary to carry out the direct and guaranteed loan programs, $1,000,000.

EMERGENCY FOREST RESTORATION PROGRAM

For implementation of the emergency forest restoration program established under section 407 of the Agricultural Credit Act of 1978 (16 U.S.C. 2206) for expenses resulting from natural disasters that occurred on or after January 1, 2010, and for other purposes, $18,000,000, to remain available until expended: Provided, That the program: (1) shall be carried out without regard to chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'') and the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (2) with rules issued without a prior opportunity for notice and comment except, as determined to be appropriate by the Farm Service Agency, rules may be promulgated by an interim rule effective on publication with an opportunity for notice and comment: Provided further, That in carrying out this program, the Secretary shall use the authority provided under section 808(2) of title 5, United States Code: Provided further, That to reduce Federal costs in administering this heading, the emergency forest restoration program shall be considered to have met the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for activities similar in nature and quantity to those of the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.).

FOREIGN AGRICULTURAL SERVICE

FOOD FOR PEACE TITLE II GRANTS

For an additional amount for ''Food for Peace Title II Grants'' for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, $150,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SECTION 101. None of the funds appropriated or made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a biomass crop assistance program as authorized by section 9011 of Public Law 107–171 in excess of $552,000,000 in fiscal year 2010 or $432,000,000 in fiscal year 2011: Provided, That section 3002 shall not apply to the amount under this section.

SEC. 102. (a) Section 502(h)(8) of the Housing Act of 1949 (42 U.S.C. 1472(h)(8)) is amended to read as follows:

''(8) FEES.—Notwithstanding paragraph (14)(D), with respect to a guaranteed loan issued or modified under this subsection, the Secretary may collect from the lender—

''(A) at the time of issuance of the guarantee or modification, a fee not to exceed 3.5 percent of the principal obligation of the loan; and

''(B) an annual fee not to exceed 0.5 percent of the outstanding principal balance of the loan for the life of the loan.''.

(b) Section 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act, 2001 (H.R. 5426 as enacted by Public Law 106–387, 115 Stat. 1549A–34) is repealed.

(c) For gross obligations for the principal amount of guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, an additional amount shall be for section 502 unsubsidized guaranteed loans sufficient to meet the remaining fiscal year 2010 demand, provided that existing program underwriting standards are maintained, and provided further that the Secretary may waive fees described herein for very low- and low-income borrowers, not to exceed $697,000,000 in loan guarantees.

CHAPTER 2

DEPARTMENT OF COMMERCE

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

(RESCISSION)

Of the funds made available under the heading ''National Telecommunications and Information Administration'' for Digital-to-Analog Converter Box Program in prior years, $111,500,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for ''Economic Development Assistance Programs'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in States that experienced damage due to severe storms and flooding during March 2010 through May 2010 for which the President declared a major disaster covering an entire State or States with more than 20 counties declared major disasters under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, $49,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $5,000,000, for necessary expenses related to commercial fishery failures as determined by the Secretary of Commerce in January 2010.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION

The matter contained in title III of division B of Public Law 111–117 regarding ''National Aeronautics and Space Administration Exploration'' is amended by inserting at the end of the last proviso '': Provided further, That notwithstanding any other provision of law or regulation, funds made available for Constellation in fiscal year 2010 for 'National Aeronautics and Space Administration Exploration' and from previous appropriations for 'National Aeronautics and Space Administration Exploration' shall be available to fund continued performance of Constellation contracts, and performance of such Constellation contracts may not be terminated for convenience by the National Aeronautics and Space Administration in fiscal year 2010''.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $1,429,809,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $40,478,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $145,499,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $94,068,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $5,722,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $2,637,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $34,758,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $1,292,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $33,184,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $11,719,927,000, of which $218,300,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $2,735,194,000, of which $187,600,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $829,326,000, of which $30,700,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $3,835,095,000, of which $218,400,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $1,236,727,000: Provided, That up to $50,000,000, to remain available until expended, shall be available for transfer to the Port of Guam Improvement Enterprise Fund established by section 3512 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417): Provided further, That funds transferred under the previous proviso shall be merged with and available for obligation for the same time period and for the same purposes as the appropriation to which transferred: Provided further, That these funds may be transferred by the Secretary of Defense only if he determines such amounts are required to improve facilities, relieve port congestion, and provide greater access to port facilities: Provided further, That any amounts transferred pursuant to the previous three provisos shall be available to the Secretary of Transportation, acting through the Administrator of the Maritime Administration, to carry out under the Port of Guam Improvement Enterprise Program planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities: Provided further, That the transfer authority in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than five days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any such transfer.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $41,006,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $75,878,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $857,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $124,039,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $180,960,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $203,287,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for ''Afghanistan Security Forces Fund'', $2,604,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of

equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

IRAQ SECURITY FORCES FUND

For the ''Iraq Security Forces Fund'', $1,000,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Forces—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, and renovation: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $219,470,000, to remain available until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $3,000,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $17,055,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $2,065,006,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $296,000,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $31,576,000, to remain available until September 30, 2012.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $162,927,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $174,766,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $672,741,000, to remain available until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $189,276,000, to remain available until September 30, 2012.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Mine Resistant Ambush Protected Vehicle Fund'', $1,123,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations for operations and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That the funds transferred shall be merged with and available for the same purposes and the same time period as the appropriation to which they are transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $44,835,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $163,775,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $65,138,000, to remain available until September 30, 2011.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,134,887,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $33,367,000 for operation and maintenance: Provided, That language under this heading in title VI, division A of Public Law 111–118 is amended by striking ''$15,093,539,000'' and inserting in lieu thereof ''$15,121,714,000''.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $94,000,000, to remain available until September 30, 2011.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)): Provided, That section 8079 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118; 123 Stat. 3446) is amended by striking ''fiscal year 2010 until'' and all that follows and insert ''fiscal year 2010.''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. Section 8005 of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118) is amended by striking ''$4,000,000,000'' and inserting ''$4,500,000,000''.

SEC. 303. Funds made available in this chapter to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: Provided, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 304. Of the funds obligated or expended by any Federal agency in support of emergency humanitarian assistance services at the request of or in coordination with the Department of Defense, the Department of State, or the U.S. Agency for International Development, on or after January 12, 2010 and before February 12, 2010, in support of the Haitian earthquake relief efforts not to exceed $500,000 are deemed to be specifically authorized by the Congress.

SEC. 305. Section 8011 of the title VIII, division A of Public Law 111–118 is amended by striking ''within 30 days of enactment of this Act'' and inserting in lieu thereof ''30 days prior to contract award''.

(RESCISSIONS)

SEC. 306. (a) Of the funds appropriated in Department of Defense Appropriation Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Other Procurement, Air Force, 2009/2011'', $5,000,000; and

''Research, Development, Test and Evaluation, Army, 2009/2010'', $72,161,000.

(b) Section 3002 shall not apply to the amounts in this section.

SEC. 307. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2009 or 2010 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

HIGH-VALUE DETAINEE INTERROGATION GROUP CHARTER AND REPORT

SEC. 308. (a) SUBMISSION OF CHARTER AND PROCEDURES.—Not later than 30 days after the final approval of the charter and procedures for the interagency body established to carry out an interrogation pursuant to a recommendation of the report of the Special Task Force on interrogation and Transfer Policies submitted under section 5(g) of Executive Order 13491 (commonly known as the High-Value Detainee Interrogation Group), or not later than 30 days after the date of the enactment of this Act, whichever is later, the Director of National Intelligence shall submit to the congressional intelligence committees such charter and procedures.

(b) UPDATES.—Not later than 30 days after the final approval of any significant modification or revision to the charter or procedures referred to in subsection (a), the Director of National Intelligence shall submit to the congressional intelligence committees any such modification or revision.

(c) LESSONS LEARNED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report setting forth an analysis and assessment of the lessons learned as a result of the operations and activities of the High-Value Detainee Interrogation Group since the establishment of that group.

(d) SUBMITTAL OF CHARTER AND REPORTS TO ADDITIONAL COMMITTEES OF CONGRESS.—At the same time the Director of National Intelligence submits the charter and procedures referred to in subsection (a), any modification or revision to the charter or procedures under subsection (b), and any report under subsection (c) to the congressional intelligence committees, the Director shall also submit such matter to—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, the Judiciary, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, the Judiciary, and Appropriations of the House of Representatives.

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for ''Investigations'', $5,400,000: Provided, That funds provided under this heading in this chapter shall be used for studies in States affected by severe storms and flooding: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' to dredge eligible projects in response to, and repair damages to Federal projects caused by, natural disasters, $18,600,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' to dredge navigation projects in response to, and repair damages to Corps projects caused by, natural disasters, $173,000,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use $44,000,000 of the amount provided under this heading for nondisaster related emergency repairs to critical infrastructure: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to natural disasters as authorized by law, $20,000,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL PROVISIONS—THIS CHAPTER

EMERGENCY DROUGHT RELIEF

SEC. 401. For an additional amount for ''Water and Related Resources'', $10,000,000, for drought emergency assistance: Provided, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West.

SEC. 402. Funds made available in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85), under the account ''Weapons Activities'' shall be available for the purchase of not to exceed one aircraft.

RECLASSIFICATION OF CERTAIN APPROPRIATIONS FOR THE NATIONAL NUCLEAR SECURITY ADMINISTRATION

SEC. 403. (a) FISCAL YEAR 2009 APPROPRIATIONS.—The matter under the heading ''Weapons Activities'' under the heading ''National Nuclear Security Administration'' under the heading ''Atomic Energy Defense Activities'' under the heading ''Department of Energy'' under title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 621) is amended by striking ''the 09–D–007 LANSCE Refurbishment, PED,'' and inserting ''capital equipment acquisition, installation, and associated design funds for LANSCE,''.

(b) FISCAL YEAR 2010 APPROPRIATIONS.—The amount appropriated under the heading ''Weapons Activities'' under the heading ''National Nuclear Security Administration'' under the heading ''Atomic Energy Defense Activities'' under the heading ''Department of Energy'' under title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85; 123 Stat. 2866) and made available for LANSCE Reinvestment, PED, Los Alamos National Laboratory, Los Alamos, New Mexico, shall be made available instead for capital equipment acquisition, installation, and associated design funds for LANSCE, Los Alamos National Laboratory, Los Alamos, New Mexico.

SEC. 404. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2012'' in lieu thereof.

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by striking ''through 2010'' and inserting ''through 2012'' in lieu thereof.

SEC. 405. (a) The Secretary of the Army shall not be required to make a determination under the National Historic Preservation Act of 1966 (16 U.S.C. 470, et seq.) for the project for flood control, Trinity River and tributaries, Texas, authorized by section 2 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 [59 Stat. 18], as modified by section 5141 of the Water Resources Development Act of 2007 [121 Stat. 1253].

(b) The Federal Highway Administration is exempt from the requirements of 49 U.S.C. 303 and 23 U.S.C. 138 for any highway project to be constructed in the vicinity of the Dallas Floodway, Dallas, Texas.

SEC. 406. (a) The Secretary of the Army may use funds made available under the heading ''OPERATION AND MAINTENANCE'' of this chapter to place, at full Federal expense, dredged material available from maintenance dredging of existing Federal navigation channels located in the Gulf Coast region to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico.

(b) The Secretary of the Army shall coordinate the placement of dredged material with appropriate Federal and Gulf Coast State agencies.

(c) The placement of dredged material pursuant to this section shall not be subject to a least-cost-disposal analysis or to the development of a Chief of Engineers report.

(d) Nothing in this section shall affect the ability or authority of the Federal Government to recover costs from an entity determined to be a responsible party in connection with the Deepwater Horizon Oil spill pursuant to the Oil Pollution Act of 1990 or any other applicable Federal statute for actions undertaken pursuant to this section.

CHAPTER 5

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, $690,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available for necessary expenses of the Office of Inspector General under this heading in Public Law 111–117, $1,800,000 are rescinded: Provided, That section 3002 shall not apply to the amount under this heading.

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

(INCLUDING RESCISSION)

For an additional amount for ''Federal Payment to the Public Defender Service for the District of Columbia'', $700,000, to remain available until September 30, 2012.

Of the funds provided under this heading for ''Federal Payment to the District of Columbia Public Defender Service'' in title IV of division D of Public Law 111–8, $700,000 are rescinded: Provided, That section 3002 shall not apply to the amounts under this heading.

INDEPENDENT AGENCY

FINANCIAL CRISIS INQUIRY COMMISSION

SALARIES AND EXPENSES

For the necessary expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111–21), $1,800,000, to remain available until February 15, 2011: Provided, That section 3002 shall not apply to the amount under this heading.

CHAPTER 6

DEPARTMENT OF HOMELAND SECURITY

COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'' for necessary expenses and other disaster-response activities related to Haiti following the earthquake of January 12, 2010, $50,000,000, to remain available until September 30, 2012.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'', $15,500,000, to remain available until September 30, 2014, for aircraft replacement.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Disaster Relief'', $5,100,000,000, to remain available until

expended, of which $5,000,000 shall be transferred to the Department of Homeland Security Office of the Inspector General for audits and investigations related to disasters.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for ''United States Citizenship and Immigration Services'' for necessary expenses and other disaster response activities related to Haiti following the earthquake of January 12, 2010, $10,600,000, to remain available until September 30, 2011.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 601. Notwithstanding the 10 percent limitation contained in section 503(c) of Public Law 111–83, for fiscal year 2010, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to $20,000,000, from appropriations available to the Department of Homeland Security: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 5 days in advance of such transfer.

(RESCISSIONS)

SEC. 602. (a) The following unobligated balances made available pursuant to section 505 of Public Law 110–329 are rescinded: $2,200,000 from Coast Guard ''Operating Expenses''; $1,800,000 from the ''Office of the Secretary and Executive Management''; and $489,152 from ''Analysis and Operations''.

(b) The third clause of the proviso directing the expenditure of funds under the heading ''Alteration of Bridges'' in the Department of Homeland Security Appropriations Act, 2009, is repealed, and from available balances made available for Coast Guard ''Alteration of Bridges'', $5,910,848 are rescinded: Provided, That funds rescinded pursuant to this subsection shall exclude balances made available in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(c) From the unobligated balances of appropriations made available in Public Law 111–83 to the ''Office of the Federal Coordinator for Gulf Coast Rebuilding'', $700,000 are rescinded.

(d) Section 3002 shall not apply to the amounts in this section.

SEC. 603. The Administrator of the Federal Emergency Management Agency shall consider satisfied for Hurricane Katrina the non-Federal match requirement for assistance provided by the Federal Emergency Management Agency pursuant to section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170c(a).

SEC. 604. Funds appropriated in Public Law 111–83 under the heading National Protection and Programs Directorate ''Infrastructure Protection and Information Security'' shall be available for facility upgrades and related costs to establish a United States Computer Emergency Readiness Team Operations Support Center/Continuity of Operations capability.

SEC. 605. Two C–130J aircraft funded elsewhere in this Act shall be transferred to the Coast Guard.

SEC. 606. Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5140b, 5172, and 5173), for damages resulting from FEMA–3311–EM–RI, FEMA–1894–DR, FEMA–1906–DR, FEMA–1909–DR, and all other areas Presidentially declared a disaster, prior to or following enactment, and resulting from the May 1 and 2, 2010 weather events that elicited FEMA–1909–DR, shall not be less than 90 percent of the eligible costs under such sections.

SEC. 607. (a) Not later than 30 days after the date of the enactment of this Act, the Assistant Secretary for the Transportation Security Administration shall issue a security directive that requires a commercial foreign air carrier who operates flights in and out of the United States to check the list of individuals that the Transportation Security Administration has prohibited from flying not later than 30 minutes after such list is modified and provided to such air carrier.

(b) The requirements of subsection (a) shall not apply to commercial foreign air carriers that operate flights in and out of the United States and that are enrolled in the Secure Flight program or that are Advance Passenger Information System Quick Query (AQQ) compliant.

CHAPTER 7

DEPARTMENT OF LABOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Departmental Management'' for mine safety activities and legal services related to the Department of Labor's caseload before the Federal Mine Safety and Health Review Commission (''FMSHRC''), $18,200,000, which shall remain available for obligation through the date that is 12 months after the date of enactment of this Act: Provided, That the Secretary of Labor may transfer such sums as necessary to the ''Mine Safety and Health Administration'' for enforcement and mine safety activities, which may include conference litigation functions related to the FMSHRC caseload, investigation of the Upper Big Branch Mine disaster, standards and rulemaking activities, emergency response equipment purchases and upgrades, and organizational improvements: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of any transfer.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'' for necessary expenses for emergency relief and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, $220,000,000, to remain available until expended: Provided, That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, shall be merged with the appropriation to which transferred, and shall be available only for the purposes provided herein: Provided further, That none of the funds provided in this paragraph may be transferred prior to notification of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act: Provided further, That funds appropriated in this paragraph may be used to reimburse agencies for obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That funds may be used for the non-Federal share of expenditures for medical assistance furnished under title XIX of the Social Security Act, and for child health assistance furnished under title XXI of such Act, that are related to earthquake response activities: Provided further, That funds may be used for services performed by the National Disaster Medical System in connection with such earthquake, for the return of evacuated Haitian citizens to Haiti, and for grants to States and other entities to reimburse payments made for otherwise uncompensated health and human services furnished in connection with individuals given permission by the United States Government to come from Haiti to the United States after such earthquake, and not eligible for assistance under such titles: Provided further, That the limitation in subsection (d) of section 1113 of the Social Security Act shall not apply with respect to any repatriation assistance provided in response to the Haiti earthquake of January 12, 2010: Provided further, That with respect to the previous proviso, such additional repatriation assistance shall only be available from the funds appropriated herein.

RELATED AGENCY

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For an additional amount for ''Federal Mine Safety and Health Review Commission, Salaries and Expenses'' $3,800,000, to remain available for obligation for 12 months after enactment of this Act.

CHAPTER 8

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Joyce Murtha, widow of John P. Murtha, late a Representative from Pennsylvania, $174,000: Provided, That section 3002 shall not apply to this appropriation.

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for ''Capitol Police, General Expenses'' to purchase and install the indoor coverage portion of the new radio system for the Capitol Police, $12,956,000, to remain available until September 30, 2012: Provided, That the Chief of the Capitol Police may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and the House of Representatives.

CHAPTER 9

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $242,296,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $406,590,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Family Housing Operation and Maintenance, Air Force'', $7,953,000.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for ''Compensation and Pensions'', $13,377,189,000, to remain available until expended: Provided, That section 3002 shall not apply to the amount under this heading.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 901. (a) Of the amounts made available to the Department of Veterans Affairs under the ''Construction, Major Projects'' account, in fiscal year 2010 or previous fiscal years, up to $67,000,000 may be transferred to the ''Filipino Veterans Equity Compensation Fund'' account or may be retained in the ''Construction, Major

Projects'' account and used by the Secretary of Veterans Affairs for such major medical facility projects (as defined under section 8104(a) of title 38, United States Code) that have been authorized by law as the Secretary considers appropriate: Provided, That any amount transferred from ''Construction, Major Projects'' shall be derived from unobligated balances that are a direct result of bid savings: Provided further, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(b) Section 3002 shall not apply to the amount in this section.

LIMITATION ON USE OF FUNDS AVAILABLE TO THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 902. The amount made available to the Department of Veterans Affairs by this chapter under the heading ''VETERANS BENEFITS ADMINISTRATION'' under the heading ''COMPENSATION AND PENSIONS'' may not be obligated or expended until the expiration of the period for Congressional disapproval under chapter 8 of title 5, United States Code (commonly referred to as the ''Congressional Review Act''), of the regulations prescribed by the Secretary of Veterans Affairs pursuant to section 1116 of title 38, United States Code, to establish a service connection between exposure of veterans to Agent Orange during service in the Republic of Vietnam during the Vietnam era and hairy cell leukemia and other chronic B cell leukemias, Parkinson's disease, and ischemic heart disease.

CHAPTER 10

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Diplomatic and Consular Programs'', $1,261,000,000, to remain available until September 30, 2011: Provided, That the Secretary of State may transfer up to $149,500,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon concurrence of the head of such department or agency and after consultation with the Committees on Appropriations, to support operations in and assistance for Afghanistan and Pakistan and to carry out the provisions of the Foreign Assistance Act of 1961.

For an additional amount for ''Diplomatic and Consular Programs'' for necessary expenses for emergency relief, rehabilitation, and reconstruction support, and other expenses related to Haiti following the earthquake of January 12, 2010, $65,000,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That up to $3,700,000 of the funds made available in this paragraph may be transferred to, and merged with, funds made available under the heading ''Emergencies in the Diplomatic and Consular Service'': Provided further, That up to $290,000 of the funds made available in this paragraph may be transferred to, and merged with, funds made available under the heading ''Repatriation Loans Program Account''.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for necessary expenses for oversight of operations and programs in Afghanistan, Pakistan, and Iraq, $3,600,000, to remain available until September 30, 2013.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'' for necessary expenses for emergency needs in Haiti following the earthquake of January 12, 2010, $79,000,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'' for necessary expenses for emergency security related to Haiti following the earthquake of January 12, 2010, $96,500,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'' for necessary expenses for emergency broadcasting support and other expenses related to Haiti following the earthquake of January 12, 2010, $3,000,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for necessary expenses for oversight of operations and programs in Afghanistan and Pakistan, $3,400,000, to remain available until September 30, 2013.

For an additional amount for ''Office of Inspector General'' for necessary expenses for oversight of emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $4,500,000, to remain available until September 30, 2012: Provided, That up to $1,500,000 of the funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for ''Global Health and Child Survival'' for necessary expenses for pandemic preparedness and response, $45,000,000, to remain available until September 30, 2011.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'' for necessary expenses for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, $460,000,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Economic Support Fund'', $1,620,000,000, to remain available until September 30, 2012, of which not less than $1,309,000,000 shall be made available for assistance for Afghanistan and not less than $259,000,000 shall be made available for assistance for Pakistan: Provided, That funds appropriated under this heading in this Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Afghanistan may be made available, after consultation with the Committees on Appropriations, for disarmament, demobilization and reintegration activities, subject to the requirements of section 904(e) in this chapter, and for a United States contribution to an internationally managed fund to support the reintegration into Afghan society of individuals who have renounced violence against the Government of Afghanistan.

For an additional amount for ''Economic Support Fund'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $770,000,000, to remain available until September 30, 2012: Provided, That of the funds appropriated in this paragraph, up to $120,000,000 may be transferred to the Department of the Treasury for United States contributions to a multi-donor trust fund for reconstruction and recovery efforts in Haiti: Provided further, That of the funds appropriated in this paragraph, up to $10,000,000 may be transferred to, and merged with, funds made available under the heading ''United States Agency for International Development, Funds Appropriated to the President, Operating Expenses'' for administrative costs relating to the purposes provided herein and to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That funds appropriated in this paragraph may be transferred to, and merged with, funds available under the heading ''Development Credit Authority'' for the purposes provided herein: Provided further, That such transfer authority is in addition to any other transfer authority provided by this or any other Act: Provided further, That funds made available to the Comptroller General pursuant to title I, chapter 4 of Public Law 106–31, to monitor the provision of assistance to address the effects of hurricanes in Central America and the Caribbean, shall also be available to the Comptroller General to monitor relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and shall remain available until expended: Provided further, That funds appropriated in this paragraph may be made available to the United States Agency for International Development and the Department of State to reimburse any accounts for obligations incurred for the purpose provided herein prior to enactment of this Act.

For an additional amount for ''Economic Support Fund'' for necessary expenses for assistance for Jordan, $100,000,000, to remain available until September 30, 2012.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'' for necessary expenses for assistance for refugees and internally displaced persons, $165,000,000, to remain available until expended.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for ''International Affairs Technical Assistance'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $7,100,000, to remain available until September 30, 2012: Provided, That of the funds appropriated in this paragraph, up to $60,000 may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'',

$1,034,000,000, to remain available until September 30, 2012: Provided, That of the funds appropriated under this heading, not less than $650,000,000 shall be made available for assistance for Iraq of which $450,000,000 is for one-time start up costs and limited operational costs of the Iraqi police program, and $200,000,000 is for implementation, management, security, communications, and other expenses related to such program and may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the Government of Iraq supports and is cooperating with such program: Provided further, That funds appropriated in this chapter for assistance for Iraq shall not be subject to the limitation on assistance in section 7042(b)(1) of division F of Public Law 111–117: Provided further, That of the funds appropriated in this paragraph, not less than $169,000,000 shall be made available for assistance for Afghanistan and not less than $40,000,000 shall be made available for assistance for Pakistan: Provided further, That of the funds appropriated under this heading, $175,000,000 shall be made available for assistance for Mexico for judicial reform, institution building, anti-corruption, and rule of law activities, and shall be available subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

For an additional amount for ''International Narcotics Control and Law Enforcement'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $147,660,000, to remain available until September 30, 2012: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $100,000,000, to remain available until September 30, 2012, of which not less than $50,000,000 shall be made available for assistance for Pakistan and not less than $50,000,000 shall be made available for assistance for Jordan.

GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1001. Funds appropriated in this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

ALLOCATIONS

SEC. 1002. (a) Funds appropriated in this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

(1) ''Diplomatic and Consular Programs''.

(2) ''Economic Support Fund''.

(3) ''International Narcotics Control and Law Enforcement''.

(b) For the purposes of implementing this section, and only with respect to the tables included in the report accompanying this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, may propose deviations to the amounts referred in subsection (a), subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1003. (a) SPENDING PLANS.—Not later than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, and the Broadcasting Board of Governors, shall submit reports to the Committees on Appropriations detailing planned uses of funds appropriated in this chapter, except for funds appropriated under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance''.

(b) OBLIGATION REPORTS.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, and the Broadcasting Board of Governors, shall submit reports to the Committees on Appropriations not later than 90 days after enactment of this Act, and every 180 days thereafter until September 30, 2012, on obligations, expenditures, and program outputs and outcomes.

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except for funds appropriated under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance''.

AFGHANISTAN

SEC. 1004. (a) The terms and conditions of sections 1102(a), (b)(1), (c), and (d) of Public Law 111–32 shall apply to funds appropriated in this chapter that are available for assistance for Afghanistan.

(b) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' that are available for assistance for Afghanistan may be obligated only if the Secretary of State reports to the Committees on Appropriations that prior to the disbursement of funds, representatives of the Afghan national, provincial or local government, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, and following such disbursement will participate in implementation and oversight, and progress will be measured against specific benchmarks.

(c)(1) Funds appropriated in this chapter may be made available for assistance for the Government of Afghanistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Afghanistan is—

(A) cooperating with United States reconstruction and reform efforts;

(B) demonstrating a commitment to accountability by removing corrupt officials, implementing fiscal transparency and other necessary reforms of government institutions, and facilitating active public engagement in governance and oversight of public resources; and

(C) respecting the internationally recognized human rights of Afghan women.

(2) If at any time after making the determination required in paragraph (1) the Secretary receives credible information that the factual basis for such determination no longer exists, the Secretary should suspend assistance and promptly inform the relevant Afghan authorities that such assistance is suspended until sufficient factual basis exists to support the determination.

(d) Funds appropriated in this chapter and in prior Acts that are available for assistance for Afghanistan may be made available to support reconciliation with, or reintegration of, former combatants only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and women's internationally recognized human rights are protected in such process; and

(2) such funds will not be used to support any pardon, immunity from prosecution or amnesty, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or other violations of internationally recognized human rights.

(e) Funds appropriated in this chapter that are available for assistance for Afghanistan may be made available to support the work of the Independent Electoral Commission and the Electoral Complaints Commission in Afghanistan only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) the Independent Electoral Commission has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 elections for president in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghanistan law as of December 31, 2009, and with no members appointed by the President of Afghanistan; and

(2) the central Government of Afghanistan has taken steps to ensure that women are able to exercise their rights to political participation, whether as candidates or voters.

(f)(1) Not more than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a strategy to address the needs and protect the rights of Afghan women and girls, including planned expenditures of funds appropriated in this chapter, and detailed plans for implementing and monitoring such strategy.

(2) Such strategy shall be coordinated with and support the goals and objectives of the National Action Plan for Women of Afghanistan and the Afghan National Development Strategy and shall include a defined scope and methodology to measure the impact of such assistance.

(g)(1) Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) and requirements for awarding task orders under task and delivery order contracts under section 303J of such Act (41 U.S.C. 253j), the Secretary of State may award task orders for police training in Afghanistan under current Department of State contracts for police training.

(2) Any task order awarded under paragraph (1) shall be for a limited term and shall remain in performance only until a successor contract or contracts awarded by the Department of Defense using full and open competition have entered into full performance after completion of any start-up or transition periods.

PAKISTAN

SEC. 1005. (a) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Foreign Military Financing Program'' and ''Pakistan Counterinsurgency Capability Fund'' shall be made available—

(1) in a manner that promotes unimpeded access by humanitarian organizations to detainees, internally displaced persons, and other Pakistani civilians adversely affected by the conflict; and

(2) in accordance with section 620J of the Foreign Assistance Act of 1961, and the Secretary of State shall inform relevant Pakistani authorities of the requirements of section 620J and of its application, and regularly monitor units of Pakistani security forces that receive United States assistance and the performance of such units.

(b)(1) Of the funds appropriated in this chapter under the heading ''Economic Support Fund'' for assistance for Pakistan, $5,000,000 shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, for human rights programs in

Pakistan, including training of government officials and security forces, and assistance for human rights organizations.

(2) Not later than 90 days after enactment of this Act and prior to the obligation of funds under this subsection, the Secretary of State shall submit to the Committees on Appropriations a human rights strategy in Pakistan including the proposed uses of funds.

(c) Of the funds appropriated in this chapter under the heading ''Economic Support Fund'' for assistance for Pakistan, up to $1,500,000 should be made available to the Department of State and the United States Agency for International Development for the lease of aircraft to implement programs and conduct oversight in northwestern Pakistan, which shall be coordinated under the authority of the United States Chief of Mission in Pakistan.

IRAQ

SEC. 1006. (a) The uses of aircraft in Iraq purchased or leased with funds made available under the headings ''International Narcotics Control and Law Enforcement'' and ''Diplomatic and Consular Affairs'' in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the United States Chief of Mission in Iraq.

(b) The terms and conditions of section 1106(b) of Public Law 111–32 shall apply to funds made available in this chapter for assistance for Iraq under the heading ''International Narcotics Control and Law Enforcement''.

(c) Of the funds appropriated in this chapter and in prior acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Diplomatic and Consular Programs'' and ''Embassy Security, Construction, and Maintenance'' for Afghanistan, Pakistan and Iraq, up to $300,000,000 may, after consultation with the Committees on Appropriations, be transferred between, and merged with, such appropriations for activities related to security for civilian led operations in such countries.

HAITI

SEC. 1007. (a) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' that are available for assistance for Haiti may be obligated only if the Secretary of State reports to the Committees on Appropriations that prior to the disbursement of funds, representatives of the Haitian national, provincial or local government, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, and following such disbursement will participate in implementation and oversight, and progress will be measured against specific benchmarks.

(b)(1) Funds appropriated in this chapter under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' may be made available for assistance for the Government of Haiti only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Haiti is—

(A) cooperating with United States reconstruction and reform efforts; and

(B) demonstrating a commitment to accountability by removing corrupt officials, implementing fiscal transparency and other necessary reforms of government institutions, and facilitating active public engagement in governance and oversight of public resources.

(2) If at any time after making the determination required in paragraph (1) the Secretary receives credible information that the factual basis for making such determination no longer exists, the Secretary should suspend assistance and promptly inform the relevant Haitian authorities that such assistance is suspended until sufficient factual basis exists to support the determination.

(c)(1) Funds appropriated in this chapter for bilateral assistance for Haiti may be provided as direct budget support to the central Government of Haiti only if the Secretary of State reports to the Committees on Appropriations that the Government of the United States and the Government of Haiti have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended.

(2) The Secretary should suspend any such direct budget support to an implementing agency if the Secretary has credible evidence of misuse of such funds by any such agency.

(3) Any such direct budget support shall be subject to prior consultation with the Committees on Appropriations.

(d) Funds appropriated in this chapter that are made available for assistance for Haiti shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation and leadership of Haitian women and directly improves the security, economic and social well-being, and political status of Haitian women and girls.

(e) Funds appropriated in this chapter may be made available for assistance for Haiti notwithstanding any other provision of law, except for section 620J of the Foreign Assistance Act of 1961 and provisions of this chapter.

HAITI DEBT RELIEF

SEC. 1008. (a) For an additional amount for ''Contribution to the Inter-American Development Bank'', ''Contribution to the International Development Association'', and ''Contribution to the International Fund for Agricultural Development'', to cancel Haiti's existing debts and repayments on disbursements from loans committed prior to January 12, 2010, and for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank, to the extent separately authorized in this chapter, in furtherance of providing debt relief for Haiti in view of the Cancun Declaration of March 21, 2010, a total of $212,000,000, to remain available until September 30, 2012.

(b) Up to $40,000,000 of the amounts appropriated under the heading ''Department of the Treasury, Debt Restructuring'' in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be used to cancel Haiti's existing debts and repayments on disbursements from loans committed prior to January 12, 2010, to the Inter-American Development Bank, the International Development Association, and the International Fund for Agricultural Development, and for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of providing debt relief to Haiti in view of the Cancun Declaration of March 21, 2010.

HAITI DEBT RELIEF AUTHORITY

SEC. 1009. The Inter-American Development Bank Act, Public Law 86–147, as amended (22 U.S.C. 283 et seq.), is further amended by adding at the end thereof the following new section:

''SEC. 40. AUTHORITY TO VOTE FOR AND CONTRIBUTE TO AN INCREASE IN RESOURCES OF THE FUND FOR SPECIAL OPERATIONS; PROVIDING DEBT RELIEF TO HAITI.

''(a) VOTE AUTHORIZED.—In accordance with section 5 of this Act, the United States Governor of the Bank is authorized to vote in favor of a resolution to increase the resources of the Fund for Special Operations up to $479,000,000, in furtherance of providing debt relief for Haiti in view of the Cancun Declaration of March 21, 2010, which provides that:

''(1) Haiti's debts to the Fund for Special Operations are to be cancelled;

''(2) Haiti's remaining local currency conversion obligations to the Fund for Special Operations are to be cancelled;

''(3) undisbursed balances of existing loans of the Fund for Special Operations to Haiti are to be converted to grants; and

''(4) the Fund for Special Operations is to make available significant and immediate grant financing to Haiti as well as appropriate resources to other countries remaining as borrowers within the Fund for Special Operations, consistent with paragraph 6 of the Cancun Declaration of March 21, 2010.

''(b) CONTRIBUTION AUTHORITY.—To the extent and in the amount provided in advance in appropriations Acts the United States Governor of the Bank may, on behalf of the United States and in accordance with section 5 of this Act, contribute up to $252,000,000 to the Fund for Special Operations, which will provide for debt relief of:

''(1) up to $240,000,000 to the Fund for Special Operations;

''(2) up to $8,000,000 to the International Fund For Agricultural Development (IFAD); and

''(3) up to $4,000,000 for the International Development Association (IDA).

''(c) AUTHORIZATION OF APPROPRIATIONS.—To pay for the contribution authorized under subsection (b), there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury $212,000,000, for the United States contribution to the Fund for Special Operations.''.

MEXICO

SEC. 1010. (a) For purposes of funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading ''International Narcotics Control and Law Enforcement'' that are made available for assistance for Mexico, the provisions of paragraphs (1) through (3) of section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply and the report required in paragraph (1) shall be based on a determination by the Secretary of State of compliance with each of the requirements in paragraph (1)(A) through (D).

(b) Funds appropriated in this chapter under the heading ''International Narcotics Control and Law Enforcement'' that are available for assistance for Mexico may be made available only after the Secretary of State submits a report to the Committees on Appropriations detailing a coordinated, multi-year, interagency strategy to address the causes of drug-related violence and other organized criminal activity in Central and South America, Mexico, and the Caribbean, which shall describe—

(1) the United States multi-year strategy for the region, including a description of key challenges in the source, transit, and demand zones; the key objectives of the strategy; and a detailed description of outcome indicators for measuring progress toward such objectives;

(2) the integration of diplomatic, administration of justice, law enforcement, civil society, economic development, demand reduction, and other assistance to achieve such objectives;

(3) progress in phasing out law enforcement activities of the militaries of each recipient country, as applicable; and

(4) governmental efforts to investigate and prosecute violations of internationally recognized human rights.

(c) Of the funds appropriated in this chapter under the heading ''Diplomatic and Consular Programs'', up to $5,000,000 may be made available for armored vehicles and other emergency diplomatic security support for United States Government personnel in Mexico.

EL SALVADOR

SEC. 1011. Of the funds appropriated in this chapter under the heading ''Economic Support Fund'', $25,000,000 shall be made available for necessary expenses for emergency relief and reconstruction assistance for El Salvador related to Hurricane/Tropical Storm Ida.

DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 1012. Of the funds appropriated in this chapter under the heading ''Economic Support Fund'', $15,000,000 shall be made available for necessary expenses for emergency security and humanitarian assistance for civilians, particularly women and girls, in the eastern region of the Democratic Republic of the Congo.

INTERNATIONAL SCIENTIFIC COOPERATION

SEC. 1013. Funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for science and technology centers in the former Soviet Union may be used to support productive, non-military projects that engage scientists and engineers who have no weapons background, but whose competence could otherwise be applied to weapons development, provided such projects are executed through existing science and technology centers and notwithstanding sections 503 and 504 of the FREEDOM Support Act (Public Law 102–511), and following consultation with the Committees on Appropriations, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

INTERNATIONAL RENEWABLE ENERGY AGENCY

SEC. 1014. For fiscal year 2011 and thereafter, the President is authorized to accept the statute of, and to maintain membership of the United States in, the International Renewable Energy Agency, and the United States' assessed contributions to maintain such membership may be paid from funds appropriated for ''Contributions to International Organizations''.

OFFICE OF INSPECTOR GENERAL PERSONNEL

SEC. 1015. (a) Funds appropriated in this chapter for the United States Agency for International Development Office of Inspector General (OIG) may be made available to contract with United States citizens for personal services when the Inspector General determines that the personnel resources of the OIG are otherwise insufficient.

(1) Not more than 5 percent of the OIG personnel (determined on a full-time equivalent basis), as of any given date, are serving under personal services contracts.

(2) Contracts under this paragraph shall not exceed a term of 2 years unless the Inspector General determines that exceptional circumstances justify an extension of up to 1 additional year, and contractors under this paragraph shall not be considered employees of the Federal Government for purposes of title 5, United States Code, or members of the Foreign Service for purposes of title 22, United States Code.

(b)(1) The Inspector General may waive subsections (a) through (d) of section 8344, and subsections (a) through (e) of section 8468 of title 5, United States Code, and subsections (a) through (d) of section 4064 of title 22, United States Code, on behalf of any re-employed annuitant serving in a position within the OIG to facilitate the assignment of persons to positions in Iraq, Pakistan, Afghanistan, and Haiti or to positions vacated by members of the Foreign Service assigned to those countries.

(2) The authority provided in paragraph (1) shall be exercised on a case-by-case basis for positions for which there is difficulty recruiting or retaining a qualified employee or to address a temporary emergency hiring need, individuals employed by the OIG under this paragraph shall not be considered employees for purposes of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title, and the authorities of the Inspector General under this paragraph shall terminate on October 1, 2012.

AUTHORITY TO REPROGRAM FUNDS

SEC. 1016. Of the funds appropriated by this chapter for assistance for Afghanistan, Iraq and Pakistan, up to $100,000,000 may be made available pursuant to the authority of section 451 of the Foreign Assistance Act of 1961, as amended, for assistance in the Middle East and South Asia regions if the President finds, in addition to the requirements of section 451 and certifies and reports to the Committees on Appropriations, that exercising the authority of this section is necessary to protect the national security interests of the United States: Provided, That the Secretary of State shall consult with the Committees on Appropriations prior to the reprogramming of such funds, which shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the funding limitation otherwise applicable to section 451 of the Foreign Assistance Act of 1961 shall not apply to this section: Provided further, That the authority of this section shall expire upon enactment of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2011.

SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION

(INCLUDING RESCISSION)

SEC. 1017. (a) Of the funds appropriated under the heading ''Department of State, Administration of Foreign Affairs, Office of Inspector General'' and authorized to be transferred to the Special Inspector General for Afghanistan Reconstruction in title XI of Public Law 111–32, $7,200,000 are rescinded.

(b) For an additional amount for ''Department of State, Administration of Foreign Affairs, Office of Inspector General'' which shall be available for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight in Afghanistan, $7,200,000, and shall remain available until September 30, 2011.

CHAPTER 11

DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

Of the amounts provided for Safety Belt Performance Grants in Public Law 111–117, $15,000,000 shall be available to pay for expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, and for the planning or execution of programs authorized under section 403 of title 23, United States Code: Provided, That such funds shall be available until September 30, 2011, and shall be in addition to the amount of any limitation imposed on obligations in fiscal year 2011.

Of the amounts made available for Safety Belt Performance Grants under section 406 of title 23, United States Code, $25,000,000 in unobligated balances are permanently rescinded: Provided, That section 3002 shall not apply to the amounts under this heading.

CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM

(RESCISSION)

Of the amounts made available for the Consumer Assistance to Recycle and Save Program, $44,000,000 in unobligated balances are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the ''Community Development Fund'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by severe storms and flooding from March 2010 through May 2010 for which the President declared a major disaster covering an entire State or States with more than 20 counties declared major disasters under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, $100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): Provided, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: Provided further, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: Provided further, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That the Secretary shall obligate to a State or subdivision thereof not less than 50 percent of the funding provided under this heading within 90 days after the enactment of this Act.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Economic Development Assistance Programs'', to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $5,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for

''Operations, Research, and Facilities'', $13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses: Provided, That the amounts appropriated herein are not available unless the Secretary of Commerce determines that resources provided under other authorities and appropriations including by the responsible parties under the Oil Pollution Act, 33 U.S.C. 2701, et seq., are not sufficient to respond to economic impacts on fishermen and fishery-dependent business following an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Operations, Research, and Facilities'', for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', Food and Drug Administration, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $2,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Office of the Secretary, Salaries and Expenses'' for increased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf of Mexico, $29,000,000, to remain available until expended: Provided, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $10,000,000, to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount for ''Science and Technology'' for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, $2,000,000, to remain available until expended: Provided, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Commerce and the Secretary of the Interior: Provided further, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

GENERAL PROVISION—THIS TITLE

DEEPWATER HORIZON

SEC. 2001. Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(1) by inserting '': (1)'' before ''may obtain an advance'' and after ''the Coast Guard'';

(2) by striking ''advance. Amounts'' and inserting the following: ''advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of $100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts''.

PROHIBITION ON FINES AND LIABILITY

SEC. 2002. None of the funds made available by this Act shall be used to levy against any person any fine, or to hold any person liable for construction or renovation work performed by the person, in any State under the final rule entitled ''Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet; Notice of Availability; Final Rule'' (73 Fed. Reg. 21692 (April 22, 2008)), and the final rule entitled ''Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program'' signed by the Administrator on April 22, 2010.

RIGHT-OF-WAY

SEC. 2003. (a) Notwithstanding any other provision of law, the Secretary of the Interior shall—

(1) not later than 30 days after the date of enactment of this Act, amend Right-of-Way Grants No. NVN–49781/IDI–26446/NVN–85211/NVN–85210 of the Bureau of Land Management to shift the 200-foot right-of-way for the 500-kilovolt transmission line project to the alignment depicted on the maps entitled ''Southwest Intertie Project'' and dated December 10, 2009, and May 21, 2010, and approve the construction, operation and maintenance plans of the project; and

(2) not later than 90 days after the date of enactment of this Act, issue a notice to proceed with construction of the project in accordance with the amended grants and approved plans described in paragraph (1).

(b) Notwithstanding any other provision of law, the Secretary of Energy may provide or facilitate federal financing for the project described in subsection (a) under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) or the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), based on the comprehensive reviews and consultations performed by the Secretary of the Interior.

FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS

SEC. 2004. (1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $15,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $10,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, $1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

(4) IN GENERAL.—Of the amounts appropriated or made available under division B, title I of Public Law 111–117 that remain unobligated as of the date of the enactment of this Act under Procurement, Acquisition, and Construction for the National Oceanic and Atmospheric Administration, $26,000,000 of the amounts appropriated are hereby rescinded.

TITLE III

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 3001 No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 3002. Unless otherwise specified, each amount in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 3003. (a) Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. §§1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

(b) Section 3002 shall not apply to this section.

SEC. 3004. (a) Public Law 111–88, the Interior, Environment, and Related Agencies Appropriations Act, 2010, is amended under the heading ''Office of the Special Trustee for American Indians'' by—

(1) striking ''$185,984,000'' and inserting ''$176,984,000''; and

(2) striking ''$56,536,000'' and inserting ''$47,536,000''.

(b) Section 3002 shall not apply to the amounts in this section.

SEC. 3005. Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended by striking ''2008'' and inserting ''2011''.

SEC. 3006. For fiscal years 2010 and 2011—

(1) the National Park Service Recreation Fee Program account may be available for the cost of adjustments and changes within the original scope of contracts for National Park Service projects funded by Public Law 111–5 and for associated administrative costs when no funds are otherwise available for such purposes;

(2) notwithstanding section 430 of division E of Public Law 111–8 and section 444 of Public Law 111–88, the Secretary of the Interior may utilize unobligated balances for adjustments and changes within the original scope of projects funded through division A, title VII, of Public Law 111–5 and for associated administrative costs when no funds are otherwise available;

(3) the Secretary of the Interior shall ensure that any unobligated balances utilized pursuant to paragraph (2) shall be derived from the bureau and account for which the project was funded in Public Law 111–5; and

(4) the Secretary of the Interior shall consult with the Committees on Appropriations prior to making any charges authorized by this section.

SEC. 3007. (a) Section 205(d) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2304(d)) is amended by striking ''10 years'' and inserting ''11 years''.

(b) Section 3002 shall not apply to this section.

SEC. 3008. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES'' under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to Genesee County, Michigan for assistance for individuals transitioning from prison in Genesee County, Michigan pursuant to the joint statement of managers accompanying that Act may be made available to My Brother's Keeper of Genesee County, Michigan to provide assistance for individuals transitioning from prison in Genesee County, Michigan.

SEC. 3009. Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010 (49 U.S.C. 24305 note) is amended by striking clauses (i) and (ii) and inserting the following:

''(i) requiring inspections of any container containing a firearm or ammunition; and

''(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.''.

PUBLIC AVAILABILITY OF CONTRACTOR INTEGRITY AND PERFORMANCE DATABASE

SEC. 3010. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110–417; 41 U.S.C. 417b(e)(1)) is amended by adding at the end the following: ''In addition, the Administrator shall post all such information, excluding past performance reviews, on a publicly available Internet website.''.

ASSESSMENTS ON GUANTANAMO BAY DETAINEES

SEC. 3011. (a) SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492; and

(2) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) FUTURE SUBMISSIONS.—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

SEC. 3012. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES'' under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to the Marcus Institute, Atlanta, Georgia, to provide remediation for the potential consequences of childhood abuse and neglect, pursuant to the joint statement of managers accompanying that Act, may be made available to the Georgia State University Center for Healthy Development, Atlanta, Georgia.

COASTAL IMPACT ASSISTANCE

SEC. 3013. Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended by adding at the end the following:

''(e) EMERGENCY FUNDING.—

''(1) IN GENERAL.—In response to a spill of national significance under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), at the request of a producing State or coastal political subdivision and notwithstanding the requirements of part 12 of title 43, Code of Federal Regulations (or a successor regulation), the Secretary may immediately disburse funds allocated under this section for 1 or more individual projects that are—

''(A) consistent with subsection (d); and

''(B) specifically designed to respond to the spill of national significance.

''(2) APPROVAL BY SECRETARY.—The Secretary may, in the sole discretion of the Secretary, approve, on a project by project basis, the immediate disbursal of the funds under paragraph (1).

''(3) STATE REQUIREMENTS.—

''(A) ADDITIONAL INFORMATION.—If the Secretary approves a project for funding under this subsection that is included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary any additional information that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

''(B) AMENDMENT TO PLAN.—If the Secretary approves a project for funding under this subsection that is not included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary for approval an amendment to the plan that includes any projects funded under paragraph (1), as well as any information about such projects that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

''(C) LIMITATION.—If a producing State or coastal political subdivision does not submit the additional information or amendments to the plan required by this paragraph, or if, based on the information submitted by the Secretary determines that the project is not in compliance with subsection (d), by the deadlines specified in this paragraph, the Secretary shall not disburse any additional funds to the producing State or the coastal political subdivisions until the date on which the additional information or amendment to the plan has been approved by the Secretary.''.

This Act may be cited as the ''Supplemental Appropriations Act, 2010''.

Amend the title so as to read: ''Making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.''.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that on Monday, June 7, at 4:30 p.m., the Senate proceed to executive session to consider the following nominations on the Executive Calendar and that they be debated concurrently until 5:30 p.m., with the time equally divided and controlled by Senators LEAHY and SESSIONS, or their designees: No. 730, Audrey Pleissig, district court judge, Missouri; No. 731, Lucy Koh, district court judge, California; No. 759, Jane Magnus-Stinson, district court judge, Indiana; that at 5:30 p.m., the Senate proceed to vote on confirmation of the nominations in the order listed; that upon confirmation, the motions to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that after the first vote, there be 2 minutes of debate, equally divided as described above, and after the first vote, the succeeding votes be limited to 10 minutes each; that upon disposition of the nominations, the Senate resume legislative session.

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

EXECUTIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider, en bloc, the following nominations: 909, 910, 911, 912, 913, 914, 915, 918, 919, 920, 921, and 922, and all nominations on the Secretary's desk in the Air Force, Army, Foreign Services, Marine Corps, and Navy; that the nominations be confirmed, en bloc, the motions to reconsider be considered made and laid upon the table, en bloc; that any statements relating to the nominations be printed in the RECORD, as if read, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

The nominations, considered and confirmed, are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Burton M. Field

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Frank J. Kisner

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Jeffrey L. Harrigian
Colonel John F. Newell, III
Colonel Mark C. Nowland
Colonel Robert D. Thomas

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. David H. Huntoon, Jr.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Michael H. Miller

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Joseph P. Aucoin
Rear Adm. (lh) Patrick H. Brady
Rear Adm. (lh) Ted N. Branch
Rear Adm. (lh) Paul J. Bushong
Rear Adm. (lh) James F. Caldwell, Jr.
Rear Adm. (lh) Thomas H. Copeman, III
Rear Adm. (lh) Philip S. Davidson
Rear Adm. (lh) Kevin M. Donegan
Rear Adm. (lh) Patrick Driscoll
Rear Adm. (lh) Mark D. Guadagnini
Rear Adm. (lh) Joseph A. Horn
Rear Adm. (lh) Anthony M. Kurta
Rear Adm. (lh) Joseph P. Mulloy
Rear Adm. (lh) Sean A. Pybus
Rear Adm. (lh) John M. Richardson
Rear Adm. (lh) Thomas S. Rowden
Rear Adm. (lh) Nora W. Tyson

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. William E. Gortney

DEPARTMENT OF JUSTICE

Gervin Kazumi Miyamoto, of Hawaii, to be United States Marshal for the District of Hawaii for the term of four years.

Scott Jerome Parker, of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

Laura E. Duffy, of California, to be United States Attorney for the Southern District of California for a term of four years.

Darryl Keith McPherson, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

Stephanie A. Finley, of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1756 AIR FORCE nomination of Kshamata Skeete, which was received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1774 AIR FORCE nomination of Pascal Udekwu, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1774 AIR FORCE nominations (17) beginning MARK R. ANDERSON, and ending JONATHAN A. SOSNOV, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2010.

IN THE ARMY

PN1757 ARMY nominations (10) beginning ALAN C. CRANFORD, and ending WILLIAM A. WARD, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1758 ARMY nomination of Adam S. Colombo, which was received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1759 ARMY nominations (6) beginning CHRISTOPHER W. SOIKA, and ending ELIZABETH REMEDIOS, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1775 ARMY nominations (12) beginning FRED M. CHESBRO, and ending DEREK J. TOLMAN, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1776 ARMY nominations (7) beginning MONIQUE C. BIERWIRTH, and ending DAVID E. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1777 ARMY nomination of Carolyn A. Waltz, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1778 ARMY nominations (8) beginning DENNY S. HEWITT, and ending JOHN D. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1804 ARMY nomination of Adam H. Hamawy, which was received by the Senate and appeared in the Congressional Record of May 18, 2010.

PN1808 ARMY nominations (36) beginning STEPHEN W. AUSTIN, and ending NATHAN L. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of May 19, 2010

IN THE FOREIGN SERVICE

PN1621 FOREIGN SERVICE nominations (326) beginning Judith Hinshaw Semilota, and ending Gregory S. Stanford, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2010.

IN THE MARINE CORPS

PN1796 MARINE CORPS nomination of David S. Phillips, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

IN THE NAVY

PN1760 NAVY nomination of John J. Kemerer, which was received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1761 NAVY nominations (36) beginning ROBIN E. ALFONSO, and ending CHADRICK O. WITHROW, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1779 NAVY nomination of John M. Holmes, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1780 NAVY nomination of Leonard J. Long, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1781 NAVY nomination of Alexander Davila, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1782 NAVY nomination of Antonio L. Scinicariello, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1783 NAVY nomination of Christopher R. Swanson, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1784 NAVY nomination of Dominick E. Floyd, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1785 NAVY nomination of Joseph A. Nellis, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1786 NAVY nomination of Rachel J. Velasco-Lind, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1805 NAVY nomination of David S. Weldon, which was received by the Senate and appeared in the Congressional Record of May 18, 2010.

PN1809 NAVY nominations (8) beginning JAMES L. BROWN, and ending MATTHEW B. REED, which nominations were received by the Senate and appeared in the Congressional Record of May 19, 2010.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open until 1:30 p.m. today for the introduction of legislation, submission of statements, and cosponsorships.

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

AUTHORITY TO FILE COMMITTEE-REPORTED BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that during the adjournment of the Senate, Senate committees may file committee-reported Legislative and Executive Calendar business on Friday, June 4, 2010, during the hours of 12 noon to 2 p.m.

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

ORDERS FOR MONDAY, JUNE 7, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 282 until 2 p.m. on Monday, June 7;

that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each; further, that at 4:30 p.m., the Senate proceed to executive session as provided under the previous order.

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

PROGRAM

Mr. REID. Mr. President, under a previous order, there will be a series of votes at 5:30 p.m. on the confirmation and nomination of three district court judges on the Monday we get back.

ADJOURNMENT UNTIL MONDAY, JUNE 7, 2010, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 12:11 p.m., adjourned until Monday, June 7, 2010, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, May 28, 2010:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BURTON M. FIELD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK J. KISNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JEFFREY L. HARRIGIAN
COLONEL JOHN F. NEWELL III
COLONEL MARK C. NOWLAND
COLONEL ROBERT D. THOMAS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID H. HUNTOON, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL H. MILLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JOSEPH P. AUCOIN
REAR ADM. (LH) PATRICK H. BRADY
REAR ADM. (LH) TED N. BRANCH
REAR ADM. (LH) PAUL J. BUSHONG
REAR ADM. (LH) JAMES F. CALDWELL, JR.
REAR ADM. (LH) THOMAS H. COPEMAN III
REAR ADM. (LH) PHILIP S. DAVIDSON
REAR ADM. (LH) KEVIN M. DONEGAN
REAR ADM. (LH) PATRICK DRISCOLL
REAR ADM. (LH) MARK D. GUADAGNINI
REAR ADM. (LH) JOSEPH A. HORN
REAR ADM. (LH) ANTHONY M. KURTA
REAR ADM. (LH) JOSEPH P. MULLOY
REAR ADM. (LH) SEAN A. PYBUS
REAR ADM. (LH) JOHN M. RICHARDSON
REAR ADM. (LH) THOMAS S. ROWDEN
REAR ADM. (LH) NORA W. TYSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. WILLIAM E. GORTNEY

DEPARTMENT OF JUSTICE

GERVIN KAZUMI MIYAMOTO, OF HAWAII, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII FOR THE TERM OF FOUR YEARS.

SCOTT JEROME PARKER, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

LAURA E. DUFFY, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR A TERM OF FOUR YEARS.

DARRYL KEITH MCPHERSON, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

STEPHANIE A. FINLEY, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

AIR FORCE NOMINATION OF KSHAMATA SKEETE, TO BE MAJOR.

AIR FORCE NOMINATION OF PASCAL UDEKWU, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH MARK R. ANDERSON AND ENDING WITH JONATHAN A. SOSNOV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2010.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH ALAN C. CRANFORD AND ENDING WITH WILLIAM A. WARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2010.

ARMY NOMINATION OF ADAM S. COLOMBO, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH CHRISTOPHER W. SOIKA AND ENDING WITH ELIZABETH REMEDIOS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2010.

ARMY NOMINATIONS BEGINNING WITH FRED M. CHESBRO AND ENDING WITH DEREK J. TOLMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2010.

ARMY NOMINATIONS BEGINNING WITH MONIQUE C. BIERWIRTH AND ENDING WITH DAVID E. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2010.

ARMY NOMINATION OF CAROLYN A. WALTZ, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH DENNY S. HEWITT AND ENDING WITH JOHN D. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2010.

ARMY NOMINATION OF ADAM H. HAMAWY, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH STEPHEN W. AUSTIN AND ENDING WITH NATHAN L. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 19, 2010.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JUDITH HINSHAW SEMILOTA AND ENDING WITH GREGORY S. STANFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2010.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF DAVID S. PHILLIPS, TO BE LIEUTENANT COLONEL.

IN THE NAVY

NAVY NOMINATION OF JOHN J. KEMERER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH ROBIN E. ALFONSO AND ENDING WITH CHADRICK O. WITHROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2010.

NAVY NOMINATION OF JOHN M. HOLMES, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF LEONARD J. LONG, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF ALEXANDER DAVILA, TO BE COMMANDER.

NAVY NOMINATION OF ANTONIO L. SCINICARIELLO, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF CHRISTOPHER R. SWANSON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF DOMINICK E. FLOYD, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF JOSEPH A. NELLIS, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF RACHEL J. VELASCO-LIND, TO BE COMMANDER.

NAVY NOMINATION OF DAVID S. WELDON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JAMES L. BROWN AND ENDING WITH MATTHEW B. REED, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 19, 2010.

EXTENSIONS OF REMARKS

HONORING LIEUTENANT COLONEL ALAN L. HINSON

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. BACHUS. Madam Speaker, as we prepare to honor our veterans this Memorial Day, it is an appropriate time to recognize the service of Lieutenant Colonel Alan L. Hinson for his dedicated work as the Executive Director of Operation Grateful Heart in Alabama.

Alabama has a proud heritage of supporting our troops in uniform and our returning veterans. Lieutenant Colonel Alan Hinson upheld this tradition when he was appointed by Governor Bob Riley to serve as the Executive Director of Operation Grateful Heart. He has been responsible for ensuring that all military personnel and their families receive appropriate recognition, tangible support, and neighborly care. The program provides caring assistance for our troops, both as they fight terrorism and defend freedom overseas and when they return home and require employment and veterans services in their communities.

Lieutenant Colonel Alan Hinson's concern and compassion have come from his own experiences. He served in the U.S. Army from January 1969 until June 1991. He was a helicopter pilot during the Vietnam War, flying combat aerial missions for the 145th Combat Aviation Battalion, as well as direct support missions in support of ground troops in the III Corps and V Corps regions of South Vietnam. He also served several tours of duty at Fort Rucker, Alabama as both a flight and ground instructor. Later in his career, he returned to his basic branch of Field Artillery, where he served with the 2nd Infantry Division in Korea, 3rd Armored Division in Germany, 2nd Army in Atlanta, and Army Forces Command in Atlanta.

In 1995, Lieutenant Colonel Alan Hinson returned to Alabama, where he served military veterans and their families for nine and a half years as counselor and case manager with the Alabama Intensive Veterans Employment (ALIVE) Program. The ALIVE program helped veterans encountering employment barriers return to the workforce by providing vocational assistance, job-specific training, work experience, and other supportive services. From 2005 through April 2007, Lieutenant Colonel Alan Hinson supplied assistance to Alabama citizens who had lost their jobs either from trade-related layoffs or as a result of disasters such as Hurricane Katrina.

Lieutenant Colonel Alan Hinson is married to the former Celia Marie Sullivan of Troy, Alabama. They have one daughter, Rochelle Hughes, a nursing instructor at Mississippi University for Women in Columbus, Mississippi; one son, Chief Warrant Officer Scott Hinson, currently serving with the 3rd Infantry Division at Forward Operating Base Falcon in Iraq; and five grandchildren.

Lieutenant Colonel Alan Hinson has devoted his life to his family, his country, and our brave men and women in uniform. As he retires from his service as Executive Director of Operation Grateful Heart, it is now our welcome opportunity to salute him for his dedication to the United States of America and to the well-being of our troops and veterans.

IN HONOR OF JUDGE ANN ALDRIDGE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. KUCINICH. Madam Speaker and Colleagues, I rise today in honor and remembrance of Judge Ann Aldridge, an accomplished jurist who served as Federal District Judge for the Northern District of Ohio and helped to pave the way for all women lawyers.

Judge Aldridge had a joy for life and a passion for service. She lived around the world, but she found her final home in Northeast Ohio. After World War II, she volunteered to rebuild rail lines in Yugoslavia. She graduated second in her New York University of Law class, in which she was the only woman. She would go on to her earn master and doctoral law degrees from NYU as well. She worked in Washington D.C. for the International Bank for Reconstruction and Development and the Federal Communications Center (FCC). Later, representing the United Church of Christ, she sued the FCC to make it easier for minorities in the south to own radio stations.

Judge Aldridge moved to Shaker Heights to join the Cleveland-Marshall College of Law, where she became the school's first tenured woman professor. She taught one of the nation's first environmental law classes and helped develop minority outreach programs. She was first appointed to the U.S. District Court by President Carter in 1980 and served as an accomplished jurist until her retirement in 1995. She was the first female federal district court judge in Ohio, and even after her retirement she continued to remain active in the law.

Madam Speaker, please join me in honor and remembrance of Judge Ann Aldridge, a trailblazer who paved the way for women in the law and enriched our nation through her deft interpretation and application of the law. I offer my condolences to her four sons, James Mooney, Allen Mooney, Martin Aldrich, William Aldrich, and her eight grandchildren.

DEKALB COUNTY POLICE AND SHERIFF DEPARTMENTS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker:

Whereas, the DeKalb County Police and Sheriff Departments have been and continue to be the public safety departments for citizens throughout DeKalb County; and

Whereas, Major Jeffery K. Cato has given of himself for the past 26 years as a law enforcement officer for the citizens of DeKalb County and has given exceptionable and distinguished service to our citizens by providing guidance, protection and leadership; and

Whereas, Major Jeffery K. Cato is a proven leader and decorated officer with a heart of a lion and the spirit of an angel; and

Whereas, Major Cato is retiring from his career in DeKalb County, he will begin a new career as Chief of Police in West Point, Georgia; and

Whereas, DeKalb County is proud to have been served by Major Jeffery K. Cato, who gave of himself daily without any need for praise and fame, he has always served valiantly and honorably, a modern day knight; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Major Jeffery K. Cato for his outstanding leadership and service to our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim May 29, 2010, as Major Jeffery K. Cato Day in the Fourth Congressional District of Georgia.

THE EUNICE KENNEDY SHRIVER ACT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. DELAURO. Madam Speaker, I rise today in proud support of H.R. 5190, the Eunice Kennedy Shriver Act, which reaffirms this body's support of the goals and accomplishments of the Special Olympics.

For over four decades now, the Special Olympics has improved the health, confidence and self-esteem of Americans with intellectual disabilities. In fact, it has become such an institution now that we sometimes take it for granted, and forget what life was like for the intellectually disabled before the Special Olympics. Too often, these Americans were shuttered away in institutions, sentenced to lives of solitude, emptiness and sadness.

But today, thanks to the hard work of the late Eunice Kennedy Shriver, her son Timothy Shriver, and countless volunteers over the past four decades, Americans with intellectual disabilities are now much more woven into the fabric of community life. Over three million Special Olympians hailing from 180 countries now train and compete year-round in 30 sports and counting.

In sum, the Special Olympics works to break down barriers of prejudice against the intellectually disabled, improve the public health, and bring communities together

through promoting shared values of dedication, athleticism, perseverance, teamwork, and play.

The good work of the Special Olympics is summed up in its motto: "Let me win, but if I cannot win, let me be brave in the attempt." It is a motto that captures the spirit of the organization, and of the champion and visionary who worked so hard on its behalf for so many years, Eunice Kennedy Shriver. And it is only fitting this bill, reauthorizing the Special Olympics Sport and Empowerment Act of 2004, be given her name.

I encourage my colleagues to be brave today, to stand up for Americans with intellectual disabilities, and to support the Eunice Kennedy Shriver Act and the Special Olympics.

TRIBUTE TO RAMON ALVAREZ, 2010 FATHER OF THE YEAR RECIPIENT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and congratulate an individual from my Congressional District who will be presented with the 2010 Father of the Year Award next week in Riverside, California.

The purpose of the Father of the Year Awards is to honor fathers who have remained a positive role model for their children while also making a positive difference in their community.

Ramon Alvarez is one of those fathers. He is married to his wife Araceli and together they have three children. He is also President of Alvarez Lincoln-Mercury and Alvarez Jaguar, and throughout his successful career, Ramon has made a strong commitment to local and civic activities.

I am proud to call Ramon a fellow community member and American. And today, I add my voice to the many who will be congratulating him on this well-deserved recognition.

AZERBAIJAN REPUBLIC DAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. WOOLSEY. Madam Speaker, I rise to honor the people of the Republic of Azerbaijan as they prepare to celebrate Republic Day on May 28.

Azerbaijan's Republic Day commemorates the day that this nation, located on the shores of the Caspian Sea, south of Russia and north of Iran, declared its independence from the Russian Empire in 1918, as the first Muslim democracy.

The new democracy granted women the right to vote in 1919, a year before the 19th Amendment was passed in the United States granting U.S. women that right.

Their independence was tragically short, as the Soviet Union invaded the tiny nation in 1920—altering Azerbaijan's dream of democracy in the 20th Century. That dream reemerged in 1991 when the brutal Soviet regime finally passed to the dustbin of history, and Azerbaijan declared its independence yet again.

My congratulations to the people of Azerbaijan: congratulations on the anniversary of Republic Day, and for your continued efforts and commitment to build a strong democracy in the critically important region of the South Caucasus.

CELEBRATING ASIAN/PACIFIC AMERICAN HERITAGE MONTH

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Ms. RICHARDSON. Mr. Speaker, I rise today in strong support of H. Res. 1316, celebrating Asian Pacific American Heritage Month. I thank my California Delegation colleague, Congressman HONDA, for his work in bringing this resolution to the floor today.

This is a very exciting time for the Asian American Pacific Islander (AAPI) community and I am looking forward to continuing to work with my colleagues in the Congressional Asian Pacific American Caucus and with the Obama Administration to promote AAPI priorities.

The 37th Congressional District of California, which I am privileged to represent, is home to one of the largest Asian constituencies in the nation, including large communities of Filipinos, Samoans and Cambodians. My district is home to the largest Cambodian population in the United States, and the second largest Cambodian population in the world outside of Cambodia. I am proud to be a member of the Congressional Asian Pacific American Caucus which truly represents my Asian Pacific American constituents' interests.

The month of May was chosen to celebrate Asian Pacific American Heritage for two significant reasons. On May 7, 1843, the first Japanese immigrants arrived to our country and on May 10, 1860, the first transcontinental railroad was completed. The transcontinental railroad transformed our nation and could not have been completed without the inclusion of Chinese immigrants.

Dalip Singh Saund was the first Asian American elected to Congress in 1957. Less than a decade later, Patsy Mink became the first Asian American woman elected to Congress. Both overcame adversity to pave the way for all minorities, including DANIEL INOUYE, a Medal of Honor winner who has served in the Senate for nearly a half century. Today, we have seven Members of Congress who are of Asian descent.

Despite the challenges and adversity that Asian Pacific Americans have experienced, many have forged ahead and made significant contributions to this great nation. History was made when we elected a President with such significant personal ties to the Asian Pacific community. President Obama spent his childhood in Hawaii and Indonesia. One of President Obama's first guests to the Oval Office was the Prime Minister of Japan, Taro Aso. Further, President Obama appointed three Asian Americans to his cabinet: Secretary of Energy, Dr. Steven Chu; Secretary of Commerce, Gary Locke; and Secretary of Veterans Affairs, Eric Shinseki.

I have much hope for the future because all Americans are working together hand in hand to ensure the equality and advancement not only of their community, but of all communities.

Mr. Speaker, let me again thank Congressman HONDA, Chair of the Congressional Asian Pacific American Caucus, for his leadership in introducing this resolution. I look forward to celebrating the accomplishments of Asian Pacific Americans this year and for years to come! Thank you.

HONORING BAY NEWS ON ITS 65TH ANNIVERSARY

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. WEINER. Madam Speaker, I rise to recognize exceptional work of the staff of the Bay News, a newspaper that serves southern Brooklyn, in honor of its 65th anniversary.

Though the hard-hitting reporters at the Bay News cover issues that affect all New Yorkers, they specialize in local news that focuses on the neighborhoods of Bensonhurst, Brighton Beach, Coney Island, Gerritsen Beach, Gravesend, Manhattan Beach, Seagate and Sheepshead Bay. It's not an exaggeration to say that if something happens in this part of the City, the Bay News will know about it.

The groundwork for what is now the Bay News was first established in 1944 when Charlie Peterson started printing the "Sheepshead Bay Service News", a newsletter for the families of troops serving overseas in World War II. Over the years, that small newsletter merged with other local papers from across the borough to become what is now a publication with a circulation of more than 15,000.

As my staff knows, my Thursdays don't truly begin until I've read the Bay News. This storied publication has been on the scene for all of the defining moments that have shaped New York City over the past 65 years, and I know that it will be there for whatever happens next.

Day in and day out, week after week, The Bay News covers everything from local community board meetings to arts and movies to national politics. As I know firsthand, the paper's reporters aren't afraid to ask the tough questions. They work tirelessly to provide the community with the news and information that is so vital to a robust democracy and the civic life we take for granted.

That is why I am pleased and honored to congratulate the entire staff of the Bay News on all their success and contributions on the occasion of the paper's 65th anniversary and I wish them all many successful years to come. We should commend editor Vince DiMiceli, publisher Clifford Luster; assistant editors Shavana Abruzzo, Joanna Del Buono, Meredith Deliso, Courtney Donahue; calendar editor Erica Sherman; reporters Thomas Tracy and Joe Maniscalco; vice president of advertising Ralph D'Onofrio; classified manager Amanda Tarley; and production manager Keith Oechsner.

RECOGNIZING THE BUILDING EFFORTS OF ''HOMES FOR OUR TROOPS'' IN WARREN COUNTY, VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. WOLF. Madam Speaker, I rise today to recognize the ''Homes for Our Troops'' program in Warren County, Virginia, and bring to the attention of our colleagues a program at work throughout the country building houses for injured veterans returning home from serving our country.

Homes for Our Troops is a national nonprofit, non-partisan organization founded in 2004 and committed to helping those who have selflessly given to our country and have returned home with serious disabilities and injuries since September 11, 2001. They feel a duty and honor to assist severely injured servicemen and women and their immediate families by raising donations of money, building materials and professional labor, and to coordinate the process of building a home that provides maximum freedom of movement and the ability to live more independently.

John Gonsalves, a construction supervisor, started the organization in 2004 after watching a news report of a severely injured servicemember who had returned from Iraq. He realized the need for special housing projects for injured service members. He focused on constructing customized homes with specially adapted and barrier-free features that allow servicemembers to regain some of their independence and mobility.

In its first 2 years, Homes for Our Troops built a handful of homes as it worked to spread the word about its mission. Since then, the organization has grown into a successful national nonprofit organization that has built and donated more than 50 specially adapted homes to severely injured veterans. It has approximately 30 homes in various stages of construction across the United States on a continuous basis. All the services that this organization provides are at no cost to the recipient.

Most recently, volunteers helped to complete a home for my constituent, Army SSG Arthur ''Bunky'' Woods, who was injured by a sniper's bullet during a tour in Iraq. The Build Brigade, of more than 50 volunteers from the community constructed the frame of Bunky's house in just three days, a project which usually takes several weeks. His new home on Waterhouse Lane in Warren County, Virginia, will be ready by the end of the summer. The home will have controls and special features specifically tailored to Bunky's needs, allowing him to perform everyday actions such as opening doors.

This project would not be possible without the help of Martha Buracker, who is the owner of the Buracker Construction Company in Bentonville. She generously volunteered to be the general contractor for Bunky's home, donating her time and her company's resources. Martha's selfless actions should be an example to all to get involved with this truly remarkable program.

There are hundreds of soldiers who will be needing our help across the country and more coming home each day with life-altering disabilities and injuries sustained while fighting for our freedom. It does not matter what state or which branch of the military these soldiers are from, these are our American heroes, and we all need to unite, support and help them.

I ask that my colleagues join me in supporting this important program so disabled servicemembers can experience the gift of independence.

HONORING DR. DARRON T. SMITH

HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker:

Whereas, the accomplishments of many start with the works and words of one; and

Whereas, Dr. Darron T. Smith has given of himself for many years in the field of education as a student, professor, editor and lecturer; and

Whereas, upon obtaining his doctorate degree with emphasis in the Sociology of Race, Education, Theory, Social Problems, Race & Ethnic Minority Relations; and

Whereas, Dr. Darron T. Smith is serving our country honorably as one of few African American men who have decided to enter into the field of education as a Ph.D., to teach our future and enhance our present while never forgetting our past. Dr. Smith is sharing his time and talents for the betterment of our community and our nation through his tireless works, words of encouragement and inspiration that have been and continue to be a beacon of light to those in need; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Dr. Darron T. Smith on his achievement of earning his Ph.D., from the University of Utah, May 7, 2010, and to congratulate him as he provides a much needed service to educate and enlighten our future for the betterment of our great nation;

Now therefore, I, HENRY C. ''HANK'' JOHNSON, Jr., do hereby proclaim May 15, 2010, as Dr. Darron T. Smith Day in the 4th Congressional District.

IN HONOR OF THE 70TH ANNIVERSARY OF THE UKRAINIAN CONGRESS COMMITTEE OF AMERICA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. KUCINICH. Madam Speaker and Colleagues, I rise today in honor and recognition of the 70th anniversary of the Ukrainian Congress Committee of America (UCCA), celebrated on May 19, 2010 in Washington, D.C.

For seventy years, the Ukrainian Congress Committee of America, a non-partisan organization, has sought to raise awareness of the interests and concerns of Ukrainian Americans and the people of the Ukraine. The UCCA has worked on many initiatives, including a law adopted by Congress in 1948 which allowed more than 110,000 Ukrainians to be admitted into the United States. The UCCA has worked on the establishment of Ukrainian language radio programs with Voice of America and Radio Free Liberty. The UCCA also successfully lobbied both the House of Representatives and Senate to construct a monument in honor of Taras Shevchenko, the bard of Ukraine, which was unveiled by former President Dwight D. Eisenhower in 1946.

Throughout the Cold War, the Ukrainian Congress Committee of America spoke out against human rights violations and advocated for the liberation of Ukrainian political prisoners in the former USSR. The grassroots efforts of the UCCA continue to focus on encouraging members of Congress to support the process of democratic development in the Ukraine and to promote the needs and concerns of Ukrainian Americans.

Madam Speaker, please join me in honor and recognition of the members of the Ukrainian Congress Committee of America as they celebrate their 70th anniversary. For seven decades they have brought the issues and concerns of Ukrainian Americans to the forefront of American government and society. As United States citizens whose origins span the globe, we must work to promote bonds of friendship, support, and goodwill here at home and in the nations of our origin.

CELEBRATING ASIAN/PACIFIC AMERICAN HERITAGE MONTH

SPEECH OF

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to express strong support for H. Res. 1316—Celebrating Asian Pacific American Heritage Month. I applaud the leadership and continued efforts of Chairman MIKE HONDA, as well as my colleagues in the Congressional Asian Pacific American Caucus for bringing this Resolution before us today.

Asian Pacific American Heritage Month was established in 1977 by the efforts of Representatives Norman Mineta and Frank Horton, and Senators DANIEL INOUYE and Spark Matsunaga who introduced resolutions asking for a Presidential declaration that the first 10 days of May honor the rich history and contributions of our nation's Asian Pacific Americans. In 1992 Congress expanded the commemoration to a month, in order to fully recognize the impact that Asian Americans and Pacific Islanders, AAPIs, have on this great Nation.

From the early 1800s to today, Asian Americans and Pacific Islanders have played a critical role in the development of this country. This year's theme: ''Lighting the Past, Present and Future,'' is fitting as the world's attention turned to the United States to see the historic inauguration of President Barack Hussein Obama. President Obama's diversity reflects the richness and strength of our nation.

We must reaffirm our commitment to the promise of a future for all Americans by eradicating racial and ethnic health disparities, enacting comprehensive immigration reform, providing educational opportunities for the underserved and creating jobs. I am proud that we ensured full equity for the Filipino veterans who proudly served under the American flag

during World War II when we passed H.R. 1, the American Recovery and Reinvestment Act. I also applaud my colleagues for the recent passage of the Local Law Enforcement Enhancement Hate Crimes Prevention Act, which enables the Department of Justice to assist the efforts of Federal, State, and local law enforcement in investigating and prosecuting hate crimes based on race, ethnic background, and religion, and extends protections to more Americans.

From the construction of the transcontinental railroads to the heroic contributions in World War II and beyond, Asian Americans and Pacific Islanders have made lasting contributions in every facet of American society. We must continue to acknowledge the great achievements this vast and diverse community has provided this nation and I urge my colleagues to support to this resolution.

HONORING DOTTIE McLAUGHLIN

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. CULBERSON. Madam Speaker, I rise today to pay tribute to Dottie McLaughlin of United Space Alliance. On June 1, 2010, United Space Alliance will host a Retirement Dinner in Houston, Texas, honoring Dottie's exemplary career supporting America's Space Program.

Dottie began her career supporting human space flight on May 1, 1984 at the NASA Johnson Space Center as a secretary, in the Mission Operations Training Division. She rapidly progressed in the Rockwell Space Operations Company to the position of executive assistant to the president and general manager. In April 1996, all Space Shuttle contracts were transferred to United Space Alliance. Dottie was instrumental in supporting a smooth transition to the new company and the merger of a 10,000-person workforce from 30 different contracts over the next 14 years. Dottie has served as executive assistant to all seven of United Space Alliance's chief executive officers, from Kent Black to Virginia A. Barnes, and has earned the respect of all she has encountered in this journey. Dottie represents the heart and soul of United Space Alliance. With her passion for human space flight, she has poured her energy into the successes that the Space Shuttle program has enjoyed. Through the success of the Space Station construction missions, the two Returns to Flight shuttle missions and early phases of Constellation, Dottie's strength of character fortifies those around her. To many, she represents the very best of the human space flight workforce, and she exemplifies the dedication and commitment to excellence of all those who support our Nation's space program.

Dottie McLaughlin is committed to her country, her family and the welfare of the workers at United Space Alliance. Her passion for human space flight has earned her the deep respect of her colleagues in industry, NASA and the Congress. To quote Dottie, ''the most rewarding part of this job has always been the people. Helping the people, be they astronauts, technicians, politicians or fellow administrators, has fulfilled me in ways I could have never imagined. I am grateful for the role I have played in the Nation's space shuttle program over the years.''

I join Dottie McLaughlin's colleagues and friends in honoring her contribution and service to the Nation's space program.

RECOGNIZING THE MERRIAM AVENUE SCHOOL

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. GARRETT of New Jersey. Madam Speaker, today, the Newton Police Department will hold its D.A.R.E. graduation ceremony with the fifth graders of the Merriam Avenue School. The young people participating in this important program have made a commitment to say no to drugs, underage drinking, and gang violence. They have done this with the support of Detective Lieutenant Michael S. Richards and D.A.R.E. officer, Det. Tom Tosti.

Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our nation's school districts and in more than 43 other nations. This program allows children to defeat negative cultural influences by opening the lines of communication between law enforcement and youth, empowering students with confidence and courage to say no to drugs. I am proud of the young men and women who participated in this program in Newton, and I would like to recognize them all for taking this step toward positive citizenship:

Miguel Carlitos Camacho, Robert Caton, Anoushka Chatterjee, Cinthia Diaz-Moreno, Cheyenne Fletcher, Jason Gabbard, Nicholas Giracello, Seth Gormley, Brian Hoskins, Summer Muscher-Malone, Jadea Nobles, Zachary Norman, Logan Owens, Mia Randazzo, Isaiah Reese, Melissa Robinson, Charles Sherwood, Nicole Strus, David Zambrano, Joselyne Acosta Barradas, Mason Allen, Isabela Bryant, Mark Capparelli, April Ciccia, Faith D'angelo, Alexander Duckworth, John Foran, Andrew Ghaleb, Skylar Hildebrant, Mackenzie Kimble, Destany Masino, Zoie Meininger, Amber Pierce, Lisa Qarmout, Jose Rodriguez, Liam Shernce, Chandler Spencer, Brandon Turner, Luis Arrazola, Paula Barth, Blade Boyer, Marcus Coward, Holly Donovan, Gift Ingabire, Brooke Ingram, Austin Kalaydjian, Julie Ann Leatham, Lindsay Luchetti, Charles Maker, Gregory Rinehart, Abel Sanchez, Hannah Squires, Kathryn Szatkiewicz, Sean Tracy, Kathryn Van Orden, Melanie Villacis-Mora, Kenneth Whitehead, Jasmine Aguilar, Olivia Castimore, Andre Chavarria, Robert Day, Casie Dolan, Gina Donatelli, Timothy Fitzpatrick, Hunter Grave de peralta, Collin Kelly, Willie Little, Rhiannon Lubas, Alecia Marmora, Francis Militano, Natalia Quintero, Adeline Shickel, Tevin Spencer, Taylor Thieme, Matthew Unorski.

URGING INDIVIDUAL AND COMMUNITY PREPAREDNESS

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. BILIRAKIS. Madam Speaker, this week is National Hurricane Preparedness Week and I encourage all Americans to ensure they are prepared in the event of a hurricane or other natural disaster.

Officials at all levels of government are working to ensure they are prepared to respond to any disaster that may impact their areas. However, disaster preparedness is not only a government responsibility. Individuals and families have an important role to play as well.

Individuals should make a disaster preparedness kit with items like water, nonperishable food, a first aid kit, flashlights, medications, and copies of important documents. The Florida Division of Emergency Management in my home State has a website, www.floridadisaster.org, which is a great resource for disaster planning. Other States provide these resources as well. Individuals can also visit Ready.gov and Hurricanes.gov for additional information.

Madam Speaker, the time to prepare is now. I urge all Americans to take these simple steps to get prepared to weather the storm.

COMMEMORATING JEWISH AMERICAN HERITAGE MONTH

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. SIRES. Madam Speaker, I rise today to commemorate Jewish American Heritage Month. This May marks the fifth Jewish American Heritage Month, a month that highlights the many contributions of the Jewish American community. In 2006, we celebrated the first Jewish American Heritage Month after the diligent work of Congresswoman DEBBIE WASSERMAN SCHULTZ led to the passage of the Jewish American Heritage Month Resolution in 2005.

While the Jewish American community contributes to our country each and every day, this month is a special time to recognize and teach about the achievements of Jewish Americans. For over 350 years, the Jewish Community has contributed to our rich, diverse, and shared culture in this country. Despite the long history of Jews in the United States, Judaism as a culture is not widely understood by all Americans and instances of anti-Jewish prejudices unfortunately do occur.

This month, events are happening all over the Nation to celebrate Jewish American Heritage Month by promoting awareness of Jewish Americans' traditions and impacts. Jewish American Heritage Month provides all of us with an opportunity to learn more about the Jewish people and dispel misconceptions.

Last winter, the Daniel Pearl Education Center sponsored a trip for 70 teenagers from Middlesex County in New Jersey to visit the U.S. Holocaust Memorial Museum. The students, from all different backgrounds, had the

opportunity to visit the museum and hear from a holocaust survivor. I also offered remarks at this event to echo the life and death importance of tolerance and understanding.

The United States is a country of millions of people from countless distinct backgrounds. It is because of the values and freedoms inherent in our society, that so many diverse cultures are able to find success here. I am pleased to join my colleague in the House of Representatives tonight in honoring the many successes of Jewish Americans.

IN HONOR OF AND RECOGNITION OF THE 20TH ANNIVERSARY OF THE CROATIAN AMERICAN ASSOCIATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. KUCINICH. Madam Speaker and Colleagues, I rise today in honor and recognition of the 20th anniversary of the Croatian American Association, which was celebrated on Saturday, May 15th in Chicago, Illinois.

For twenty years, the Croatian American Association, a non-partisan organization, has sought to bring the interests and concerns of Croatian Americans to the attention of Congress and the Administration. The Croatian American community is vibrant and strong in Cleveland, Chicago and throughout our nation. Croatian Americans have made significant contributions to all levels of culture and society and have made our nation a better place.

The Croatian American Association is focused on rallying members of Congress to support the process of democratic development in Croatia, and providing education to the American people on the significance of supporting democracy in Croatia. For twenty years, members and leaders within the Association have created vital partnerships with Congressional and Senate leaders, with members of the press, and with leaders of numerous cultural and political organizations throughout the country.

Madam Speaker, please join me in honor and recognition of all Americans of Croatian heritage, and the members of the Croatian American Association, as they celebrate 20 years of advancing democracy in Croatia. As United States citizens whose origins span the globe, we must work to preserve and foster bonds of friendship, support, and peace here at home and in the nations of our origin.

HONORING FAIRFIELD BAPTIST CHURCH

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker:

Whereas, Fairfield Baptist Church has been and continues to be a beacon of light to our county for the past 125 years; and

Whereas, Pastor Micheal Benton and the members of the Fairfield Baptist Church family today continue to uplift and inspire those in our county; and

Whereas, the Fairfield Baptist Church family has been and continues to be a place where citizens are touched spiritually, mentally and physically through outreach ministries and community partnership to aid in building up our district; and

Whereas, this remarkable and tenacious Church of God has given hope to the hopeless, fed the needy and empowered our community for the past 125 years by preaching the gospel, singing the gospel and living the gospel; and

Whereas, Fairfield has produced many spiritual warriors, people of compassion, people of great courage, fearless leaders and servants to all, but most of all visionaries who have shared not only with their Church, but with DeKalb County and the world their passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Fairfield Baptist Church family on their 125th Anniversary and for their leadership and service to our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim May 16, 2010, as Fairfield Baptist Church Day in the Fourth Congressional District.

TRIBUTE TO JOHN GLESS, 2010 FATHER OF THE YEAR RECIPIENT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and congratulate an individual from my Congressional District who will be presented with the 2010 Father of the Year Award next week in Riverside, California.

The purpose of the Father of the Year Awards is to honor fathers who have remained a positive role model for their children while also making a positive difference in their community.

John Gless is one of those fathers. He has been married to his wife Janet for 52 years, and has four children and 11 grandchildren. As owner and founder of Gless Ranch, John has been an active member of the California farming community and avid supporter of numerous charitable organizations.

I am proud to call John a fellow community member and American. And today, I add my voice to the many who will be congratulating him on this well-deserved recognition.

CONGRATULATING ISRAEL ON OECD MEMBERSHIP

SPEECH OF

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MCMAHON. Mr. Speaker, I rise today to congratulate our close ally and partner, Israel, for her accession to membership in the Organization for Economic Co-operation and Development. I also want to thank the Congresswoman ILEANA ROS-LEHTINEN for introducing this Resolution, of which I am honored to be an original co-sponsor.

Israel first sought membership in OECD 10 years ago, and since then, Israel has been the most active nonmember country. Her aggressive pursuit of far-reaching economic reforms has led to her placement among the top business-friendly countries. Today, Israel is a world leader in providing access to credit markets, investor protections, and financial market sophistication. Her quality of life index also ranks among the top in life expectancy, judicial independence and legal rights.

The two pillars of the OECD are a commitment to democratic government and a free-market based economy. Its recognition of Israel's advanced economy, however, has been too long in coming and this delay has subjected Israel to too many politicized attacks from unfriendly nations and multilateral institutions.

Now, Israel's membership will strengthen the OECD's strategic economic importance in the world and benefit all members by providing access to Israel's advanced labor market and innovations in science and technology. Their membership also signifies another step forward in the cause to end religious intolerance and anti-Semitic economic and cultural policies.

Israel's commitment to our shared values of democracy, human rights, and freedom make her one the most important strategic allies of the United States. We will continue to support Israel in every way possible and work with her to defend herself against the aggressions of all enemies. I call on all responsible nations to do the same and congratulate OECD and Israel for this momentous partnership.

HONORING THE DECEASED MARINE CORPORAL JEFFREY JOHNSON OF TOMBALL

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. BRADY of Texas. Madam Speaker, I rise today to recognize and honor Marine Corporal Jeffrey Johnson of Tomball, TX, part of the 3rd Battalion 1st Marines, 1st Marine Division, who was killed on May 11, 2010, while on foot patrol by an improvised explosive device south of Marjah in the Garmsir District of Helmand Province, Afghanistan. He was 21 years old.

In 2007, after graduating from Waller High School, Corporal Johnson accepted the call to become one of the few and the proud as a Marine. In doing so, he joined a family legacy of service to America, with grandfathers having served in the Navy and Air Force and four of his uncles in the National Guard.

His family, friends, and fellow Marines recall Corporal Johnson as a smart, humorous, loving, and hard working person. His father, Jerry, said that his son loved being a Marine and believed strongly in America's fight for freedom and against terrorists overseas.

Corporal Johnson leaves behind a wife, Katy, his parents, grandparents, three siblings, and many other family members. He also leaves behind a very proud community. The people of Tomball and Magnolia, Texas, lined the streets of town to welcome this man home, and stand today behind his family and support them in their grief.

Madam Speaker, the Bible says in John 15:13, "Greater love hath no man than this, that a man lay down his life for his friends." Corporal Johnson paid the ultimate price for his fellow Marines, his wife and family, and this country. May we, as the House of Representatives, never forget that our freedoms are given by almighty God and secured by our Armed Forces, one soldier at a time.

IN HONOR OF JESSE CLIFTON ALPHIN, SR., FOR HIS 90TH BIRTHDAY

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. ETHERIDGE. Madam Speaker, I rise today to honor Jesse Clifton Alphin, Sr., for his continued service to his community, county and state.

Jesse Alphin has been my friend for many years, and I am pleased to be able to honor him in recognition of his 90th birthday. Jesse had held many important posts throughout his career, including Rotary Club president, member and chairman of the Harnett County Board of Commissioners, and, notably, the less formal position as a prominent businessman and leader in Harnett County.

A resident of Dunn, North Carolina, Jesse established Alphin Brothers, Inc. in 1947 and has since grown this small family-owned general store into a federally inspected meat manufacturer and food distributor. Alphin Brothers, Inc. provides meat to both small mom-n-pops diners and drive-ins and large distributors and corporate food conglomerates, testimony to its success in the food distribution business. Jesse's integral business leadership in Harnett County has resulted in hundreds of jobs and opportunities for fellow North Carolinians, in addition to quality food and service for over 50 years.

Jesse's strong presence in the business community is matched by his leadership in his church, his community, and as a dedicated family man. His philanthropic endeavors include work with the University of North Carolina at Chapel Hill, Campbell University, and other civic projects to foster the local school system. Jesse's untiring commitment to his wife of over 69 years, Allene, and his children make him a man to be admired. It is a true testament of a man's success to look at the success of his family, and I can honestly say his family has sure shown him to be a mighty successful man.

Madam Speaker, I urge my colleagues to join me today in recognizing Jesse Clifton Alphin, Sr., a man who truly lived the American dream and is still living it. A great friend to me and to North Carolina, I take the time today to wish Jesse a happy birthday and many more.

CONGRATULATING ISRAEL ON OECD MEMBERSHIP

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mrs. MALONEY. Mr. Speaker, I am pleased to join my colleagues in supporting H. Res. 1391, congratulating Israel for its accession to membership in the Organization for Economic Co-operation and Development, OECD. On May 10, 2010, Israel became the 32nd member of the OECD by unanimous vote of the other members. This is an extraordinary achievement for a small, beleaguered nation that came into existence little more than six decades ago.

Sixty-two years ago, Israelis began the difficult process of creating a country from nothing. For more than a thousand years, the territory that is now Israel had been ruled by a series of far-off empires. It had no infrastructure, no history of self-rule, no major industrial base and very few large enterprises.

After Israel's establishment in 1948, Israelis created their own institutions from scratch. Israel has grown from an impoverished backwater colony to an economic powerhouse in the region. And although it has fewer natural resources than most nations of the world, it has made the most of what is has, investing in knowledge, development, innovation and medicine. Today, Israel is a center of scientific, medical and technological innovation, a leader in agriculture, water purification, alternative energy and public health.

Israel is a flourishing democracy, with a strong free press, a free and independent judiciary and a strong banking system that protects the safety and soundness of its financial institutions. The World Bank ranks Israel among the 30 countries in which it is easiest to do business. It is tied for fourth in ease of getting credit and tied for fifth in protecting investors. Similarly, the World Economic Forum rated Israel fifth of 133 nations on the Forum's legal rights index and 15th in judicial independence and 15th in financial market sophistication.

Israel's founders wanted to create an agricultural Garden of Eden—and since much of its territory consists of desert, its farmers developed techniques for growing crops in arid ground, using very little water. These techniques are now being marketed and used in developing nations across the globe. As part of its acceptance into OECD, Israel has agreed to increase its aid to underdeveloped nations in Africa, Asia, and Latin America. As part of that promise, Israel will be sending hundreds of experts in agriculture, water, and irrigation to impoverished areas, as well as experts in alternative energy, public health, education, and internal security. By sharing its knowledge, Israel will be helping its neighbors and improving relationships with developing countries. Even before OECD acceptance, Israel astounded the world by arriving in Haiti with a high tech field hospital that was able to perform sophisticated procedures and save lives.

With oil-producing nations hostile to it, and very little oil or gas of its own, Israel learned to become energy efficient, using solar power and other alternative fuels. With little land and few natural resources, Israel positioned itself at the cutting edge of technological innovation. Many of the technological innovations we take for granted, including instant messaging, security firewalls, artificial stents, wireless computer chips, were developed in Israel. In 2010, the World Economic Forum ranked Israel 27th out of 133 countries in its Growth Competitiveness Index. Israel ranked third in quality of scientific research institutions, fourth in utility patents, seventh in life expectancy, ninth in innovation, 15th in availability of the latest technologies. Israel leads the world in the number of high-technology start-up companies, scientific publications, and research and development spending per capita.

Acceptance in the OECD is a mark of member nations' respect for Israel's economic progress, and it will help Israel attract foreign investors and develop its markets. Membership will enhance Israel's status in the world and will enhance its participation in other international bodies. It is no secret that the Palestinian Authority tried hard to deny Israel membership in the OECD precisely because they were concerned that OECD membership would enhance Israel's reputation in the world and strengthen its ties with other nations around the globe.

Mr. Speaker, Israel's accession to the OECD is a remarkable achievement. I am pleased to join my colleagues in saluting Israel's success and in expressing appreciation to the OECD members for their unanimous decision to accept Israel as a member. For all of the foregoing reasons, I urge my colleagues to support H. Res. 1391.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. WOOLSEY. Madam Speaker, on May 6, 2010, I was unavoidably detained and was unable to record my vote for rollcall No. 302. Had I been present I would have voted: Rollcall No. 302: "yes"—Honoring the workers who perished on the Deepwater Horizon offshore oil platform in the Gulf of Mexico off the coast of Louisiana, extending condolences to their families, and recognizing the valiant efforts of emergency response workers at the disaster site.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor the legislative week of Tuesday, May 18, 2010.

For Tuesday, May 18, 2010, had I been present I would have voted "No" on rollcall vote No. 273 (on motion to suspend the rules and agree to H.R. 2288), "no" on rollcall vote No. 274 (on motion to suspend the rules and agree to H.R. 4614), "aye" on rollcall vote No. 275 (on motion to suspend the rules and agree to H. Res. 1327).

For Wednesday, May 19, 2010, had I been present I would have voted "no" on rollcall vote No. 276 (on motion to suspend the rules and agree to H.R. 1514), "no" on rollcall vote No. 277 (on motion to suspend the rules and agree to H.R. 5325), "aye" on rollcall vote No. 278 (on motion to suspend the rules and agree to H. Res. 1325), "aye" on rollcall vote No. 279 (on motion to suspend the rules and agree to H. Res. 1362), "aye" on rollcall vote No. 280 (on motion to suspend the rules and agree to H.R. 5099), "aye" on rollcall vote No. 281 (on motion to suspend the rules and agree to H. Res. 403), "aye" on rollcall vote No. 282 (on motion to suspend the rules and agree to H. Res. 1292), "aye" on rollcall vote No. 283 (on motion to suspend the rules and agree to H. Res. 1364).

For Thursday, May 20, 2010, had I been present I would have voted "aye" on rollcall vote No. 284 (on motion to suspend the rules and agree to H.R. 5327), "aye" on rollcall vote No. 285 (on motion to suspend the rules and agree to H. Res. 1256), "aye" on rollcall vote No. 286 (on motion to suspend the rules and agree to H. Res. 1336), "aye" on rollcall vote No. 287 (on motion to suspend the rules and agree to H. Res. 1361), "no" on rollcall vote No. 288 (on ordering the previous question on H. Res. 1363), "aye" on rollcall vote No. 289 (on agreeing to H. Res. 1363), "aye" on rollcall vote No. 290 (on motion to suspend the rules and agree to H.R. 5128).

IN HONOR AND RECOGNITION OF THE GREATER CLEVELAND PEACE OFFICERS MEMORIAL SOCIETY 25TH ANNUAL POLICE MEMORIAL COMMEMORATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the Greater Cleveland Peace Officers Memorial Society upon the occasion of the 25th anniversary of the Police Memorial Commemoration. Today, we remember the men and women in blue who have made the ultimate sacrifice on behalf of the citizens of our community.

In 1985, a group of police officers gathered after the funeral of a fellow officer killed in the line of duty. They discussed forming a union of officers, family members and citizens, and together they formed the Greater Cleveland Peace Officers Memorial Society. The mission of the Society is to honor those peace officers who have sacrificed their lives to protect others in the Greater Cleveland area. The Society adopted the motto: "In Honore Casorum," Latin for "Honor Our Fallen."

The Peace Officers Memorial Society provides support and assistance to the family members of officers who have died in the line of duty. They also provide support and assistance to police officers injured in the line of duty and work in tandem with law enforcement agencies and leaders with the planning and implementation of Line of Duty funerals. They also establish scholarship funds and work on strengthening police-community relations and community outreach initiatives.

Madam Speaker and colleagues, please join me in recognition of the Greater Cleveland Peace Officers Memorial Society as they continue their mission to honor the fallen, support the families of slain officers, and strengthen and promote bonds between police and community. We must recognize and remember every peace officer who has made the ultimate sacrifice in the line of duty. Their selfless service and sacrifice, and the great sacrifice of their families, will not be forgotten.

HONORING BISHOP WILLIAM L. SHEALS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker:

Whereas, Bishop William L. Sheals is celebrating 30 years in pastoral leadership this year and has provided stellar leadership to his church on an international level; and

Whereas, Bishop William L. Sheals, under the guidance of God, has pioneered and sustained Hopewell Missionary Baptist Church, as an instrument in our community that uplifts the spiritual, physical and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man of God has given hope to the hopeless, fed the hungry and is a beacon of light to those in need; and

Whereas, Bishop William L. Sheals is a spiritual warrior, a man of compassion, a fearless leader and a servant to all, but most of all a visionary who has shared not only with his Church, but with our district and the world his passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Bishop William L. Sheals as he celebrates 30 years in pastoral leadership;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr., do hereby proclaim May 16, 2010, as Bishop William L. Sheals Day in the Fourth Congressional District.

REITERATING THIS CONGRESS'S COMMITMENT TO AMERICA'S SENIORS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. MATSUI. Madam Speaker, Democrats have an unassailable record when it comes to protecting the rights of seniors, and I rise today to thank all of my fellow Seniors Task Force Members for their continued commitment to America's seniors.

As the party that consistently fights efforts to dismantle Social Security and Medicare, we understand that many older Americans depend on these federal programs just to make ends meet. These parts of the social safety net constitute a right of all seniors to meet their needs for financial security and high quality, affordable health care.

The current Medicare system already delivers the best care in the world and it is strengthened by provisions in the health-care bill that was recently signed into law. Our bill fulfills this right to affordable medicines by beginning to close the "donut hole," a process which is starting this year. The right to quality, affordable health care also means helping seniors avoid getting sick—our bill makes preventive care free for Medicare beneficiaries.

Seniors also have the right to a secure retirement, including a secure pension. Democrats will take action to secure this right in the coming weeks.

And one of the most important rights that every American senior has is the right to live with dignity. Federal policy should therefore be aimed at empowering seniors to make important decisions with family members, not insurance bureaucrats.

Seniors have a right to be protected from scams and fraud including credit card company abuses, identity theft, and mortgage schemes. That's why the financial reform legislation, which will be sent to the President in the coming weeks, is so critical to enact immediately. By reining in the ability of Wall Street executives to gamble away our retirements we will help put our economy on a path to financial stability. We will fulfill this right of America's seniors to have economic security and create an economy that we will be proud to pass on to future generations.

Madam Speaker, America's seniors want to guarantee America's place as a leader in a global economy by reinvesting in manufacturing and American-made goods, training students to be the workforce of the future, and ensuring there are job opportunities for anyone who wants or needs one.

Thanks to the Recovery Act, the Affordable Care Act, and the Wall Street Reform Act this Congress is making each of these rights a reality for our seniors.

CELEBRATING THE 120TH ANNIVERSARY OF THE QUIHI GUN CLUB

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. RODRIGUEZ. Madam Speaker, I am proud to rise today to recognize and celebrate the 120th Anniversary of the Quihi Gun Club. This is the oldest gun club in the country and counts a membership of over 1,000 people.

The Club, originally built to defend against Indian attacks, is the oldest continuous running gun club in the United States where members continue to meet each month. Two German men met under an oak tree on Quihi Creek on May 26, 1890 to organize the Quihi Schuetzen (shooting) Verein (club); now called the Quihi Gun Club and Dance Hall. The Quihi Gun Club hosts an annual turkey shoot in the fall, fundraising for the Make-a-Wish foundation, and hosts the Medina County Riders' Annual Trail Ride scholarship for Medina County students.

The club is based in Quihi, Texas, a quiet rural farming community with a population of about 200. Quihi is located about midway between Hondo and Castroville, north of Hwy 90 on State Road 2676. There is one state highway that runs through Quihi with a lot of county and private roads that branch off of it. The area that would come to be known as Quihi

was originally settled by Lipans, Kiowa, Kickapoo and Comanche Indians. The Indians named the area ''quichi'' (pronounced keechee) after the large brown bird with white feathers on its tail and tips of its wings. Quihi was founded in 1844 by Henri Castro on the banks of what was to be called Quihi Creek.

Quihi was established in March 1846 by 10 families of German/French colonists brought to Texas by Emprasario Henri Castro. Families set out from Castroville and moved 10 miles west to site at Quihi Lake. Original settlers in the area came from Alsace-Lorraine, Germany, Belgium and Mexico. This area was attacked by Indians shortly after settlement and several times thereafter. It is the site of first public free school in Medina County as well as a German-English school. The population of the community grew through the latter part of 19th century but began to dwindle after the 1900s, as young people moved to other nearby towns and cities. Today only a few families remain in this community surrounded by heavily settled farm land. Many family-owned businesses, farms and ranches are still owned by descendants of the original families.

Several of Texas' greatest Legends like Pappy Selph, Caesare Masse, and Cliff Bruner have spent many nights in Dance Halls like this. I extend my most sincere congratulations to the Quihi Gun Club on their 120th Anniversary. I am proud of their success and hope that they continue to expand their club membership as they provide their services not only to their community, but to audiences from all over for many years to come.

Early this month the town of Quihi was struck by a devastating flood of the Quihi Creek. Three businesses closed, the area was temporarily without electricity and a large section of pavement was washed away on FM 2676. According to newspaper reports the Quihi Gun Club and Dance Hall was hit with two feet of water and had a slightly damaged dance floor. Despite the damage, the public dance proceeded as scheduled that week.

The history of this beautiful, small rural community can boast of their heritage for over 160 years. It is delightful that the traditions of the Quihi Gun Club can add to this exemplary and truly American community. I am proud to represent the people of Quihi and to recognize the Quihi Gun Club and its integral role in the Quihi community and Medina County.

HONORING THE LIFE OF JUDGE EDWARD B. DAVIS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to celebrate the life of a good man and pay tribute to a dear friend, Judge Edward B. Davis. Judge Davis passed away on May 24, 2010; he was 77.

I had the privilege of serving alongside Judge Davis in the United States District Court for the Southern District of Florida. Judge Davis and I were attorneys in 1979 when we received the distinct and humbling honor of being appointed to the bench by President Jimmy Carter. My memories of serving on the bench with Judge Davis are lasting impressions that keep with me to this day.

Ned, as we so affectionately called him, displayed all the characteristics of a brilliant judge. He had a keen intellect that allowed him to see to the heart of a matter and render a verdict that was considered fair by all parties. Ned is remembered and envied as an evenhanded and empathetic jurist. No matter who came before Judge Davis, they were assured a fair hearing under the law.

Any judge can employ the law, but it was Ned's humanistic dimension that made him great. I like to say that he had a heart as big as he was tall. He served a cause bigger than himself, never allowing his personal beliefs to obstruct the clarity of the law and the best interests of his beloved home of South Florida.

Ned made sure that he always had a life outside his chambers, a goal that gave him perspective on the bench. He would often joke that being a judge was his ''second favorite job.'' A talented athlete, I always enjoyed hearing stories of his professional days with the Detroit Tigers. Sharing a drink after a long week to discuss family life with Ned are some of the memories that I hold most dear.

Madam Speaker, we have lost a giant of South Florida. Ned's presence will be sorely missed and is impossible to replace. He put forward a significant number of undertakings in Florida as a lawyer, judge, and citizen. Ned has passed, but he left a legacy we can all take part in. His contributions to society should serve as a reminder of our responsibility to others and our duty to leave a positive impression of our own.

My thoughts and prayers are with his wife of 52 years, Pat; three children, Diana, Ned, and Traci; five grandchildren; and two great-grandchildren at this most difficult time. I was fortunate enough to call Ned a friend. His family can be so proud to call him a husband and father. I will miss him dearly.

IN HONOR OF T. BOONE PICKENS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of T. Boone Pickens, who has made a major impact on our world through his advocacy and philanthropic missions.

Mr. Pickens was born on May 22nd, 1928 and raised in the Great Plains of Holdenville, Oklahoma during the Great Depression. His father, Thomas Boone Pickens, and mother, Grace Molonson Pickens, both worked in the oil industry. He grew up across the street from his grandmother, Nellie Molonson, and an aunt, Ellie Reed, both of whom were extremely influential in teaching him the importance of responsibility, self-sufficiency and accountability.

Mr. Pickens began his working at the age of 12 with a paper route. His route started out small, yet quickly grew from a customer base of 28 to nearly 130 customers. The business principals of expansion and acquisition, combined with his strong intellect, work ethic and unwavering drive to succeed, elevated Mr. Pickens to the stature of one of the wealthiest oil moguls in the world before he was forty.

Mr. Pickens' great financial success in the oil sector has allowed him to recommit his work toward lowering greenhouse gas pollution. Mr. Pickens' philanthropic efforts have totaled more than a billion dollars. He created the Pickens Foundation, the mission of which is to improve lives by providing funds for the creation of programs in the areas of medical research, athletics, education and the environment.

Both Mr. Pickens and his wife, Madeleine Pickens, are also lifelong animal rights activists. They have led the effort to outlaw the slaughter of horses in America, and recently, they have focused on saving and protecting the tens of thousands of wild mustang horses and their natural habitats.

Madam Speaker and colleagues, please join me in honor of T. Boone Pickens, whose focus on innovation and public service has contributed significantly to our nation.

A TRIBUTE TO DR. RAMESH S. GULRAJANI, MD, FCCP

HON. EDOLPHUS TOWNS–

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. Ramesh S. Gulrajani.

Dr. Gulrajani graduated from the University of Bombay, India in 1975 close to the top of his class. Shortly thereafter he began his Internal Medicine training at the Brooklyn Cumberland Medical Center where he also completed a fellowship in pulmonary medicine. He is board certified in internal medicine and pulmonary medicine and has been in private practice in those fields at the Brooklyn Hospital Center since 1981.

In 1984, Dr. Gulrajani was appointed Director of the Medical Intensive Care Unit (MICU) and was subsequently promoted to Chief of Pulmonary/Critical Care Medicine, Vice Chairman, and then Chairman of the Department of Internal Medicine. Culminating his academic carrier at the Brooklyn Hospital Center, he was appointed Associate Chief Medical Officer in 2007. He is currently an Associate Professor of Clinical Medicine at the Weill Medical College of Cornell University. Over the years, he has been responsible for training numerous medical students, medical residents, and pulmonary fellows. He has also co-authored a number of articles in scientific journals, a chapter in a pulmonary medicine text, and has been a speaker at national medical meetings.

Dr. Gulrajani has received numerous awards over the years from the Brooklyn Hospital Center including the Annual Social Service Award, Nurses Recognition Award, the annual award from the professional staff of the Brooklyn Hospital Center for Dedication and Distinguished Service, as well as the Distinguished Pulmonary Medicine Award from the American Lung Association. He was inducted to the ''wall of fame'' by the American Lung Association and named as one of the ''Top Doctors in New York'' by Castle, Connolly Medical Guide and by New York Magazine, as one of America's Top Doctors by Consumer Research Council of America, and as a Premier Provider of Quality and Efficient Care by United Health Care, among other honors. In his spare time, Dr. Gulrajani is also actively involved in community service in Brooklyn and in India.

Dr. Gulrajani's daughter, Samara, works at the New York Methodist Hospital and his son

Avinash is a Fellow in Cardiology at Montefiore Medical Center. It is clear that the apple does not fall far from the tree! He likes best to spend his leisure time with his family and friends in New York and to take "crazy vacations" like rock climbing and white water rafting.

Madam Speaker, please join me in recognizing Dr. Ramesh Gulrajani for his contributions to the medical field.

RECOGNIZING THE 100TH ANNIVERSARY OF THE SOUTH DAKOTA STATE MEDICAL ASSOCIATION ALLIANCE

HON. STEPHANIE HERSETH SANDLIN—

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. HERSETH SANDLIN. Madam Speaker, today I'd like to recognize the 100th Anniversary of the South Dakota State Medical Association Alliance, the oldest continuous Medical Alliance in the United States. The South Dakota State Medical Association Alliance was founded on September 20, 1910, in Hot Springs, SD, during the 19th Annual South Dakota Medical Association meeting. Eighteen wives of the physicians who attended this meeting saw the need to form The Ladies Auxiliary to the South Dakota State Medical Association. In 1975, the organization became known as the South Dakota State Medical Association Auxiliary, and in 1992, it was renamed as the South Dakota State Medical Association Alliance.

As the mission of the organization sets forth, the South Dakota State Medical Association Alliance has always strived to build healthy communities and to support the family of medicine through health promotions and legislative efforts. In their endeavor to make South Dakota's communities healthier and safer places to live, the South Dakota Medical Association Alliance has partnered with programs of the South Dakota State Medical Association, promoted health education, encouraged participation of volunteers in activities that meet health needs, supported health-related charitable endeavors, and supported the medical profession. I therefore, acknowledge their contribution to promoting healthy living in South Dakota, and congratulate the South Dakota State Medical Association Alliance on reaching this important milestone.

HONORING MR. WILLIAM SWEENEY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. William Sweeney. Mr. Sweeney served his constituency faithfully and justly during his tenure as a member of the Harmony Town Council.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Sweeney served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Sweeney is one of those people and that is why, Madam Speaker, I rise in tribute to him today.

IN HONOR OF SISTER JULIE HYER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. FARR. Madam Speaker, I rise today to honor Sister Julie Hyer, O.P., whose faith, benevolence and business savvy has served the County of Santa Cruz since 1985. As President and Chief Executive Officer she was instrumental in guiding Dominican Hospital for 22 years and Salud Para La Gente for the past two years, resulting in exceptional service and growth for both of these health care agencies.

At Dominican Hospital, Sister Julie sat at the helm of Santa Cruz County's largest health care facility when it implemented numerous programs such as their Infant Hearing Assessment program, Occupational Rehabilitation, and the ShareCare Health Plan for Older Adults, ensuring that patients are cared for through every stage of their lives. Other services, such as Dominican's Tattoo Removal Program which gives former gang members a chance to start a new phase of their lives, reflect Sister Julie's all-embracing approach to the health of our community.

Under Sister Julie's leadership, Salud Para La Gente, which translates in English as 'Health For The People,' has grown into the county's leading provider of health care services to the low-income families of Santa Cruz County. Salud has won awards for its many programs, including well-child visits, adolescent well-care, monitoring of patients on persistent ACE inhibitors, breast and cervical cancer screening, appropriate use of asthma medications, and diabetes screening. Salud won many grants, including federal stimulus funding this year, used to create new space that will house pediatrics, general medical practices, dental and vision facilities, as well as hire two more physicians.

The laurels of her tenure are as numerous as they are invaluable. They are the realization of Sister Julie's faith in action and a testament to the power of earnest and solemn goodwill.

Madam Speaker, for all that she has done and all that she will undoubtedly continue to do, I extend my most sincere thanks and warmest wishes to Sister Julie as she goes to her next assignment.

JEFFERSON HIGH SCHOOL 44TH REUNION

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. SPRATT. Madam Speaker, I would like to call attention to the gathering in Baltimore, Maryland of alumni from Jefferson High School over the weekend of June 5th, 2010 in honor of the class of 1966's 44th reunion.

Although the school officially closed in 1970, Jefferson High School got its start in a frame schoolhouse built for African-American students in York, South Carolina. From there, Jefferson became a Rosenwald school and the town's African-American public school in a racially segregated system. Although the system was called "separate but equal," Jefferson never had facilities or teaching materials equal to its counterparts, the white schools that I attended. The school district built a new high school for white students in 1950, but left black students to make the best of their old one. The students, teachers and administrators at Jefferson did just that and made the most of their circumstances.

Instead of gathering to dwell on what was lacking at Jefferson, the class of 1966 comes together to remember the teachers and fellow students who so impacted Reunion made clear that Jefferson lives on in the lives it made better. Hundreds of the alumni attending attested to better, more productive lives because of what they learned at Jefferson under teachers who cared, encouraged, and challenged.

IN APPRECIATION OF CRAIG M. RUSHING

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. LAMBORN. Madam Speaker, it is with mixed emotions that I announce the departure of a valued member of my staff, Craig M. Rushing.

For the past three years, Craig has professionally and enthusiastically served the constituents of the Fifth Congressional District of Colorado, first as Legislative Director, and then as Deputy Chief of Staff and Legislative Director. He successfully handled his duties with a wealth of knowledge of the legislative and procedural processes. His dedication and work ethic will be very difficult to replace.

Beginning his career on the Hill as a staff assistant for Rep. Marilyn Musgrave (CO-04), Craig has served constituents of Colorado for nearly eight years. It was during this time he met and married his wife, Ginger, in August of 2007.

Craig worked his way through college with several jobs and internships, including with the Colorado Right to Work and the Leadership Institute. Craig graduated from the University of North Carolina at Greensboro in 2002 with a Bachelor of Science in Economics.

Craig is the son of Dennis and Kathy Rushing of Greensboro, North Carolina, and is brother to Amy Bregman and Betsy Bardi.

Craig is leaving Washington to take a position as Manager of Government Affairs at Lowe's Headquarters in Mooresville, North Carolina.

He has worked hard for the people of Colorado. His conservative and Christian values are needed today more than ever. I know God will bless him and his wife in their future endeavors.

HONORING THE CEDAR CREEK VETERANS FOUNDATION

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. HENSARLING. Madam Speaker, today I would like to honor a special organization of officials and individuals in the Fifth District of Texas, the Cedar Creek Veterans Foundation.

President Coolidge once said, ''A nation which forgets its defenders, will itself soon be forgotten.'' Individuals in East Texas and Northeast Texas continue to amaze me for their tireless work in honoring soldiers and their families.

The Cedar Creek Veterans Foundation was established to raise funds to assist Northeast Texas veterans with physical and emotional recovery, as well as physical rehabilitation of our wounded and injured warriors. They also provide organizations such as The Wounded Warrior Project and Fisher House of Dallas with resources and support.

On June 7th, the Cedar Creek Veterans Foundation will be hosting a golf tournament and will donate all proceeds to the Fisher House in Dallas and The Wounded Warrior Project.

The Fisher House in Dallas, Texas, is just one of several facilities that fulfill a great need for our nation's defenders and their families. As a private-public partnership, the foundation provides homes that are built at major military medical centers, as well as VA medical facilities. These homes give families the chance to be near loved ones during hospitalization.

The Cedar Creek Veterans Foundation also sponsors ''Thunder Over Cedar Creek Lake'' annual air show during July 4th festivities that helps to raise funds to support our nation's veterans.

This year's golf tournament will feature Jae Head, who most recently starred in the movie ''The Blind Side.'' The tournament's list of guests will also include former military members. John Wesley Tucker, Jr., a veteran pilot and instructor during World War II, will be honored during the event. The event will also feature three war heroes, Jesse W. Naul, Jr., who received the Navy Cross for his service during World War II; Richard S. Agnew, who received the Distinguished Service Cross serving the U.S. Army during the Korean War; and Dean E. DeTar, who received the Air Force Cross for his service during Vietnam War. These gentlemen are members of the Legion of Valor, and three of the nine members of the Legion of Valor that represent over 450,000 veterans in North Texas.

I would like to thank everyone at the Cedar Creek Veterans Foundation, including CCVF President, Mr. Bob O'Neil, the board members and countless volunteers, supporters and donors who help to ensure our nation will not forget its defenders. It is an honor to represent such an outstanding organization and group of people in the Fifth District of Texas.

RECOGNIZING THE DOBSON HIGH SCHOOL BAND, SELECTED FOR THE 2010 SHANGHAI WORLD MUSIC EXPO FESTIVAL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize Mesa Arizona's Dobson High School Band, which will represent our state at the 2010 Shanghai World Music Expo Festival in China. I wish to convey my pride and that of all Arizonans in the efforts of these talented and dedicated students, and thank the Dobson faculty and community for its remarkable support.

As a former teacher, I believe very strongly that participation in the arts, especially on such a global scale, leads to cultural enrichment and enhances education and learning across all subjects. This opportunity to perform on a world stage, and the subsequent rush of community support to make this trip possible, is a well-earned reward for the hard work and commitment of the Dobson High Band and its supporters. To make this trip possible, band members raised $3,000 apiece to pay for travel expenses. I believe in the old saying, ''it is hard to be successful unless a lot of other people want you to be.'' So I also applaud all the parents and community members who helped in this effort as well.

Madam Speaker, I am honored to recognize the Dobson High School Band as they represent the State of Arizona at the 2010 Shanghai World Music Expo Festival in China. I wish the band all the best during their performance in China and I am confident they will use this trip as an opportunity to learn about a new culture and positively represent our state and country within the global community. I know they will make us all proud.

HONORING THE 100TH ANNIVERSARY OF THE SPRING CITY LIBRARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. GERLACH. Madam Speaker, I rise today to congratulate the patrons, staff and Board of Trustees of the Spring City Library in Chester County as they celebrate the Library's 100th anniversary.

During the last century, the Library has remained true to the core mission of encouraging and fostering the spirit of self-improvement envisioned by its forefathers in the Spring City Literary and Library Association.

While the Library has changed locations and the collection and services offered have increased tremendously, the commitment to serving the public remains just as strong today as when the doors first opened. Whether you want to read a best-seller, rent a movie, use the Internet or send your child to a Story Time program, the Spring City Library is a tremendous asset to the community and has played an important role in making Spring City a great place to live, work and raise a family.

Friends and supporters of the Spring City Library will celebrate the 100th anniversary on Wednesday, June 2, 2010.

Madam Speaker, I ask that my colleagues join me today in congratulating the Spring City Library as it commemorates this memorable milestone and in offering the patrons, staff and Board of Trustees best wishes for continued success.

CELEBRATING THE 10TH ANNIVERSARY OF THE CORINTH CAMPUS OF NORTH CENTRAL TEXAS COLLEGE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. BURGESS. Madam Speaker, I proudly rise today to celebrate the 10th Anniversary of the Corinth, Texas Campus of North Central Texas College.

For the past decade, NCTC-Corinth has provided thousands of North Texas residents with an opportunity to pursue higher education. The Corinth Campus first opened in 2000, and today is educating more than 4,000 students. The Corinth campus shares in the longstanding tradition of academic excellence that is characteristic of NCTC, the oldest continuously operating two-year college in the entire state of Texas.

The NCTC-Corinth campus offers a variety of vocational degrees and certificate programs, as well as college credit courses and continuing education units. The first-class education NCTC-Corinth's students receive prepare them to join the area's workforce as well-trained professionals.

NCTC-Corinth has been an invaluable asset to the many communities that call North Texas home, serving its students well. I have no doubt this trend will continue well into the future and impact many more students, as NCTC-Corinth is planning for future growth that its administrators anticipate will be able to serve some 12,000 students in the coming years.

Madam Speaker, it is with great honor that I rise today to honor the 10th Anniversary of the opening of North Central Texas College's Corinth campus. I am proud to represent Texas' 26th Congressional District, which is home to this fine educational institution.

MENTAL HEALTH MONTH

SPEECH OF

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. HONDA. Madam Speaker, I rise today to express my support for H. Res. 1258, Supporting the goals and ideals of Mental Health Month.

I commend my good friend Representative GRACE NAPOLITANO, sponsor of the resolution, and the House Energy and Commerce Committee for recognizing that mental health and well-being is a critical issue that affects not only the quality of life, health of our communities and our economic stability.

According to the National Alliance on Mental Illness, each year approximately 25% of Americans are impacted by mental health conditions, and no gender, age, race, religion or socioeconomic status is immune. Through the

combination of psychosocial and pharmacological treatments and support, 70% to 90% of individuals with mental health issues experience significant reduction of symptoms and improved quality of life.

As Chair of the Congressional Asian Pacific American Caucus, CAPAC, also, I recognize that there is a significant need for enhancing awareness of mental illness within the Asian American and Pacific Islander, AAPI, community. AAPIs are among the fastest growing and most diverse racial group in the United States. Despite this, our community's use of mental health services is the lowest among ethnic populations. As such, there is a critical need to raise awareness about mental health within the AAPI community to de-stigmatize seeking help and enhance access to culturally competent community services.

The Patient Protection and Affordable Care Act, which Congress passed and the President signed into law earlier this year, will greatly expand access to mental health care and additional treatment for millions of uninsured individuals, including AAPIs. In addition, the law supports equity in coverage and will extend the Mental Health Parity and Addiction Equity Act, which prohibits discriminatory limits on mental health and substance use conditions beyond current law to health insurance plans offered to small businesses and individuals. These principles are also reflected in the expansion of Medicaid, which would require those newly eligible to receive mental health and substance use services at parity with other benefits.

I urge all of my colleagues to support the goals and ideals of Mental Health Month. Through education, we can help remove the stigma around mental health and encourage organizations and health practitioners to continue to promote mental well-being and awareness so that people can access appropriate services and support.

HONORING MS. MELODY OLIVER

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker:

Whereas, in the Fourth Congressional District of Georgia, there are many individuals who are called to contribute to the needs of our community through leadership and service; and

Whereas, Ms. Melody Oliver has given of herself as an educator of E.L. Bouie, Sr., Elementary Theme school; and

Whereas, Ms. Oliver makes learning fun, inspirational, motivational, but most of all achievable; and

Whereas, this phenomenal woman has shared her time and talents for the betterment of our community and our nation through her tireless works, motivational speeches and words of wisdom; and

Whereas, Ms. Oliver is a virtuous woman, a courageous woman and a fearless leader who has shared with the world her vision and passion to help ensure that our future, our children, receive an education that is relevant for today, but also for the future; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. Melody Oliver for her outstanding leadership and service;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr., do hereby proclaim May 20, 2010, as Ms. Melody Oliver Day in the Fourth Congressional District.

TRIBUTE TO MARION ASHLEY, 2010 FATHER OF THE YEAR RECIPIENT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and congratulate an individual and dear friend from my Congressional District who will be presented with the 2010 Father of the Year Award next week in Riverside, California.

The purpose of the Father of the Year Awards is to honor fathers who have remained a positive role model for their children while also making a positive difference in their community.

Marion Ashley is one of those fathers. He has been married to his wife Mary for 54 years, and has 6 children, 19 grandchildren and 3 great-grandchildren. As a lifelong resident of Riverside County, he has worked for decades to improve the lives of his fellow citizens.

After years of working in the private sector, both at a national accounting firm and in real estate investment, Marion decided to become more involved in public service. In 1973, he served on the Riverside County Planning Commission and in 1992 was elected to a seat on the board of the Eastern Municipal Water District. In 2002, he was elected to the Riverside County Board of Supervisors, a position he still holds today.

As Supervisor of the 5th District in Riverside, Marion oversees a budget of $4.5 billion and sets public policy for more than two million people. In addition, he is the only Supervisor who has served as Chairman of: the Board of Supervisors; the Western Riverside Council of Governments; and the Coachella Valley Association of Governments.

Throughout his many roles, Marion has made family and public service his top priorities. His dedication to the people of Riverside County has not gone unnoticed, and he has become a respected leader on critical regional issues. Marion himself has said that he and his wife hope to build a community in which his children and grandchildren enjoy the same quality of life he has known in Riverside County, and I cannot think of someone who has worked so tirelessly in that effort.

I am proud to call Marion a friend, fellow community member and American. And today, I add my voice to the many who will be congratulating him on this well-deserved recognition.

HONORING THE WORLD WAR II VETERANS OF ILLINOIS

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to honor the World War II veterans from Illinois who are traveling to Washington, D.C. with Honor Flight Chicago, a program whose goal is to provide as many World War II veterans as possible the opportunity to see the World War II Memorial here in Washington, D.C., a memorial that was built to honor their courage and service.

The American veteran is one of our greatest treasures. The Soldiers, Airmen, Sailors, Marines, and Coast Guardsman traveling here today answered our nation's call to service during one of its greatest times of need. From the European Campaign to the Pacific Asian Theatre to the African Theater, these brave Americans risked life and limb, gave service and sacrificed much, all while embodying what it is to be a hero. We owe them more gratitude than can ever be expressed.

I welcome these brave veterans to Washington and to their memorial. I am proud to submit the names of these men for all to see, hear, and recognize, and I call on my colleagues to rise and join me in expressing thanks.

Henry Adema, Richard I. Africk, Carl S. Ames, George R. Apato, Louis Bakos, Ernest E. Bassi, James R. Bateman, Charles I. Battaglia, Irving H. Bernard, Anthony Biancardi, Sigmund A. Bogdziewicz, Leonard J. Borth, Raymond A. Boss Sr., Richard E. Brhel, Robert C. Bruhn, Leonard G. Buresh, Albert Conforti, Charles Corte, Rene Couture, Charles F. Cummings, Charles F. Davis Jr., Henry W. De Young, Laverne Harriett Dennhardt, Joe Deprizio, Edwin Drzymkowski, Richard W. Ehrhardt, George L. Faust, Raymond Feltes, Robert Firnbach, Stanley P. Fundanish, Charles C. Giglio, John A. Gillespie, Ernest S. Gregory, Richard Guimond, James H. Hammock, Rudy S. Hans, Herbert Leo Hay, Martha H. Honigman, Joseph G. Houska, Harry James Howarth, Robert Jayko, Thaddeus A. Jelen, John Lester Johnson, Thomas L. Kablach, Waitman Kapaldo, Richard A. Karst, John Kearney, Walter L. King, Clarence R. Kleinfelter, Thomas Kohl, Antoni L. Kozak, Milford H. Lau, James W. Leichti, Everell B. LeSage, Martha B. Loss, James W. Maddin, Bryan W. McCarty, Joseph C. Montino, Dwane E. Moss, Vernon R. Nelson, Edmund J. Nowiszewski, Thomas O'Neill, John H. Ortmann, Edward M. Pasierb, Phaye Peck, Milton W. Pick, Morris Picker, Edward S. Pietrucha, Bruno G. Quagliani, James S. Rosenbaum, Odean A. Rosenberg, Walter B. Rutkowski, Donald J. Schommer, Raymond T. Schwartz, Saul Seltzer, Robert S. Smith, Donald St. Hilaire, Robert J. Starzynski, Howard F. Stateman, Arthur R. Stratemeyer, Alvin Franklin Swenson, Lee R. Tolksdorf, Walter Trzesniewski, Lester S. VanDeursen, John L. Vinke, George C. Walczak, Clarence James Williams.

LETTER TO THE NATIONAL COMMISSION ON FISCAL RESPONSIBILITY AND REFORM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. WOLF. Madam Speaker, I have been working for nearly 4 years with Representative JIM COOPER to address the country's unsustainable financial path. While I believe

our legislation offers a better choice in solving this Nation's financial crisis, the President has moved forward with his National Commission on Fiscal Responsibility and Reform.

I have written to that commission's co-chairmen, Erskine Bowles and Senator Alan Simpson, to offer suggestions as this process continues, and insert my letter for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
May 25, 2010.

Mr. ERSKINE BOWLES,
Hon. ALAN SIMPSON,
Co-Chairmen, National Commission on Fiscal Responsibility and Reform, Washington DC.

DEAR MR. BOWLES AND SENATOR SIMPSON: As you know from our letter to you of April 17, Jim Cooper and I have been working for nearly four years to establish a bipartisan commission to address our nation's debt crisis by examining all policy options—entitlement spending, other program spending, and tax policy—holding public hearings, and recommending to Congress a plan of action with a mandated vote.

While I would have preferred passage of H.R. 1557, the Securing America's Future Economy (SAFE) Commission Act, the president has moved forward with an executive commission and named each of you cochairmen of the National Commission on Fiscal Responsibility and Reform. As I write this letter today, the U.S. stock market as well as global markets are continuing a deep and downward slide. Our nation is on an unsustainable fiscal path. You know the staggering and unprecedented debt and deficit statistics. We owe nearly $62 trillion in obligations, spend nearly $4 billion each week solely for interest payments to service the debt, and the Congressional Budget Office projects that debt held by the public will encompass 90 percent of the gross domestic product by 2020. Many are concerned that Greece's collapse and the European debt crisis will spread to the United States.

British historian and Harvard professor Niall Ferguson wrote in the March/April 2010 edition of Foreign Affairs: ''One day, a seemingly random piece of bad news—perhaps a negative report by a rating agency—will make the headlines during an otherwise quiet news cycle. Suddenly, it will be not just a few policy wonks who worry about the sustainability of U.S. fiscal policy but also the public at large, not to mention investors abroad. It is this shift that is crucial: a complex adaptive system is in big trouble when its component parts lose faith in its viability.''

That ''one day'' is now.

For the sake of our country, I truly want your efforts to be successful and write today to offer some suggestions. It is impossible to know the outcome of your endeavor but I believe, at the very least, the commission must be a tool to educate the American people on the subject of our nation's dire fiscal situation.

The American people know that we need to look no further than the situation in Greece to understand what our future may hold if we do not make dramatic changes to control U.S. debt. They need and want to be involved in this process. Public involvement is critical to your success. The reality is that members of Congress will not support any of the commission's proposals without the full support of the American people. This cannot be just an inside-the-Beltway process.

Therefore, it is critical that the commission, in whole or in part, hold public meetings throughout the nation. The legislation I proposed with Jim Cooper required that at least one town hall style public meeting would be held in each of the nation's federal reserve districts. One meeting that is Webcast from Washington once a month is not adequate. To date, I am unable to locate any information concerning the working groups on your Web site. It is my understanding that the bulk of policy proposals will be developed during these working groups' closed sessions. At the very least, I encourage you to publicize and Webcast all commission activities, and publicly post meeting minutes and documents as soon as possible.

Secondly, I am very concerned that the commission has been structured in a manner that will make it difficult for you to succeed, and even doom it to failure. I cannot overstate the importance of your work. Your recommendations will define America's very economic future. It is curious, though, when considering the big picture of federal priorities, that you have been allocated $500,000 to perform the singular task before you. Consider that the Obama Administration is currently spending over $8 million on the Financial Crisis Inquiry Commission, even though it will issue its report after both the House and Senate have voted on financial reform legislation. Consider that the District of Columbia was recently reimbursed for $4.4 million for overtime work by first responders at the two-day April Nuclear Security Summit. Consider that more than $2 million in American taxpayer money is being spent to advocate for the adoption of the Kenyan Constitution. Your charter also notes that you have been authorized to hire the equivalent of four full-time staffers. Again, I believe that this is totally insufficient to your task. Just these few examples raise questions for me about the administration's commitment to this commission's work and whether this exercise is just for political cover.

Given your limited resources, I believe you should take advantage of the incredible talent pool available in the private sector to assist the commission in its work. A number of highly respected organizations have been deeply involved for a number of years in discussions to find solutions to our nation's fiscal crisis, including holding hearings across the country and talking with the America people to explain the unsustainable spending path we are on. I strongly urge you to embrace these groups, which I believe would be willing to be involved at no cost to the taxpayer.

Robert Samuelson said as much in his May 17 Washington Post column ''Wake Up, America.'' The article is enclosed. I believe the American Enterprise Institute, the Aspen Institute, the Brookings Institution, the Concord Coalition, the Heritage Foundation, and the Urban Institute—organizations with years of experience in the very issues before your commission—would be receptive to any overtures. They all have a long track record of working together on fiscal issues.

I appreciate your consideration of my comments. Please do not hesitate to call if I may be of assistance to you in your endeavor of critical national importance.

Sincerely,

FRANK R. WOLF,
Member of Congress.

Enclosure.

[From the Washington Post, May 17, 2010]

WAKE UP, AMERICA

(By Robert J. Samuelson)

You might think that Europe's economic turmoil would inject a note of urgency into America's budget debate. After all, high government deficits and debt are the roots of Europe's problems, and these same problems afflict the United States. But no. Most Americans, starting with the nation's political leaders, dismiss what's happening in Europe as a continental drama with little relevance to them.

What Americans resolutely avoid is a realistic debate about the desirable role of government. How big should it be? Should it favor the old or the young? Will social spending crowd out defense spending? Will larger government dampen economic growth through higher deficits or taxes? No one engages this debate, because if rigorously conducted, it would disappoint both liberals and conservatives.

Confronted with huge spending increases—reflecting an aging population and soaring health costs—liberals would have to concede that benefits and spending ought to be reduced. Seeing that total government spending would rise even after these cuts (more people would receive benefits, even if benefit levels fell), conservatives would have to concede the need for higher taxes. On both left and right, true believers would howl.

The lack of seriousness is defined by three missing words: ''balance the budget.'' These words are taboo. In February, President Obama created a National Commission on Fiscal Responsibility and Reform (call it the Deficit Commission). Its charge is to propose measures that would reduce the deficit to the level of ''interest payments on the debt'' by 2015 so as ''to stabilize the debt-to-GDP ratio at an acceptable level.''

Understand? No? Well, you're not supposed to. All the mumbo jumbo about stabilizing ''debt to GDP'' and according special treatment to interest payments are examples of budget-speak. It's the language of ''experts,'' employed to deaden debate and convince people that ''something is being done'' when little, or nothing, is being done. For example, Obama's target for 2015 would involve a deficit of about $500 billion, despite an assumed full economic recovery (unemployment: 5.1 percent). The commission is also supposed to ''propose recommendations that meaningfully improve the long-run fiscal outlook, including changes to address the growth of entitlement spending,'' a mushy mandate. But balance the budget? There's no mention.

In a classroom, limiting government debt in relation to GDP can be defended. The idea is to reassure investors (a.k.a. ''financial markets'') that the debt burden isn't becoming heavier so they will continue lending at low interest rates. But in real life, the logic doesn't work. Governments inevitably face deep recessions, wars or other emergencies that require heavy borrowing. To stabilize debt to GDP, you have to aim much lower than the target in good times, meaning that you should balance the budget (or run modest surpluses) after the economy has recovered from recessions.

Interestingly, Europe's experience discredits debt-to-GDP targets. The 16 countries using the euro were supposed to adhere to a debt target of 60 percent of GDP. Before the financial crisis, the target was widely breached. From 2003 to 2007, Germany's debt averaged 66 percent of GDP, France's 64 percent and Italy's 105 percent of GDP. Once the crisis hit, debt-to-GDP ratios jumped; by 2009, they were 73 percent for Germany, 78 percent for France and 116 percent for Italy.

The virtue of balancing the budget is that it forces people to weigh the benefits of government against the costs. It's a commonsense standard that people intuitively grasp. If the Deficit Commission is serious, it will set a balanced budget in 2020 as a goal, allowing time to phase in benefit cuts and tax increases. It will then invite think tanks (from the Heritage Foundation on the right to the Center on Budget and Policy Priorities on the left) and interest groups (from the Chamber of Commerce to AARP) to present plans to reach that goal. Their competing visions could jump-start a long-overdue debate on government's role.

The odds seem against this. The Deficit Commission may embrace debt-to-GDP targets and aim for a ''primary balance'' (excluding interest payments) because it's easier politically. Consider: In 2020 the deficit will be $1.254 trillion on spending of $5.67 trillion, projects the Congressional Budget Office. Closing that gap would require steep tax increases or deep spending cuts. But $916 billion of the projected deficit represents interest payments. Ignoring them instantly ''solves'' three-quarters of the problem.

The message from Europe is that this approach ultimately fails. Intellectually elegant evasions are still evasions. Though financial markets may condone lax government borrowing for years, confidence can shatter unexpectedly. Lenders retreat or insist on punishing interest rates. Market pressures then impel harsh austerity—benefit cuts or tax increases—far more brutal than anything governments would have needed to do on their own. We are, by inaction and self-deception, tempting that fate.

HONORING ELIZABETH BROWN WILSON

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker:

Whereas, in 1931 a virtuous woman of God was born and today we gather to pay tribute for her life's work; and

Whereas, Elizabeth Brown Wilson, not only talked the talk, but she walked the walk as it related to community service for all the citizens in our district; and

Whereas, Elizabeth Brown Wilson has served our district well as a commissioner for the city of Decatur, an advocate and activist for seniors and as mayor of the City of Decatur, being the first African American woman to serve as mayor; and

Whereas, this wise elder and woman of God has shared her time and talents for the betterment of her community and her nation through her tireless works, words of encouragement and inspiration that have been and continue to be a beacon of light to those in need; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. Elizabeth Brown Wilson for her outstanding leadership and service to our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr., do hereby proclaim May 22, 2010, as Elizabeth Brown Wilson Day in the Fourth Congressional District.

FEMALE VETERANS

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. GINGREY of Georgia. Madam Speaker, I'd like to take a minute to remember all of our heroic soldiers, sailors, airmen, and marines who have given their lives while fighting for our Nation's freedom. Their patriotism and bravery are the foundation of our Nation's history and I am honored to pay tribute to them in front of the United States Congress for Memorial Day.

I'd especially like to call attention to the women who have stepped forward and put their lives on the line for our country throughout the decades. Women began taking part in our armed forces nearly 220 years ago, and they have been serving courageously, selflessly, and with perseverance ever since. Their service went unrecognized for far too long, but in 1997, a Women's Veterans Memorial was established in Washington to honor these great American heroes. Likewise, I honor the impact our women veterans have had on our Nation and our freedom through their dedication and sacrifice.

My District, the 11th to District of Georgia, is home to many Servicewomen of the United States Armed Forces—both active duty and retired. I am extraordinarily proud of and grateful for these brave American women on this Memorial Day—and every other day.

HONORING 40TH ANNIVERSARY OF THE MILFORD SENIOR CENTER

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. DELAURO. Madam Speaker, I rise to commemorate 40 years of elderly care and companionship at the Milford Senior Center, the first and oldest senior center in Milford and one of the top ten places in the country for single retirees, according to U.S. News and World Report last year.

Four decades ago this month, the Mary Taylor Memorial United Methodist Church opened what would become the Milford Senior Center in three rooms in their church basement. Today, the Center boasts its own sprawling 30,000-square-foot facility, with an auditorium, dining hall, lounge, music room, and, for those senior citizens bravely foraying into 21st century technology, even a computer lab.

And along with providing a wonderful environment for seniors to socialize and relax, the Milford Center provides a number of important services for the community, from meals on wheels to free blood pressure screenings to energy and income tax assistance. Their Ahrens Program, while offering much-needed respite to caregivers, helps seniors with cognitive impairments to eat well, learn, and play.

All too often, one's ''golden years'' can be filled with struggle. Health concerns, the loss of independence, a profound sense of loneliness—these are just some of the challenges our seniors can face in later years. But senior centers like Milford, and the invaluable programs, services, and activities they provide, help to stem these obstacles. They make a real difference in the lives of some of our most vulnerable citizens. Thanks to Milford, elderly citizens can come together, get the help and resources they need to thrive, and, in short, have fun.

My deepest thanks go out to the staff of the center for all the good they have done over the past 40 years. Congratulations on reaching this milestone, and here's to many more such anniversaries in the future. Your caring each and every day reminds us, as it reminds so many of Milford's seniors, that age is really just a state of mind.

NORCO COLLEGE, 112TH COLLEGE IN THE CALIFORNIA COMMUNITY COLLEGE SYSTEM

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. CALVERT. Madam Speaker, I rise today to recognize Norco College as an independent college of the Riverside Community College District and congratulate the entire college community for its success in becoming the 112th college in the California Community Colleges system.

Since 1916, Riverside Community College District has served as an institution of higher education in western Riverside County. In 1991, the district created the Norco Campus as an education center to serve the communities of Corona, Norco, Eastvale and areas of Riverside County. When Norco's doors opened in March 1991 there were 3,088 students enrolled. Now, nearly 10 years later, that number has increased to more than 11,000.

Norco College offers a full complement of lower division courses in liberal arts, sciences, humanities and basic skills education, while offering specialist career technical programs in engineering, electronics, computer information systems, architecture, manufacturing, logistics, construction, game simulation and development, and commercial music.

On January 29, 2010, the Norco Campus received approval to become Norco College, thereby establishing it as the 112th college in the California Community Colleges system. And on June 10, Norco College will celebrate 531 students as its inaugural graduating class of 2010.

The process for gaining full accreditation status has been 8 years in the making for Norco, and I commend all those involved for their diligent efforts—including faculty, staff, students and administrators. I assure you, your dedication has not gone unnoticed and has yielded an achievement worthy of your efforts. Congratulations again, on this important milestone in Norco College's history.

GRATITUDE FOR THE SERVICE OF RENATA STRAUSE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. CONYERS. Madam Speaker, I would like to take this opportunity to thank one of the most dedicated and productive members of the Judiciary Committee staff for her service to the House, Renata Strause. For 3½ years, Renata has worked with exceptional dedication and drive for the Judiciary Committee, and I rise to commend her for her achievements.

After graduating from high school in Lancaster, PA, Renata began her professional career before attending college when she worked for a year as a legislative aide to State Representative P. Michael Sturla in the Pennsylvania State General Assembly. After putting together the first annual Lancaster Legislative Weekend, Renata matriculated at Oberlin College in Ohio during the Fall of 2002.

She earned her bachelor's degree in politics from Oberlin, where she cochaired the College Democrats' club, competed as a finalist for the Harry S. Truman Scholarship, received several departmental prizes for her academic work, and was elected to the Phi Beta Kappa Society. She immersed herself fully in the political life of Oberlin, Ohio as well—working on city ballot initiatives for education, city council races, and get-out-the-vote efforts during several elections. During her summer and winter breaks, she also worked at the Pennsylvania Department of Education and served as Congressional candidate Lois Herr's deputy campaign manager during the 2004 election cycle in Lancaster County.

Following graduation, Renata came to Washington to work at the political consulting firm of Evans & Katz. Managing the daily operations of the Washington office, Renata represented clients before the Federal Election Commission, helped coordinate fundraising for several House and Senate candidates, and prepared electoral compliance reports for the firm.

At the beginning of the 110th Congress, Renata joined the Judiciary Committee staff and became an invaluable member of the committee's oversight team. She took on an incalculable number of tasks, staffing Members of the committee and myself on administration oversight issues, voter suppression, executive branch accountability, gaming issues, health care, and most recently the committee's work on the liability issues related to the Gulf Coast oil disaster. She has been instrumental to the committee's investigative work on Federal Bureau of Investigation and the Department of Justice, including the firing of nine U.S. Attorneys and the resultant Contempt of Congress resolutions on the House Floor. She also worked on large portions of the committee's comprehensive staff report on the previous administration: Reining in the Imperial Presidency: Lessons and Recommendations Relating to Presidency of George W Bush.

Renata is leaving the committee and Washington to attend Yale Law School this fall. On behalf of the Judiciary Committee, its staff, and this distinguished body, I would like to thank her for her exemplary work, generosity, sense of humor, and boundless energy. She will be sorely missed as a colleague and friend, but we wish her the best of luck and extend to her our deepest gratitude for her service.

HONORING THE PATRIOT GUARD RIDERS

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mrs. SCHMIDT. Madam Speaker, I rise today to recognize a group of true American patriots who selflessly give of themselves to honor our men and women in uniform. The Patriot Guard Riders have honored our sailors and troops who have made the ultimate sacrifice, given comfort and protection to their grieving families, and proven themselves to be more than worthy of our thanks.

The Patriot Guard Riders started in Kansas to protect grieving families from protestors who would attempt to disrupt the funerals of troops that had died defending our nation. That initiative has grown and now stretches across the United States. In my home state of Ohio, we have a great group of men and women who have picked up the flag to ride in honor of our brave men and women.

I have had the distinct honor to meet and spend time with the Ohio Patriot Guard Riders, and the State Captain, Robert ''Bob'' Woods, of West Chester, Ohio. In just a few short years the membership of the Ohio Patriot Guard Riders has grown from 400 to over 4,000, who at the request of the family ride to honor our fallen heroes. And, when necessary, they shield them from people who would try to tarnish the honor of their loved one.

Bob Woods is an American hero aside from his work with the Patriot Guard Riders. He served our nation in Vietnam. Bob has made it his personal mission to ensure that every returning member of the military knows that their service to our nation is appreciated, and that our fallen heroes are honorably remembered for their service in defense of liberty.

Ohio's Patriot Guard Riders have been there to honor our men and women in uniform and the Veterans who came before them. And today as we approach this Memorial Day weekend, I ask all in Congress to honor and thank the Patriot Guard Riders for their devotion to the ideas of freedom and liberty and the men and women who defend it.

HONORING THE ACCOMPLISHMENTS OF DR. NELSON YING

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. GRAYSON. Madam Speaker, I rise today to recognize the inspirational spirit of Dr. Nelson Ying in honor of Asian Pacific American Heritage Month. Dr. Ying's life story is somewhat of a fairy tale demonstrating the passion and fortitude of the American dream. Dr. Ying and his parents fled from China at the height of the Communist takeover in 1955. The Ying family moved to New York City with only $600. Dr. Ying's father, James Ying, opened a chain of successful gift shops all over New York, from Chinatown into the New York suburbs. Dr. Ying learned at a young age from his father that in America hard work and perseverance can take you far.

Dr. Ying epitomizes the character and integrity that represent the Asian Pacific American community. Dr. Ying is the founding chairman of the Orange County Science Exposition. Through this annual exposition, Dr. Ying continues to promote direct involvement from students in science. Every year he selects five outstanding high school science scholars to compete in his science competition. The scholarship gives students an opportunity to explore state of the art facilities at places like Kennedy Space Center and Lockheed Martin. The ''Ying Prize'' has become a testament to science achievement in Central Florida, awarding a prestigious student up to $1,000 for the best physical science project. Dr. Ying's involvement in the fields of education and community service has greatly contributed to the Central Florida community. Dr. Ying's investment in our next generation of leaders in the field of scientific innovation is invaluable.

Madam Speaker, Central Florida is proud to have a strong community leader like Dr. Ying. Dr. Nelson Ying's priority to give back to the community by educating the next generation of leaders reflects not only core American values, but what should be the top policy priority for our Nation. Dr. Ying's service will compel young adults and be the catalyst for a better world of tomorrow.

ROCKDALE COUNTY DEMOCRATIC PARTY

HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker:

Whereas, since its founding, the Rockdale County Democratic Party has been and continues to be a worthy instrument for good; and

Whereas, the second annual black tie Gala is being held to celebrate community service and honor excellence in government, business, education and health; and

Whereas, the Rockdale County Democratic Party has always promoted the concept of One Community-One Goal by working with and for individuals of all walks of life to make Rockdale County a place where openness is seen as well as heard; and

Whereas, its members give of themselves tirelessly and unconditionally to serve our community through projects such as voter registration, health walks, mentorships and scholarships; and

Whereas, the lives of many in our district are touched by the leadership and service given by the members of the Rockdale County Democratic Party, our nation and the world is a better place due to their commitment to excellence in all of their endeavors; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize their outstanding service to our District;

Now therefore, I, HENRY C. ''HANK'' JOHNSON, Jr., do hereby proclaim April 24, 2010, as Rockdale County Democratic Party Day in the Fourth Congressional District.

HONORING DR. JAMES C. ALLEN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. BALDWIN. Madam Speaker, I rise today to honor the life and career of Dr. James C. Allen of Madison, Wisconsin. There is no more appropriate time than now, as we approach Memorial Day, to recognize Dr. Allen's distinguished service to our country both as a veteran of war and an advocate for his fellow servicemembers. His tireless work as an ophthalmologist extends far beyond direct clinical care to touch the lives of countless veterans across our great Nation.

Dr. Allen began his service to our country during the Korean war. After returning from duty, he started practicing ophthalmology at the William S. Middleton Memorial VA Hospital in Madison. During his 35 year career at the VA Hospital, Dr. Allen discovered a significant problem with the VA compensation structure.

Although veterans could receive compensation for service-connected loss of sight in one eye, they were not eligible for increased assistance if subsequent loss of sight occurred in the second eye until complete blindness set in. A service member himself, Dr. Allen recognized the tremendous sacrifices our veterans make and knew that they should not be forced to struggle with related optical issues without any additional assistance and care. For 7 years, Dr. Allen worked with me and Donald May of Lodi, Wisconsin to craft long overdue legislation that would ensure the correction of this inadequacy.

In 2007, Congress unanimously passed and the President signed H.R. 797, the Dr. James C. Allen Veteran Vision Equity Act, allowing disabled veterans to receive greater compensation if they begin to lose sight in the second eye, regardless of whether or not that loss of sight is service-connected. The Dr. James C. Allen Veteran Vision Equity Act will directly impact the lives of those who sacrificed to defend our freedom. Over 13,000 veterans have been blinded in conflict since World War II, including veterans of Iraq and Afghanistan who are incurring eye wounds at the highest rate of a major conflict since World War I.

Over the years, Dr. Allen has received countless awards and honors, including the 2008 Wisconsin Medical Society Physician Citizen of the Year Award and the Wisconsin Board of Veterans Affairs Veteran Lifetime Achievement Award. However, no amount of accolades could accurately reflect how invaluable his work has been and will continue to be to our most courageous citizens. The American spirit embodies the idea that one thoughtful, committed citizen possesses the ability to create meaningful change and Dr. Allen exemplifies this spirit. I join the greater Madison community and veterans everywhere in honoring Dr. Allen for his unwavering commitment and dedication.

A TRIBUTE TO BOB HOPE AIRPORT CELEBRATING 80 YEARS OF SERVICE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. SCHIFF. Madam Speaker, I rise today to congratulate the Bob Hope Airport as it celebrates its 80 anniversary of service. Since its opening as United Airport on Memorial Day in 1930, the Bob Hope Airport has grown to accommodate 5 million passengers a year with more than 80 daily non-stop flights, making it a vital member of the Southern California airport system.

Previously known as the Union Air Terminal, the Lockheed Air Terminal, the Hollywood-Burbank Airport and the Burbank-Glendale-Pasadena Airport, in 2003, the Burbank Airport changed names once again, now paying homage to the great Bob Hope, one of our country's legendary entertainers and a long time resident of California. In its 80 years, the airport has been a witness to some of our country's greatest triumphs as well as some of our greatest struggles.

Movie and aviation stars alike attended the 1930 opening of the airport amidst a three day celebration in which 200,000 people participated. Ten years later and with the approach of World War II, it developed a reputation of being the primary airport of Los Angeles. During the war, the airport was the birthplace of many important aircraft, including B–17 Bombers, Hudson Bombers and over 10,000 P–38 Fighters. However, a testament to its vitality, in the middle of the chaos, the airport remained open as a commercial airport, connecting citizens with the rest of the country and showing that although its name has changed through the years, its commitment has not wavered.

Today there are 2.5 million people living within 15 miles of the Bob Hope Airport, and its airline service continues to be a dependable link to the rest of the nation. In 1977, three cities in my congressional district, Burbank, Glendale and Pasadena joined to form a separate government agency, the Burbank-Glendale-Pasadena Airport Authority, and today the airport operates under their control, demonstrating efficiency and safety.

On the occasion of the Bob Hope Airport's 80th anniversary, I would like to recognize the nine authority commissioners, President Joyce Streator, Vice President Frank Quintero, Secretary Don Brown, and Commissioners Bill Wiggins, Charles A. Lombardo, Dave Weaver, Rafi Manoukian, Chris Holden and Francis D. Logan for their commendable work, and thank all those who have served previously in this role.

It is with great pleasure that I congratulate the Bob Hope Airport on this milestone anniversary, and wish the airport continued success in the future!

CONGRATULATING 'IOLANI SCHOOL'S ECONOMICS TEAM, NATIONAL CHAMPIONS OF THE 2010 NATIONAL ECONOMICS CHALLENGE

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. HIRONO. Madam Speaker, I rise today to congratulate 'Iolani School's Economics Team for winning the 2010 National Economics Challenge.

More than 1,200 teams from across the country competed in this year's event sponsored by the Council for Economic Education. This year marked Iolani's fourth national championship and 11th state championship. 'Iolani has also won two second place national titles.

I would like to recognize team members Andrew Ellison, Jesse Franklin-Murdock, Sean Cockey, and Mark Grozen-Smith as well as coach Richard Rankin. In the fall, Andrew will be attending the University of Pennsylvania, Jesse will be attending the George Washington University, Sean will be attending the Massachusetts Institute of Technology, and Mark will be leading next year's team in defending 'Iolani's title.

Our Nation's recent economic meltdown has demonstrated how essential economic understanding is for all of us. Continued federal support for the Council for Economic Education is critical as it works to empower students through economic and financial literacy programs to help future generations make informed and responsible choices throughout their lives as consumers, savers, investors, workers, citizens, and participants in our global economy. I joined a number of my colleagues to advocate for continued funding for the Council in fiscal year 2011.

Again, congratulations Andrew, Jesse, Sean, Mark, and Coach Rankin. Best wishes on your continued academic success.

NATIONAL CANCER RESEARCH MONTH

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. BILBRAY. Madam Speaker, today, I rise to recognize the millions of Americans and the researchers that are fighting every day to end cancer. As you know, May is National Cancer Research month and all across our great Nation, men and women are working not only to overcome this devastating disease that claims half a million American lives every year, but also to prevent it.

Unquestionably, the Nation's investment in cancer research is having a remarkable impact.

Thanks to discoveries and developments in prevention, early detection, and more effective treatments, many of the more than 200 diseases called cancer have been cured or converted into manageable chronic conditions while preserving quality of life. The 5-year survival rate for all cancers has improved over the past 30 years to more than 65 percent. Advances in cancer research have had significant implications for the treatment of other costly diseases such as diabetes, heart disease, Alzheimer's, HIV/AIDS and macular degeneration.

However, there is much left to be done, as cancer remains the leading cause of death for Americans under age 85 and the second leading cause of death overall. We must continue to strengthen our Nation's commitment to lifesaving research for the health and wellbeing of all Americans.

I want to commend the hard work and dedication of all those who are on the front lines of the quest for the prevention and cure of cancer. Organizations such as the American Association for Cancer Research, AACR, American Cancer Society, Susan G. Komen Breast Cancer Foundation, and the Pancreatic Cancer Action Network are fighting hard every day to eradicate Cancer in partnership with the American taxpayer and NIH.

I was pleased to learn that President Obama nominated Dr. Harold Varmus to head the National Cancer Institute, NCI. As NIH Director under President Clinton, Dr. Varmus was instrumental in the historic growth of this great agency. As NCI tackles the health mysteries surrounding Cancer, it is heartening to know it will be lead by such a distinguished and capable scientist.

As we celebrate National Cancer Research Month this May, I hope that this Congress will continue to make cancer research a national priority and ensure continued progress for the hope and benefit of all Americans who have or will be touched by this dreaded disease.

INTRODUCTION OF THE OBSTETRIC FISTULA PREVENTION, TREATMENT, HOPE, AND DIGNITY RESTORATION ACT OF 2010

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mrs. MALONEY. Madam Speaker, today I am introducing bipartisan legislation along with Representative MIKE CASTLE and Representative LOIS CAPPS to save and reclaim the lives of mothers and their babies. The Obstetric Fistula Prevention, Treatment, Hope and Dignity Restoration Act of 2010 authorizes funding to reduce obstetric fistula, a terrible condition which can be prevented and repaired. More than two million women worldwide have obstetric fistula resulting from prolonged labor without medical attention. The pressure created internally on a woman from this obstructed delivery kills tissue and causes a hole to develop between the woman's vagina and rectum, leaving the woman without control of her bladder and/or bowels for the rest of her life if left without treatment. It often results in the death of the infant. Many women with obstetric fistula are abandoned by their husbands and families because they are considered ''unclean''. Left without support, the women are often forced to beg or turn to prostitution to survive.

The World Health Organization estimates that 50,000–100,000 new cases of obstetric fistula develop each year, adding to the estimated 2 million current cases, with most cases occurring in poor communities in sub-Saharan Africa and Asia where access to maternal and obstetric care is limited.

Fortunately, there is hope. This condition is almost entirely preventable. Prevention efforts include medical interventions such as skilled attendance present during labor and childbirth, providing access to family planning, and emergency obstetric care for women who develop childbirth complications as well as social interventions such as delaying early marriage and educating and empowering young women.

This condition also is treatable in up to 90 percent of cases, costing an average of $300 for repair. The treatment requires a specially trained surgeon and support staff, and access to an operating theater and to attentive post-operative care.

This bill supports a comprehensive approach to end obstetric fistula—prevention to eliminate occurrences, treatment to repair those women who already suffer, and rehabilitation to help those recovering fully heal and reenter society. It focuses on efforts to build local capacity and improve national systems to prevent and treat obstetric fistula.

Women are fundamental to ensuring the health of their children and other family members.

Obstetric fistula is devastating; but doesn't have to be life-shattering. With our bill, we can provide hope and a healthy future. I urge my colleagues to support the Obstetric Fistula Prevention, Treatment, Hope, and Dignity Restoration Act of 2010.

HONORING THE LIFE OF LAWRENCE A. RUBIN—FATHER OF THE MACKINAC BRIDGE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. STUPAK. Madam Speaker, I rise to honor a true Michigan legend, Lawrence A. Rubin, the father of the Mackinac Bridge. Through his hard work and unbridled passion, Larry was at the heart of funding and building the Mackinac Bridge. It was with a heavy heart that I learned of his passing on May 11 at the age of 97, but I know that Larry's spirit will live on each time someone makes their first trip across that five mile expanse of concrete and steel suspended over the sparkling blue waters of the straits separating Lake Michigan and Lake Huron.

Although he was born December 7, 1912 in the suburbs of Boston, Massachusetts, we Michiganders count Larry as one of our own. He graduated from the University of Michigan in 1934 with a degree in business. In addition to his studies, Larry played on Michigan's football team serving as a backup to future President Gerald Ford. After graduating, Larry opened an advertising agency and held several transportation focused positions before being appointed as Executive Secretary of the Mackinac Bridge Authority in 1950.

The building of the Mackinac Bridge was by no means non-controversial, and Larry was a key player in negotiating both the funding and construction phases of this expensive and expansive project. He not only attracted investors to purchase the bonds needed to fund construction of the bridge, but he also worked to make sure those bonds were repaid.

Larry's vision for the Mackinac Bridge extended beyond simply making transportation between Michigan's Upper and Lower Peninsulas more convenient. From the beginning he recognized its potential to draw vacationers and tourists to the area. At five miles from shore to shore, it was the longest suspension bridge in the world in 1955 with 46-story tall towers stretching to the sky. Whether driving in daylight over the churning waters of the Straits of Mackinac or under the illumination of its thousands of lights at night, the trip across the Mackinac Bridge is a captivating experience.

One of the best known traditions of the Mackinac Bridge is the Labor Day Bridge Walk. This too can be traced to Larry, who organized the first Bridge Walk in June, 1958. The following year the Mackinac Bridge Walk was moved to Labor Day weekend. Larry's talent for accomplishing big things was again recognized—the Bridge Walk has grown from 68 participants its first year to an average of 50,000–65,000 participants.

Larry may have officially retired from the Bridge Authority in 1983, but even in retirement he continued his involvement with the bridge, writing two books about the Mighty Mac, participating each year in the Labor Day Bridge Walk and even building his home overlooking the straits to allow him to see his beloved bridge each and every day.

It was Larry's unfailing energy that ensured the success not only of the Mackinac Bridge, but in each endeavor he set out to do. He was active in the St. Ignace community, serving as director of the Upper Peninsula Travel and Recreation Association, chairman of the Mackinac Straits Hospital board and as a founder and board member of the local library. He was an avid downhill skier, and could be found hitting the slopes until he was 90.

Madam Speaker, it is difficult to envision how the Mackinac Bridge would exist today without the drive and the vision of Larry Rubin. The bridge is a lasting symbol of a unified Michigan and for this we owe our heartfelt thanks and Michigan pride to Larry. With his passing, Michigan has lost an icon and our thoughts and prayers go out to his wife Elma and their family. Therefore Madam Speaker, I ask that you, and all of my colleagues in the U.S. House of Representatives, join me in honoring the life and accomplishments of Lawrence A. Rubin—the great champion and father of the Mackinac Bridge.

DEKALB COUNTY VETERANS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker:

Whereas, DeKalb County serves as home for many of our Veterans that have served in the United States Military; and

Whereas, the day-to-day operations of our government on a local, state and federal level impact the lives of our Veterans either directly or indirectly; and

Whereas, our beloved county continues to rely on the wisdom and suggestions from the DeKalb County Veterans Affairs Advisory Board members to address concerns and issues of our military community; and

Whereas, this unique board has given of themselves tirelessly and unconditionally to preserve integrity, advocate for our enlisted service personnel and veterans; and

Whereas, the DeKalb County Veterans Affairs Advisory Board continues to serve our county by being involved in the planning, organizing and conducting of ceremonies that commemorate and recognize those who served our country in the United States military; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the DeKalb County Veterans Affairs Advisory Board for their outstanding service to our District;

Now therefore, I, HENRY C. ''HANK'' JOHNSON, JR., do hereby proclaim May 24, 2010, as DeKalb County Veterans Affairs Advisory Board Day in the Fourth Congressional District.

TRIBUTE TO THE BAKERSFIELD NATIONAL CEMETERY

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. MCCARTHY. Madam Speaker, I rise today to recognize the Bakersfield National Cemetery located in Kern County, California. The Bakersfield National Cemetery opened in July of last year and we will all be honoring veterans at the cemetery's first Memorial Day

this weekend. This cemetery will serve as a final resting place for our veterans and their family members for many years to come.

The Bakersfield National Cemetery covers more than five hundred acres and includes full-casket gravesites, pre-placed crypts, in-ground cremation sites and columbarium niches. Additionally, the grounds will include a public information center, a maintenance complex, a flag assembly area, a memorial walkway, a committal service shelter, as well as interment areas, plus irrigation and support facilities that will keep the grounds pristine as the final resting place of many of our heroes from the Central Valley of California who have served and sacrificed for our country.

It is of the utmost importance that the brave men and women who keep us safe be honored. This cemetery provides solace to the families of service personnel; for others, it will serve as a reminder of the sacrifice that patriots have made, and will continue to make, on behalf of our nation.

The Bakersfield National Cemetery is a monument not only to the sacrifice of our local veterans, but also to Kern County's unending commitment to those who serve, and the cause of freedom for all. The Bakersfield National Cemetery is a small token of appreciation for our men and women in uniform who protect the freedoms that we enjoy today, and I am honored today to recognize its first Memorial Day ceremony.

HONORING THE 60TH WEDDING ANNIVERSARY OF RAYMUNDO M. BARRERA AND PLACIDA P. BARRERA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. CUELLAR. Madam Speaker, I rise today to honor the 60th wedding anniversary of Mr. Raymundo M. Barrera and Mrs. Placida P. Barrera. I congratulate the couple on spending over half a century married and going strong together.

The couple is native to South Texas and has contributed to the community through their careers and service. Raymundo was born in 1926 in Mission, Texas to Dr. Cayetano Barrera and Maria L. Martinez. That same year, Placida Pena was born to Reynaldo Pena and Josefa Ramirez in Guerra, Texas.

Their life together began the day they met in Mission, Texas in 1940 at their young age of 14 years old. As fate would have it, Placida lived with her aunt and was next door neighbors to Raymundo's family. At the start of the World War II, a year later, Placida went back to live with her parents in Jim Hogg County in a community name Guerra or El Colorado Ranch. She graduated from the Rio Grande City High School in 1945. Eight years later, she went back to Mission and reunited with Raymundo. Raymundo had served his country by being recruited into the Army and served in Europe in 1945. After Raymundo and Placida saw each other, Raymundo went back to Delaware where he was stationed. The two corresponded through letters while they were apart.

By March 1950, in one of the many letters exchanged—Raymundo asked Placida to marry him. By April, they were engaged and on June 4, they were married. Throughout the years, the two have been stationed at Laredo Air Force Base, South Korea, Yokota, Japan, and Kansas. By 1969, Sgt. Raymundo Barrera retired from the military and moved to Laredo, Texas. Following his retirement, Raymundo attended colleges in Laredo and received his bachelor's degree in criminal justice. Placida earned her bachelor's degree in education and taught in Roma, Texas. She taught for 21 years within the United Independent School District, in Laredo, Texas. In 2001, she retired.

Today, Raymundo and Placida are retired in Laredo, Texas. They have been blessed with six children, 20 grandchildren, and 16 great grandchildren.

I congratulate Raymundo's and Placida's 60th wedding anniversary. They have experienced a great deal together, served the community of South Texas and the nation, and continue going strong jointly.

HONORING WILLIAM (LARRY) LUCAS, VICE PRESIDENT, GOVERNMENT AFFAIRS, PHARMACEUTICAL RESEARCH AND MANUFACTURERS ASSOCIATION (PhRMA)

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mrs. CHRISTENSEN. Madam Speaker, I rise to pay tribute and honor Mr. Larry Lucas—who is retiring from his position as vice president, Government Affairs, of Pharmaceutical Research and Manufacturers Association, PhRMA—for his dedication and illustrious career which, over many decades, has always championed the improved health and wellness of all people, but particularly of the underserved.

During his tenure at PhRMA, Larry honed his expertise and energy around coalition building and grassroots development, and developed strong and strategic partnerships with African-American and Latino state legislators throughout the country. But Larry also worked with a diversity of Members of Congress on both sides of the aisle on issues that were and remain critically important to expanding access not only to medicines, but also to quality health care information, services and treatments. He launched numerous efforts to work with a broad coalition of key stakeholders—from patients, to healthcare providers and administrators, to for-profit and not-for-profit health organizations—to raise greater awareness about the factors that exacerbate the racial and ethnic differences in access to quality health care, as well as in health preferences and health outcomes. Ever the communicator—Larry did a stint in radio as a young man—he also wrote a nationally syndicated monthly column about new developments in the pharmaceutical industry.

Larry's incredible accomplishments, however, began long before he joined PhRMA. Not only did he receive a bachelor of science degree in education from Jackson State University in Mississippi and honorably serve the Nation in the United States Air Force, but he conceptualized and launched a landmark outreach campaign at the Bureau of Census for the 1980 census program that involved over 86,000 government jurisdictions. One testament to the success of this effort—which is but one of many during his 16 years with the Bureau—is that the program was replicated in the 1990 and 2000 censuses.

Recently appointed to the Africa Diaspora North Initiative Strategic Planning Committee Board, as well as to the board of trustees for the National Association for the Advancement of Colored People, NAACP—where he is involved in their contribution fund and health committee—Larry holds numerous leadership positions on the boards of directors, as well as advisory boards and councils of some of the Nations' most influential and prominent organizations. Among them are the following: the Congressional Black Caucus Foundation, Inc., the National Black Caucus of State Legislators, the National Hispanic Medical Foundation and The Joint Center for Political and Economic Studies. Larry Lucas also serves on the boards of directors for the Congressional Black Caucus Political Education and Leadership Institute, the Providence Health Foundation Providence Hospital, Yale University's School of Nursing External Advisory Board, and is a founding member of the National Hispanic Caucus of State Legislators' Business Board of Advisors.

Through his commitment to excellence and unwillingness to accept mediocrity, Larry is highly regarded as a respectful, trustworthy, prepared and savvy federal and state legislative affairs expert. Through his perseverance and unrelenting focus on and dedication to reducing racial and ethnic, gender and geographic health disparities, Larry is widely known as one of the Nation's most passionate health equity champions. And, through his continued support of the efforts of not only the Congressional Black Caucus Health Braintrust, but of the Congressional TriCaucus, Larry is not only a brilliant mind, but a great mentor and friend who will be missed, but who also will serve as an inspiration to so many others for many decades to come.

On behalf of all those who have been touched and informed by Larry Lucas's efforts, and whose health, health care, wellness and thus life opportunities have been improved by his myriad professional and personal successes, I thank, honor and congratulate Mr. Lucas today, and wish him health and happiness during a long retirement with his loving wife Camille, family and friends.

RECOGNIZING MR. BOBBY STOUT ON THE OCCASION OF HIS RETIREMENT

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. TIAHRT. Madam Speaker, I rise today to honor a man who has honorably served his country in the United States Navy and his community of the City of Wichita and Sedgwick County, Kansas.

After 53 years of involvement in the local criminal justice system, Mr. Bobby Stout will be retiring from his position as the Wichita Crime Commission's Executive Director, effective June 30th, 2010.

This remarkable achievement is the culmination of an extraordinary career. After completing his military obligation in the United

States Navy, he joined the Wichita Police Department as an officer in 1957. He served there for 23 years, retiring in 1980 as Deputy Police Chief to accept his current position.

In the 30 years Mr. Stout has served on the Wichita Crime Commission, he is personally credited with developing advanced and specialty training programs for officers. This year, under his direction, the Crime Commission is conducting its 16th Annual Midwest Law Enforcement Conference on Gangs and Drugs. This annual program has provided training for more than 2500 law enforcement officers state-wide.

His involvement in the ''Making Good Choices'' program has directly impacted Wichita's youth by highlighting the consequences of poor decisions before they are faced with them. Mr. Stout was also the face of the weekly ''Crime Stoppers'' segment on local television, where his work earned him the distinction of Kansas ''Crime Stopper'' of the Year in 1993.

While tirelessly devoting his efforts to improving the lives of his fellow citizens, Bobby is first and foremost a devoted husband to his wife, Jerry, and a proud father and grandfather.

Madam Speaker, when parents in Wichita, or anywhere in our country, search for role models in their community that their children can aspire to, they need look no further than Bobby Stout. It is my distinct privilege to honor him today in the House of Representatives.

INVESTOR DEPOSIT YARDSTICK (INDY) ACT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. HARMAN. Madam Speaker, I am pleased to introduce with Rep. DAVID DREIER the bipartisan Investor Deposit Yardstick (INDY) Act.

On July 11, 2008, 6,500 depositors in IndyMac bank woke up to find huge chunks of their life savings had vanished. IndyMac collapsed, and with it went $233 million in deposited funds.

These small business owners, retirees and working families were not speculating wildly on the stock market—they were saving money in a bank they thought was secure.

Three months later, as the economy cratered, the federal government rode to the rescue of customers of other failing banks. In October 2008, the government raised the FDIC insurance limit from $100,000 to $250,000.

But it came too late for IndyMac customers, and for customers of five other banks across the country that were taken over by the FDIC. The new limits applied only prospectively to banks that would fail, not retroactively to those that already had.

IndyMac was the largest savings and loan in the Los Angeles area and its downfall hit California especially hard. Imagine your child's education fund practically wiped out overnight. Imagine your retirement nest egg decimated. And when you go to claim your FDIC insurance coverage, you are told you can't recover up to $250,000 but your neighbor can.

And many customers claim they were misled by IndyMac employees into believing their savings in excess of $100,000 were fully insured.

I am pleased to have partnered with Chairman FRANK and the FDIC to resolve this problem, as well as my co-author DAVID DREIER, and I urge prompt passage of this legislation, which is fully paid for out of fees assessed on financial institutions.

IN SUPPORT OF SECTION 45G, THE SHORT LINE RAILROAD TAX CREDIT

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. PERRIELLO. Madam Speaker, I rise today in support of the Section 45G Short Line Railroad Tax Credit, which expired on December 31, 2009, so that we can support our nation's railway industry and the jobs that it creates.

Section 45G was enacted in 2004 to help America's lighter-density freight rail lines invest in their infrastructure. Because this credit has not been extended for 2010, the Buckingham Branch Railroad in the 5th district of Virginia has been unable to make track repairs and much needed upgrades, thereby affecting Amtrak schedules and long term planning. Fifty cents of every dollar that the Buckingham Branch Railroad spends on improving its rail infrastructure is directed to labor costs, keeping Virginians employed.

The Short Line Railroad Tax Credit generates 6,890,000 rail track worker-hours each year and 3,305 full-time jobs nationwide. These numbers do not include the tens of thousands of jobs in the American steel, timber, and aggregate industries that make steel rail, railroad ties, and other railway equipment.

Section 45G is vital to enabling railway companies to pay their track employees and invest in tracks that serve local businesses. Short line rail tracks connect many of America's small businesses to the national freight rail network and promote economic development in areas that need it most.

I respectfully encourage the conference committee to ensure that the Short Line Railroad Tax Credit is successfully maintained.

HONORING CHARLES ROLAND ''BUDDY'' HUGHES

HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker,

Whereas, our lives have been touched by the life of this one man, who has given of himself in order for others to stand; and

Whereas, Charles Roland ''Buddy'' Hughes' work is present in DeKalb County, Georgia for all to see, being an advocate for the youth, the elderly, the poor and ordinary citizens like you and me; and

Whereas, this giant of a man thought there was never an issue that was too tall; he would protest, picket, march and speak out against injustice, because he knew that in order to have a better community it would take us all; and

Whereas, this remarkable man gave of himself, his time, his talent and his life; he never asked for fame or fortune to uplift those in need, he just wanted to do what was right and when he committed to doing something his actions would cut like a knife; and

Whereas, Buddy Hughes was a husband, a father, a son, a brother and a friend; he was our warrior, our general, a man of great integrity who remained true to the uplifting of our community until his end; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to bestow an honorable mention and recognition on Charles Roland ''Buddy'' Hughes for his leadership, friendship and service to all of the citizens in Georgia and throughout the world; a citizen of great worth and so noted distinction;

Now therefore, I, HENRY C. ''HANK'' JOHNSON, Jr., do hereby attest to the 111th Congress that Charles Roland ''Buddy'' Hughes of DeKalb County, Georgia is deemed worthy and deserving of this ''Congressional Honorable Mention'': Mr. Charles Roland ''Buddy'' Hughes, U.S. Citizen of Distinction, in the Fourth Congressional District.

OFFICER BENJAMIN L. KELLY

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. REICHERT. Madam Speaker, I rise today as a Congressman from the 8th District of Washington, a resident of the great Pacific Northwest, and a former law enforcement officer, to honor a man who acted courageously under perilous circumstances late last year. Seattle Police Department Officer Benjamin Kelly answered the call of duty in the wake of the heinous and unprecedented ambush of four officers in Lakewood, Washington. Because of his efforts, law enforcement officers and residents of Washington could breathe a sigh of relief knowing a violent gunman was no longer walking the streets.

The National Law Enforcement Officers Memorial Fund named Officer Kelly its ''Officer of the Month'' in March and Officer Kelly has received distinguished praise elsewhere for his brave actions in the early morning hours of December 1, 2009. That morning, Kelly encountered a parked car with its engine running. He pulled up behind the car—which he suspected was stolen—and started the process of documenting his discovery and determining the status of the vehicle. At the same time, Kelly noticed a man standing nearby who was wearing a hooded sweatshirt. Alert, Kelly focused on his task and his surroundings. Suddenly, Kelly spotted the man walking toward his patrol car from behind. Kelly left his vehicle, ordered the man to stop and immediately recognized him as the suspect in the terrible police ambush 48 hours earlier. Instead of stopping, the suspect darted away from the officer while reaching for a weapon. Kelly shot the suspect and killed him, ending the most extensive police manhunt in Washington's history and taking a ruthless killer off the street.

Officer Kelly acted bravely, there is no doubt. I know the courage it takes to confront a dangerous and cold-blooded suspect. He

didn't hesitate and placed himself in harm's way without thinking twice. Even more, what I believe distinguished Kelly's actions that morning was his intelligence. He was fully aware, didn't take any actions for granted, and his mind never stopped processing the scene. This entire House is proud of his distinguished service.

Madam Speaker, Officer Kelly is back on the job, serving the people of Seattle and trying his best to avoid the adulation and spotlight that accompanies his outstanding actions. He is a humble servant; he is an outstanding officer; he is a hero.

HONORING COLONEL EDWARD J. KERTIS FOR A DISTINGUISHED CAREER AND SERVICE TO THE RESIDENTS OF GEORGIA

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. BROUN of Georgia. Madam Speaker, I rise today to honor Col. Edward J. Kertis for a distinguished career and the outstanding help that he has been to me, my staff, and the people in my district.

Col. Kertis assumed command of the Savannah District, U.S. Army Corps of Engineers, on June 29, 2007. Since his appointment, he has been responsible for a $4 billion military design and construction program; water resources planning, design and construction; hazardous, toxic and radiological waste cleanup; and real estate activities.

Residents of my district are especially grateful for his help with water resources management during an historic drought. As the rains finally began to return, Col. Kertis took the unprecedented step of stopping flow from Thurmond and Hartwell Dams, allowing the lakes to fill while water was flowing into the Savannah River from flooding creeks and streams. This common-sense decision provided economic relief to those communities who rely so heavily on the preservation of the beautiful lakes and parks of the upper Savannah River. But he has served his country in other ways as well.

Prior to his assignment to the Savannah District, Col. Kertis commanded the Walla Walla District, USACE, in Washington State from 2002–2004. He has also served as a platoon leader, staff officer, and battalion executive officer in the 27th Engineer Battalion; company commander in the 41st Engineer Battalion; and engineer company commander in the 1st Special Forces Operational Detachment—Delta. He was also the inaugural commander of the Northern District, Gulf Region Division, Iraq, during Operation Iraqi Freedom, where he managed construction projects in support of Coalition forces and the Iraqi government.

I ask my colleagues to join me in thanking Col. Kertis for his service to the nation and the dedication he has given his duties, and in wishing him a long and wonderful retirement.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. LARSON of Connecticut. Madam Speaker, on May 26, 2010 I missed rollcall vote 302. Had I been present, I would have voted ''yea'' or ''aye.''

PHYLLIS REEDER RETIREMENT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I pay tribute to one of the most caring, dedicated, and selfless citizens of Indiana's First Congressional District, Ms. Phyllis Reeder, longtime employee of the Lake County Soil and Water Conservation District (LCSWCD), and current LCSWCD Administrative Treasurer. After serving the community of Lake County, Indiana in this capacity for the past twenty-five years, Phyllis will be retiring at the end of this month. In honor of Phyllis, a retirement open house will be held by the LCSWCD on Friday, May 28, 2010 at the Lake County Soil and Water Conservation District office in Crown Point, Indiana.

Phyllis Reeder is a lifelong resident of Northwest Indiana who is extremely proud of her Hoosier heritage. In 1944, Phyllis was born in LaPorte County, Indiana. Her family later moved to Schererville where Phyllis attended Saint Michael's Elementary School. She went on to graduate from Dyer Central High School in 1963. She then attended and graduated from Keypunch School in Hammond. Phyllis then began to work in the data processing department at Simmons Mattress Company in Munster. Later that year, on November 22, 1963, Phyllis married her beloved husband, Charles ''Chuck'' Reeder. They started a family and raised four girls: Theresa, Debbie, Donna, and Diana, and one boy, Charles. Phyllis was an active parent and also continued to work at Simmons until July 1980 when the company closed its doors. In 1977, Phyllis and her family moved to a ten-acre mini-farm in Cedar Creek Township. It was during this time that Phyllis's passion for environmental conservation began to grow. On the farm, they have a large garden which, at the time, provided their large family with fruit, vegetables, and herbs. The farm also has a windbreak on the property, which helps to prevent wind erosion and also saves energy. In addition, Phyllis's five children participated in many 4–H projects, which included such topics as water conservation, wetlands, foods, basketry, and food preservation.

In 1985, Phyllis's passion for conservation led to her career at the Lake County Soil and Water Conservation District. Phyllis currently serves as Administrative Treasurer for the LCSWCD, where she is known for her friendly demeanor and positive attitude. She consistently goes out of her way to assist co-workers and customers with their needs. Included in her many achievements at the LCSWCD, she expanded the LCSWCD's educational program and trained as a facilitator for Project Wild and Aquatic, Project Learning Tree, and Project WET. These workshops are offered throughout the county to local schools and are facilitated by Phyllis. Because of her strong belief in conservation, her efforts extend well beyond her working hours at the LCSWCD. Phyllis is actively involved in numerous volunteer organizations and has served on many boards throughout the community. For her unwavering commitment to environmental conservation efforts and to Northwest Indiana, she is worthy of the highest praise.

Phyllis's dedication to the community and her career is exceeded only by her devotion to her wonderful family. Phyllis and Chuck have been married for 47 years and they enjoy spending much of their time with their beloved children and grandchildren.

Madam Speaker, I ask that you and my other distinguished colleagues join me in commending Phyllis Reeder for her lifetime of leadership, service and dedication to the community of Lake County, Indiana. She has touched the lives of numerous people through her efforts at the Lake County Soil and Water Conservation District and through her extensive volunteer work. While she will be missed by the people with whom she worked, Phyllis's service and selfless dedication will forever be remembered, and I ask that you join me in wishing her well in her retirement.

RECOGNIZING COLONEL RONALD L. MARSELLE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. COSTELLO. Madam Speaker, I. rise today to pay tribute to Colonel Ronald L. Marselle for his outstanding service to our nation on the occasion of his retirement. His dedicated service to the citizens of our nation, the Department of Defense, and our Congress is both admirable and commendable.

Colonel Marselle earned his commission as a Distinguished Graduate from the United States Air Force Academy in 1985. He attended undergraduate pilot training at Williams Air Force Base and as an aviator, served as an aircraft commander, instructor, and evaluator in the KC–135 aircraft.

He returned to the Air Force Academy in 1998 where he led, mentored, and developed our nation's future Air Force officers. Colonel Marselle continued his excellent service to our nation in Washington, D.C., as Deputy Division Chief, Future Concepts and Transformation Division, Headquarters U.S. Air Force.

Most recently, Colonel Marselle provided legislative counsel for the Commander of the United States Transportation Command (USTRANSCOM). His in-depth knowledge of the legislative process and USTRANSCOM helped foster the strongest of working relationships. Without doubt, Colonel Marselle's efforts in this regard were instrumental in support of and service to our nation, and will not be forgotten.

Colonel Marselle's successful journey during his many years of service could not have been completed without the support of his loving family.

Madam Speaker, I ask my colleagues to join me in congratulating Colonel Ronald L.

Marselle on his well deserved retirement, and in thanking him for his service to our country.

COMMEMORATING THE BICENTENNIAL OF THE REPUBLIC OF ARGENTINA

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. SIRES. Madam Speaker, I rise today in celebration of the bicentennial of the Republic of Argentina. Two hundred years ago in Buenos Aires, a week-long series of revolutionary events took place, known as the Revolucion de Mayo, which set in motion events that led to Argentina's momentous declaration of independence from Spain in 1810.

Since gaining independence, Argentina has emerged as a leader in Latin America and as a valuable ally to the United States. In the western hemisphere, Argentina has always been a friend who shares our values of freedom and democracy. In the global arena, it continues to be an important economic partner, with nearly 500 U.S. companies currently operating within its borders. As a founding member of the United Nations and in its most recent position as Secretary General of the Union of South American Nations, Argentina has also proven to be a cogent diplomat.

Argentina benefits from rich natural resources, a globally competitive agricultural sector, and a diversified industrial base. Additionally, as a country that has been richly endowed with culture, varying from eloquent tangos to loyal soccer fans, Argentina remains one of the cultural epicenters of Latin America.

The positive bilateral relationship between the United States and Argentina has been based on many common strategic and ideological interests, securing Argentina's position as an important ally and friend to the United States. I commemorate this historic occasion with Argentineans in the United States and again congratulate the people of Argentina on 200 years of independence.

CELEBRATING THE BICENTENNIAL ANNIVERSARY OF ARGENTINA'S INDEPENDENCE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. ENGEL. Madam Speaker, I rise today to celebrate the bicentennial of the Republic of Argentina. On May 25, 1810, the Argentine people declared their independence from Spain and since that time, their nation has become an important regional and global actor.

I feel a personal connection to the nation of Argentina. As Chairman of the Subcommittee on the Western Hemisphere, I have had the privilege to lead two official congressional delegations to Argentina. I am always welcomed with a warmth and respect that speaks to the character of the Argentine people. President Cristina Fernandez de Kirchner is a distinguished leader whose service to her people is impressive. Likewise, Argentina's Ambassador to the United States Hector Timmerman and his excellent team work hard on a daily basis to advance the Argentine cause here in the United States.

In many ways, the United States and Argentina share much more than a hemisphere; we share common values of freedom, equality and a commitment to democracy that transcend national borders. Our nations have also worked closely on issues pertaining to regional security, and Argentina has established itself as a leading voice in the areas of nuclear nonproliferation and counterterrorism. I welcome this cooperation and I look forward to our continued collaboration on these vital fronts.

I hope you will join me in commemorating the 200th anniversary of the independence of the Republic of Argentina. May our two nations grow closer and may our shared values grow ever stronger.

COMMEMORATING THE OPENING OF HARKNESS HOUSE TO PROVIDE TRANSITIONAL HOUSING FOR VETERANS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. DELAURO. Madam Speaker, I rise to applaud the opening today of Harkness House, a four-apartment Victorian in my hometown of New Haven that will provide transitional housing for Connecticut veterans, and thus help to repay those who have served in uniform and now need our help.

Thanks to the hard work of Columbus House, a local organization dedicated to helping homeless Americans, as well as financial and logistical support from the Errera Community Care Center, VA Medical Center in West Haven, and the Department of Veterans Affairs, Harkness House will give up to fourteen homeless male veterans a place to live for up to two years, as they work to get back on their feet and reintegrate themselves into the community.

This new haven for homeless veterans is just one of many very worthwhile programs by Columbus House to alleviate the crushing burdens on the homeless men, women, and children in our midst. They also provide temporary and permanent housing at a number of other facilities around our community, as well as outreach services to this and other at-risk and highly vulnerable populations.

Along with providing a crucial resource to homeless veterans, Harkness House is particularly well-named. Its namesake, Dr. Laurie Harkness, has spent a career working to foster supportive housing for Connecticut's veterans in danger of homelessness. She has played a formative role in the creation of several such residential projects all across the state, and brought both housing and hope to over 250 homeless veterans and their families. And she has been a dear personal friend to me.

I congratulate Laurie on this well-earned honor today, and I thank Columbus House and everyone else involved for their leadership and commitment to making Harkness House a reality. Because of their efforts, veterans who have sacrificed so much for our country, but have fallen on hard times, will now have a better chance at a second chance.

RECOGNIZING THE ACHIEVEMENTS OF NOLAN KAMITAKI

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. HIRONO. Madam Speaker, I rise today to recognize the achievements of Nolan Kamitaki, a young constituent from Hilo, Hawaii. I would also like to congratulate him on his graduation as valedictorian of Waiakea High School's Class of 2010.

From a young age, Nolan has been deeply fascinated with natural phenomenon and mathematics, and his passion for these pursuits is reflected in his many achievements. He led Waiakea High School's Math League, Math Bowl, and Science Bowl teams, and participated in Japan's International Micro Robot Maze Contest. Nolan's aptitude for science has been recognized at numerous competitions and symposiums including the 2010 International Engineering and Science Fair, where Nolan earned the first place grand award. Nolan has received prestigious recognition as a 2009 Davidson Fellow for his project, ''Programming a Network Approach to Contain the Spread of Epidemic.''

Nolan's outstanding achievements in academics and his exemplary leadership and community service have earned him distinction as one of two 2010 U.S. Presidential Scholars from Hawaii. He plans to pursue a career that merges biological processes and computer science.

Nolan is a rising star in the sciences and a proud product of the Hawaii public school system. I am inspired by his impressive accomplishments at such a young age, and I look forward to following the career of this future leader.

TRIBUTE TO GILL GALLO, DIRECTOR OF THE RIVERSIDE NATIONAL CEMETERY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual from my Congressional District for his years of service to Riverside, California. Gill Gallo has served as director of the Riverside National Cemetery since May 14, 2006. And after four years, Gill Gallo is leaving this appointment to serve as the Director of the National Cemetery in San Antonio, Texas.

In his position as director, Gill was responsible for all burial, maintenance and administrative operations at the cemetery. He also trained under Steve Jorgensen, the longtime director at Riverside who helped bring hundreds of volunteers into the cemetery's community support network. Gill often speaks of the historical significance of his work, and has remarked that there is no better place to pay tribute and learn about our veterans than by visiting the headstones and commemorating the fallen in our national cemeteries.

Prior to coming to Riverside National Cemetery, Gill served as director at the Willamette National Cemetery in Oregon. He also served

as director of the Abraham Lincoln National Cemetery in Illinois, assistant director of the Willamette National Cemetery, director at the Fort Bliss National Cemetery in El Paso, Texas, director at Eagle Point National Cemetery in Oregon and director at the Santa Fe National Cemetery in New Mexico. Additionally, Gill served more than 20 years in the U.S. Air Force before retiring in 1986. He received an associate's degree from the University of Maryland, European Division in 1984.

Gill and his wife, Amparo, have three children: a son in the U.S. Air Force Reserve; a daughter in San Antonio, Texas; and a son in Colorado Springs, Colorado.

Gill Gallo's tireless passion for community and public service has contributed immensely to the betterment of the community of Riverside, California. I am proud to call Gill a fellow community member, American and friend. I know that many people are grateful for his service, and wish him the very best in San Antonio.

EXPRESSING SYMPATHY TO FAMILIES OF SOUTH KOREAN SEAMEN KILLED BY NORTH KOREA

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. KUCINICH. Madam Speaker, I rise in sympathy with the families of those killed in the sinking of the Republic of Korean ship (ROKS) Cheonan. I stand in solidarity with the people of the Republic of Korea in the aftermath of this tragic incident. However, I have serious concerns with language in H. Res. 1382. While it appropriately expresses sympathy to the families of those killed in the attack, it also appears to express support for possible military action against North Korea.

North Korea announced yesterday that it is severing all relations with South Korea, further exasperating an already contentious relationship. This resolution ''urges the United States'' and ''its allies . . . to take appropriate actions in response to the sinking of the ROKS Cheonan and other hostile acts of North Korea.'' The resolution also ''urges the international community to provide all necessary support to the Republic of Korea as the Government of the Republic of Korea prepares to respond to the actions committed by North Korea, which led to the sinking of the ROKS Cheonan.'' State Department officials, including Secretary of State Hillary Clinton, have also made public statements vowing that the attack will not go unanswered.

Congress and the Administration can better express support for the people of the Republic of Korea by recommitting to promoting dialogue between the two nations. The expression of congressional support for a possible military response to North Korea's actions can only serve to heighten the likelihood of a military confrontation. Military action in retaliation to North Korea's attack on the South Korean ship can only result in the further loss of life. I believe strongly in the power and necessity of diplomacy. The United States has a responsibility to utilize its unique role as an ally of South Korea to bring the nation closer to resolution with North Korea.

HONORING MS. ALMA GAMMAGE

HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker:

Whereas, in the Fourth Congressional District of Georgia, there are many individuals who are called to contribute to the needs of our community through leadership and service; and

Whereas, Ms. Alma Gammage has given of herself as an educator of E.L. Bouie, Sr., Elementary Theme school, a daughter, a mother and friend; and

Whereas, Ms. Gammage has been chosen as this year's Teacher of the Year, representing E.L. Bouie Elementary school; and

Whereas, this phenomenal woman has shared her time and talents for the betterment of our community and our nation through her tireless works, motivational speeches and words of wisdom; and

Whereas, Ms. Gammage is a virtuous woman, a courageous woman and a fearless leader who has shared with the world her vision and passion to help ensure that our future, our children, receive an education that is relevant for today, but also for the future; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. Alma Gammage for her leadership and service for our District;

Now therefore, I, HENRY C. ''HANK'' JOHNSON, Jr., do hereby proclaim April 23, 2010, as Ms. Alma Gammage Day in the Fourth Congressional District.

EXPRESSING SYMPATHY TO FAMILIES OF SOUTH KOREAN SEAMEN KILLED BY NORTH KOREA

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. RANGEL. Madam Speaker, I rise to convey my deepest condolences for the people of South Korea following the tragic sinking of the naval ship, Cheonan, which has severely traumatized the nation and disrupted peace and stability in the Land of the Morning Calm.

As a longtime friend of the Korean people, I fully support the resolution introduced by my colleagues, Representatives FALEOMAVAEGA, ROS-LEHTINEN, ACKERMAN, MANZULLO, and BERMAN, that expresses sympathy to the families of the 46 sailors killed as a result of North Korea's aggression, and demonstrates our solidarity with the Republic of Korea in the aftermath of this tragedy.

For me in particular, this incident is very personal and excruciatingly painful. As a veteran who fought in the Battle of Kunuri during the Korean War, I have witnessed the anguish and the suffering inflicted on the Peninsula as a result of North Korea's invasion of the South on June 25, 1950. In fact this year marks the 60th anniversary of the outbreak of the Korean War, which evidently has yet to end.

The Korean people have lived in a state of division and instability in the Peninsula for sixty years. The recent disaster is clearly a somber reminder that the United States must reaffirm our alliance with the Republic of Korea to help bring closure to the first and last conflict of the Cold War and ultimately build a path toward reconciliation between the two Koreas.

RECOGNIZING PROSPERO J.J. SANCHEZ FOR HIS DEDICATION TO NEW MEXICO BOYS STATE

HON. HARRY TEAGUE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. TEAGUE. Madam Speaker, I would like to take a moment to recognize Prospero J.J. Sanchez, someone who truly loves our country and is a veteran of the Army who makes his home in Albuquerque, New Mexico.

A few years ago, after some arm twisting by his father, Prospero, Sr., a World War II Marine Veteran, he was taken for the first time 30 years ago to attend the American Legion New Mexico Boys State. After that year there was no more arm twisting involved with Prospero Sanchez attending the annual Boys' State session. This year's American Legion New Mexico Boys' State session being held at the Campus of Eastern New Mexico University will mark Prospero J.J. Sanchez's 30th consecutive session of attendance.

Prospero has held many positions thoughout the American Legion New Mexico Boys' State organization which has taught thousands of New Mexico High School Seniors the rights and responsibilities of being citizens of this great country of ours. Numerous members of our society have attended an American Legion Boys State or an American Legion Auxiliary Girls State session held annually on campus across this nation.

The program's alumni has held positions as CEO's, Artists, Athletes, Newscasters, Justices on the Supreme Court, both chambers of the House and Senate and even held the Position of President of the United States. It is organizations such as the American Legion and the American Legion Auxiliary, who after wearing the uniform of our country, return home and continue to selflessly serve the communities to which they belong such as Prospero Sanchez has, not only as a very active member of the American Legion where he is one of the New Mexico's Past Department Commanders and the Current Alternate National Executive Committee Man.

Prospero J.J. Sanchez is commended for his dedication of many years of service to the youth of the nation at American Legion New Mexico Boys State, where he currently holds the position of President of the American Legion New Mexico Boys State Board of Directors. I thank him for his many years of service and I am honored to have the opportunity to have him recognized in the Congress today.

CELEBRATING THE BICENTENNIAL OF ARGENTINA'S INDEPENDENCE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. HONDA. Madam Speaker, I rise today to join my colleague Representative ELIOT ENGEL of New York, in congratulating the great people of Argentina in celebration of the bicentennial anniversary of their independence from Spain, which occurred on the 25th of May of 1810.

Born in 1810 out of a newfound sense of national identity, the trajectory of Argentinean independence is inspired by the same enlightenment ideas of self-determination and representative government that inspired America's independence movement. Like George Washington, Jose de San Martin, the liberator of Argentina, led the fight for freedom in armed struggle against the shackles of Spanish rule. At the heart of the U.S. example was the creation a constitution free from monarchy, building an infant democracy surrounded by European power in the new world. Capitalizing on Napoleonic control, Argentina's cry set in motion the wars of independence across South America and the creation of new republics by the decade's end.

America's 200-year relationship with Argentina commenced officially when President James Monroe promulgated a foreign policy based on the preservation of our republics from imperial intervention, thus securing a shared destiny of independence. In an unprecedented gesture of aid to an unrecognized country, President Monroe sent a representative whose primary objective was to assure the Argentinean people that ''U.S. has the most sincere disposition towards its neighbors from Latin America and considers friendly exchanges as mutually beneficial.'' In 1822, the U.S. became the first non-Latin nation to establish formal diplomatic relations with Argentina. Our countries' friendship has been strong ever since.

An entire week of May leading up to the 25th is devoted to celebrating several events that sparked Argentina's movement towards independence, with expatriates and Argentinean-Americans in cities across the United States also partaking in celebrations. Argentineans have a proud history of enriching the world's literary, art and musical, and sports arenas. Tango performers like Carlos Gardel, and writing artists like Jorge Luis Borges, have injected masterpieces into our global tapestry, while one of the most famous soccer magicians Diego Armando Maradona amazed fans during the 1986 World Cup.

It is with great joy, Madam Speaker, that I ask the rest of my colleagues to congratulate our great neighbor on this historic achievement for their people. I wish the President of Argentina and Argentineans across the world a festive week.

HONORING JEFFREY SIEGEL

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. UPTON. Madam Speaker, I rise today to pay special tribute to Mr. Jeffrey Siegel of Berrien Regional Educational Service Agency. After over three decades of service to the education community of southwest Michigan, Mr. Siegel will be retiring as the Superintendent of Berrien RESA.

After receiving his bachelor's degree in psychology from Adelphi University in New York, Jeff made his way to Mount Pleasant, Michigan where he attended Central Michigan University and earned both his master and specialist degrees.

Mr. Siegel has served as Berrien RESA's superintendent for over seven years and has accomplished many great milestones during his distinguished tenure. Jeff created a Medicaid billing site in southwest Michigan and has worked with local school districts to reduce the number of children referred to special education across the county by nearly 15 percent. He redefined his organization's service scope to include programs and services specifically related to supporting classroom technology, student data management, business office support, career training and school safety.

In addition to his professional responsibilities at Berrien RESA, Mr. Siegel, serves his community as a leader of the Berrien Community Foundation, Berrien Springs/Eau Claire Rotary, Temple B'Nai Shalom, Consortium for Community Development, Community Partnership for Lifelong Learning, and the Great Start Collaborative Early Childhood Investment Corporation. He also serves as a member of a variety of state and local professional organizations and has been appointed by the Michigan Department of Education to provide leadership and oversight to committees related to Medicaid and intermediate school districts.

For over three decades in the Berrien County education community, Jeffrey Siegel's leadership, skills, compassion, and commitment to education have made him an indispensible asset to the citizens of Berrien County. As Mr. Siegel prepares for his retirement, he leaves a legacy that will benefit the community for years to come.

HONORING THE SERVICE OF DR. STEPHEN L. PAGE, ED. D. AS SUPERINTENDENT, HENDERSON COUNTY PUBLIC SCHOOLS, NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. SHULER. Madam Speaker, I rise today to honor Dr. Stephen L. Page, Ed. D. on his June 30th retirement from his position as the Superintendent of Henderson County Schools. Dr. Page's efforts have been central to the development and success of the public school system of Western North Carolina where he has served faithfully and effectively for the past 37 years.

Before beginning his career in the public school system, Dr. Page served honorably as a First Lieutenant, Combat Executive Officer, in the United States Army. For his bravery and meritorious service during the Vietnam War, Dr. Page was awarded the Bronze Star.

Dr. Page is also actively involved in the Henderson County Community. He is a member of the Civitan Club of Hendersonville and serves as Chairman of the Civitan Foundation Board of Directors. He serves on the United Way of Henderson County Board of Directors and on the Daniel Boone Council of Boy Scouts of America. Dr. Page also served as the Honorary Chairman of the 2007 March of Dimes WalkAmerica campaign in Henderson County.

Madam Speaker, I am proud to honor Dr. Stephen Page today, to thank him for his tremendous service to the community, and to wish him well in his retirement.

IN SPECIAL RECOGNITION OF LIEUTENANT COLONEL THOMAS P. BELKOFER FOR HIS SERVICE TO THE UNITED STATES OF AMERICA IN THE THEATER OF OPERATION ENDURING FREEDOM

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. LATTA. Madam Speaker, it is with a heavy heart that I rise to pay special tribute to a military hero from Ohio's Fifth Congressional District. United States Army LTC Thomas P. Belkofer, 44, of Perrysburg, Ohio, lost his life in combat on May 18, 2010 as a result of wounds sustained in support of Operation Enduring Freedom. Lieutenant Colonel Belkofer was assigned to the headquarters of the 10th Mountain Division out of Fort Drum, New York. He is survived by his dear wife Margaret, and their daughters Alyssa and Ashley.

An individual dedicated to giving his all in everything, Thomas Belkofer was a determined athlete at his alma mater, Rossford High School, where he graduated in 1983. Thomas served in the Ohio Army National Guard, and in the Reserve Officer Training Corps, ROTC, in college. In 1992, Thomas received his Bachelor's Degree from Bowling Green State University in Architecture and Environmental Design. It was this same year he married his college sweetheart, Margaret Maness, and both were commissioned in the United States Army. Lieutenant Colonel Belkofer earned his Masters in Business Administration degree from Syracuse University during his active duty service.

A committed Army officer, Lieutenant Colonel Belkofer served 18 years at various military assignments, including the bases in Fort Hood, Texas; Fort Carson, Colorado; Fort George G. Meade in Maryland; The Pentagon; a 13-month deployment to Afghanistan; Vincenza, Italy; and Fort Drum, New York. During his first deployment in Afghanistan, Lieutenant Colonel Belkofer assisted with the establishment of a financial infrastructure for Afghan government employees, many of them soldiers. Lieutenant Colonel Belkofer's life and accomplishments reflect his commitment to his country and the protection of its freedoms.

In addition to his various assignments that have taken Lieutenant Colonel Belkofer all over the world, he received many badges, medals, and ribbons. These include the Overseas Service Bar, Army Staff Identification Badge, Air Assault Badge, Parachutist Badge, Combat Action Badge, Army Joint Meritorious Award, NATO Medal, Overseas Service Ribbon, Army Service Ribbon, Humanitarian Service Medal, Global War on Terrorism Service Medal, Afghanistan Campaign Medal (with

the Bronze Service Star), Armed Forces Expeditionary Medal, National Defense Service Medal, Army Reserve Components Achievement Medal, Army Achievement Medal, Army Commendation Medal, Meritorious Service Medal, Defense Meritorious Service Medal, Purple Heart Medal, Bronze Star Medal, and the Legion of Merit Medal.

Madam Speaker, I ask my colleagues to join me in recognizing the life and selfless service of Lieutenant Colonel Thomas P. Belkofer. We stand with his family and loved ones in mourning the loss of America's finest, and remain forever grateful for his sacrifice toward the peace and security of our nation.

COMMEMORATING THE 40TH ANNIVERSARY OF THE JACKSON STATE COLLEGE SHOOTING THAT CLAIMED THE LIVES OF PHILLIP LAFAYETTE GIBBS AND JAMES EARL GREEN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. THOMPSON of Mississippi. Madam Speaker, I would like to commemorate the 40th anniversary of the Jackson State College shooting that claimed the lives of Phillip Lafayette Gibbs and James Earl Green.

Gibbs was a college student exercising his first amendment right to freedom of speech. Green was a prospective college student looking forward to the opportunity to make his mark during the Civil Rights Movement and define his place in society. Both young men lived in a time and place plagued by racial prejudice and discrimination

Four decades ago, four students were killed at Kent State University (Ohio) when National Guardsmen opened fire on hundreds of unarmed students during an on campus antiwar rally. The killings received national media and public attention and have annually been remembered in the 40 years that followed.

Just 10 days after the Kent State fatal shooting, on May 14, 1970, around 9:30 p.m., rumors began to circulate that Fayette, Mississippi's Mayor Charles Evers (brother of slain civil rights activist Medgar Evers) and his wife had been shot and killed. Protesters, both students and non-students who were still tense from demonstrations held the day before, gathered throughout the campus grounds of Jackson State College, in Jackson, Mississippi to protest. Some protestors damaged property and set a construction truck on fire. About 75 law enforcement officers from both the Jackson Police Department and the Mississippi Highway Patrol arrived on the scene armed with carbines, rifles, submachine guns, shot guns, service revolvers and other undocumented, non-service weapons and began to open fire on the student protesters.

It was not until after nearly 30 seconds of continuous, relentless shooting that officers yelled commands to cease fire. An investigation filed later by the Federal Bureau of Investigations reported that Alexander Hall dormitory had been struck over 450 times by bullets or bullet fragments. In that same report the FBI said no evidence was found to support that any officers had come under fire before the shooting started or that anyone in the immediate crowd of protesters had displayed a weapon. Miraculously, many lives were spared during the ordeal, but sadly two were not.

Phillip Lafayette Gibbs, a 21-year-old junior pre-law student, was shot three times in the head and once under his left armpit. Gibbs, who was married and the father of an 18-month old son was pronounced dead at the scene. James Earl Green, a 17-year-old Jim Hill High School student and track standout, was shot once in the side of the chest. Green, just weeks away from graduation, planned to attend the University of California, Los Angeles, collapsed and died just blocks away from his home. In the early morning hours of May 14, 1970, this country lost two potentially prominent and profound components of the legal and sports world.

Unfortunately, this tragic incident, similar to the Kent State shooting, received no national media coverage.

The FBI investigated the incident as well as President Nixon's Commission on Campus Unrest. Both bodies agreed that the shooting was an, ". . . unreasonable, unjustified overreaction . . .", and that a law enforcement response of this nature is, ". . . never warranted." However, no charges or arrest were ever made in the killing of these two young men and justice never prevailed.

In the spirit of remembrance and appreciation I stand before you to bring attention to the loss of two precious lives which sparked the ignition for change for a campus, a community, a state and a nation.

Please join me today in honoring the lives of Phillip Lafayette Gibbs and James Earl Green.

INTRODUCTION OF THE PRIVATE OPTION HEALTH CARE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. PAUL. Madam Speaker, I rise to introduce the Private Option Health Care Act. This bill places individuals back in control of health care by replacing the tax-spend-and-regulate health care law Congress passed last month with reforms designed to restore a free market health care system.

The major problems with American health care are rooted in government policies that encourage excessive reliance on third-party payers. The excessive reliance on third-party payers removes incentives for individual patients to concern themselves with health care costs. Laws and policies promoting Health Maintenance Organizations, HMOs, resulted from a desperate attempt to control spiraling costs. However, instead of promoting an efficient health care system, HMOs further took control over health care away from patients and physicians. Furthermore, the third-party payer system creates a two-tier health care system where people whose employers can afford to offer "Cadillac" plans have access to top quality health care, while people unable to obtain health insurance from their employers face obstacles in obtaining quality health care.

The Private Option Health Care Act gives control of health care back into the hands of individuals through tax credits and tax deductions, improving Health Savings Accounts and Flexible Savings Accounts. Specifically, the bill:

A. Provides all Americans with a tax credit for 100 percent of health care expenses. The tax credit is fully refundable against both income and payroll taxes;

B. Allows individuals to roll over unused amounts in cafeteria plans and Flexible Savings Accounts (FSA);

C. Provides a tax credit for premiums for high-deductible insurance policies connected with a Health Savings Accounts (HSAs) and allows seniors to use funds in HSAs to pay for medigap policies;

D. Repeals the 7.5 percent threshold for the deduction of medical expenses, thus making all medical expenses tax deductible.

This bill also creates a competitive market in heath insurance. It achieves this goal by exercising Congress's authority under the Commerce Clause to allow individuals to purchase health insurance across state lines. The near-monopoly position many health insurers have in many states and the high prices and inefficiencies that result, is a direct result of state laws limiting people's ability to buy health insurance that meets their needs, instead of a health insurance plan that meets what state legislators, special interests, and health insurance lobbyists think they should have. Ending this ban will create a truly competitive marketplace in health insurance and give insurance companies more incentive to offer quality insurance at affordable prices.

The Private Option Health Care Act also provides an effective means of ensuring that people harmed during medical treatment receive fair compensation while reducing the burden of costly malpractice litigation on the health care system. The bill achieves this goal by providing a tax credit for negative outcomes insurance purchased before medical treatment. The insurance will provide compensation for any negative outcomes of the medical treatment. Patients can receive this insurance without having to go through lengthy litigation and without having to give away a large portion of their awards to trial lawyers.

Finally, the Private Option Health Care Act also lowers the prices of prescription drugs by reducing barriers to the importation of Food and Drug Administration (FDA)-approved pharmaceuticals. Under my bill, anyone wishing to import a drug simply submits an application to the FDA, which then must approve the drug unless the FDA finds the drug is either not approved for use in the United States or is adulterated or misbranded. This process will make safe and available imported medicines affordable to millions of Americans. Letting the free market work is the best means of lowering the cost of prescription drugs.

Madam Speaker, the Private Option Health Care Act allows Congress to correct the mistake it made last month by replacing the new health care law with health care measures that give control to health care to individuals, instead of the federal government and politically-influential corporations. I urge my colleagues to support this bill.

HONORING THOSE WHO PERISHED ON THE DEEPWATER HORIZON OIL PLATFORM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. RANGEL. Madam Speaker, I rise today to honor the 11 workers who lost their lives on April 20, 2010 in the explosion of a deep sea oil rig in the Gulf of Mexico off the coast of Louisiana. I also offer my sympathy to the four workers who were critically injured.

My deepest condolences also go out to the families of the deceased. The offshore drilling industry is known for its dangers. Oil rig workers often labor in severe and uncertain working conditions, fraught with difficulty. We are indebted to these courageous workers for their contributions to our country.

This is a tragedy not only for the workers and their families but the residents of the entire Gulf Coast region, and the United States. We honor the legacy of these men and their families and affirm that their contributions to a field crucial to our society are recognized by all.

We wish a speedy recovery to the four additional workers who were critically injured during the rig explosion. We also offer a heartfelt thank you to the emergency response workers who responded to the disaster. Their efforts are greatly appreciated.

This incident highlights the importance of implementing and enforcing stricter offshore drilling regulations. Oil rig explosions and resulting oil spills can lead to the deaths of workers and cause irreversible damage to our environment, marine life, wildlife, food industries, and our economy. It is important that we address the lack of oversight in the offshore drilling industry and protect the lives of dedicated oil rig workers who make daily sacrifices in the interest of the United States.

RECOGNIZING RALPH KEMP FOR HIS SERVICE TO OUR COUNTRY

HON. HARRY TEAGUE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. TEAGUE. Madam Speaker, I would like to take a moment to recognize a patriotic American who has given much of himself in securing the future of this country. Mr. Ralph Kemp is a veteran of the Marine Corps and the Vietnam War. Mr. Kemp also served as a retired Albuquerque Police Department Lieutenant in his hometown of Albuquerque, New Mexico a few years after his military service. Some years ago, after some arm twisting he was taken on a trip to attend the American Legion New Mexico Boys' State. After that year there was no more arm twisting involved.

This year's American Legion New Mexico Boys' State session being held at the Campus of Eastern New Mexico University will mark Ralph Kemps' 30th consecutive session of attendance.

Ralph has held many positions thoughout the American Legion New Mexico Boys' State organization which has taught thousands of New Mexico High School Seniors the rights and responsibilities of being citizens of this great country of ours. Numerous members of our society have attended an American Legion Boys State or an American Legion Auxiliary Girls' State Session held annual on campus across this nation.

The program's alumni has held positions as CEO's, Artists, Athletes, Newscasters, Justices on the Supreme Court, both chambers of the House and Senate and even held the Position of President of the United States. It is organizations such as the American Legion and the American Legion Auxiliary, who after wearing the uniform of our country, return home and continue to selflessly serve the communities of which they belong such as Ralph Kemp.

Ralph Kemp currently serves as the Executive Director of the American Legion New Mexico Boys' State program. Besides the dedicated week Ralph gives to the Boys' State program he has also served on the American Legion Boys Nation Staff for the past 15 years.

This is a week-and-a-half-long program where two boys from each state are selected to come to the Nation's Capitol to learn about government at the federal level. If two and half weeks of volunteer time working with this nation's youth is not enough, Ralph Kemp volunteers and additional week of his summer serving as the Director of the American Legions Junior Shooters programs annual competition. Ralph Kemp is to be commended for his dedication of many years of service to the youth of the nation at American Legion New Mexico Boys State and American Legion Programs. I thank him for his service and am very proud to have him recognized in the House of Representatives.

CONGRATULATING PRINCIPAL JAN KING ON BEING NAMED THE 2010 WACHOVIA NORTH CAROLINA PRINCIPAL OF THE YEAR

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. SHULER. Madam Speaker, I rise today to congratulate Principal Jan King of Glenn C. Marlow Elementary School in Mills River, North Carolina on being named the 2010 Wachovia North Carolina Principal of the Year. The designation of Principal of the Year not only signifies her effectiveness as an administrator but also the respect she has earned among her students, their parents, and their teachers.

With this honor Mrs. King will be appointed to the State Superintendent's Principal's Advisory Committee and will serve a one-year term as advisor to the State Board of Education. Principal King will also be appointed to a one-year term on the Board of Directors for the North Carolina Public School Forum and will chair the 2011 Wachovia Principal of the Year Selection Committee.

As a native of Jackson County and an educator in the area, Mrs. King has spent most of her life in Western North Carolina. Throughout her educational career, Jan King has set a high educational standard for herself and her peers. In 2003, Mrs. King was named Henderson County Schools' Teacher of the Year and achieved National Board Certification. Mrs. King has also been selected to speak at various events including the North Carolina Gifted Education Conference, North Carolina Social Studies Conference and the National Board for Professional Teaching Standards Conference. She also served as a teacher and a consultant for the Library of Congress American Memory Fellow Program.

The children of today are the leaders of our nation tomorrow. Educators like Principal King are central in providing these children the tools they need in order to be productive citizens in the future.

Madam Speaker, I am proud to congratulate Principal Jan King and to thank her for her tremendous service to the students in Western North Carolina.

MEDIA SHOULD DEMAND ANSWERS FROM OBAMA

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. SMITH of Texas. Madam Speaker, today President Obama had his first full news conference in about 10 months.

That's longer than former President George W. Bush ever went between news conferences.

Here's what the Washington Examiner's chief political correspondent, Byron York, wrote recently about why the national media have tolerated President Obama's silence:

> While Obama dodges questions, his spokesman stonewalls them.
>
> In one sense, the press, or at least some members of the press, have only themselves to blame.
>
> Obama treats them with contempt because he knows that when big tests come, they've always been on his side.
>
> There's no reason for him to think they won't be there in the future.
>
> Why does Obama do it? Because he can.

The national media should demand answers from the President, not give him a free pass on news conferences.

UNFAIR TREATMENT OF FEDERAL POSTAL WORKERS IN AMERICAN SAMOA

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I rise to bring to your attention an amendment that I proposed to H.R. 5136, the National Defense Authorization Act for FY 2011, but unfortunately was not included for Floor consideration.

This proposed measure would amend the appropriate section of the Non-Foreign Area Retirement Equity Assurance Act of 2009, Subtitle B of Title XIX of Public Law 111–84, the National Defense Authorization Act for Fiscal Year 2010, to allow otherwise eligible workers in American Samoa to be paid territorial cost of living adjustment (TCOLA) rates that match the now frozen TCOLA rates applying to Guam.

Madam Speaker, just a year ago, the Non-Foreign Area Retirement Equity Assurance Act (NAREAA) was signed into law as part of the National Defense Authorization Act for Fiscal Year 2010 or Public Law 111–84. In essence, COLA would be phased out and locality pay would be phased in over 3 years for all current and future Federal employees, regardless of whether or not they received COLA payments.

Before last year, American Samoa was the only non-foreign area in which Federal employees did not receive COLA. Notwithstanding that by law, Federal employees in the U.S. Territory of American Samoa were eligible to receive COLA payments, OPM decided not to create a separate non-foreign COLA-designated area for American Samoa.

This was especially frustrating given that American Samoa faces many of the same issues, driving higher prices for goods, services, and travel that face other territories in similar situations, and its seemed discriminatory that the Office of Personnel Management (OPM) has chosen not to provide COLA to Federal employees in American Samoa.

These were the concerns that I continued to raise with OPM over the years but to no avail until last year and I want to thank my good friend from Hawaii, Senator DANIEL AKAKA for his leadership and efforts on this issue. As a result of NAREAA, GS and white-collar Federal employees in American Samoa are now receiving locality-pay.

Madam Speaker, the enactment of Public Law 111–84 has made more glaring the discrepancy that continue to exist for USPS workers in American Samoa that were not receiving territorial cost of living adjustments (TCOLA) rates.

Only Postal Inspectors and employees of the Postal Service Offfice Inspector General in non-goreign areas are receiving locality pay like other federal employees in the non-foreign areas. The rest of the USPS employees would continue to receive TCOLA payments.

Unfortunately, USPS workers in American Samoa did not receive any adjustments called for under Public Law 111–84 as OPM has never designated American Samoa to receive TCOLA rates. Despite the fact that American Samoa by statute is eligible to receive TCOLA payments, OPM continues to deny American Samoa COLA-designation.

Now that COLA is being phased out and we are now in the 10th pay period since locality pay kicked in and COLA rates have been frozen, it is highly unlikely OPM would ever establish American Samoa as a COLA area because there is not more COLA per se and other GS and white-collar Federal employees in American Samoa are now receiving locality pay.

Therefore, the intent of my amendment is to give the USPS employees in American Samoa the same TCOLA treatment accorded to USPS employees in Guam.

Madam Speaker, as I have been saying throughout all these years, it seems unreasonable that OPM asserts that the cost of living in American Samoa is not high enough to justify payment of COLA when no survey has even been conducted in American Samoa. Especially, American Samoa is about 8,000 miles away from Washington, DC with unique economic challenges and issues.

Madam Speaker, while my amendment was not accepted by the U.S. House Committee on Rules, nevertheless, I will continue to pursue a solution to this critical issue for the people of American Samoa.the people of American Samoa.

NETWORKS SHOULD HOLD ADMINISTRATION ACCOUNTABLE FOR OIL SPILL RESPONSE

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. SMITH of Texas. Madam Speaker, the television news networks failed to hold the Obama administration accountable for its response to the Gulf Coast oil spill crisis, according to an analysis by the Media Research Center.

Out of 157 news stories during the 4 weeks after the disaster, 148—95 percent—featured no criticism of the administration whatsoever.

Just nine had some scrutiny of the administration.

And just two of the stories—about 1 percent—focused on the administration's handling of the crisis.

The national media gave no such leeway to former President George W. Bush's handling of crises during his administration.

The networks should hold the Obama administration accountable, not give them a free pass.

IN MEMORY OF JOSEPH J. HOFFMAN SR., BELOVED GLOUCESTER COUNTY CLERK

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor the life and memory of Joseph J. Hoffman Sr. of Franklinville, who died from pancreatic cancer in his home on May 13, 2010 at the age of 87. He is survived by his wife of 60 years, Wanda, two sons, and six grandchildren. Mr. Hoffman's life made a lasting mark on the Gloucester County community.

Mr. Hoffman was a graduate of Clayton High School, where he was an avid member of the baseball team. His skills as third baseman for Clayton High School were recognized with his early induction into the Gloucester County Sports Hall of Fame. After high school, he had the opportunity to attend training camp for the Philadelphia Athletics minor league team, but turned it down to work on his family's three farms in Franklinville. He remained involved with community sports, playing for many semi-pro South Jersey baseball teams, and later becoming President of the Franklin Township Babe Ruth League.

After nine years as Township Clerk for Franklin Township, he was elected Gloucester County clerk in 1962. Mr. Hoffman served for a record forty-four years as Gloucester County Clerk. He was then successfully re-elected for seven consecutive five year terms, ending with his retirement in 1997. Not only was Mr. Hoffman involved with the local government, he also served 43 years on the board of Newfield National Bank, volunteered with the Franklinville Fire Department, and served as General Chairman of fundraising for Underwood Memorial Hospital in Woodbury. In 1995, his achievements were recognized by the Boy Scouts of America when he received the Southern New Jersey Council Boy Scouts of America Distinguished Citizens Award. He also was rewarded the Public Service Award by the NAACP.

Madam Speaker, Joseph J. Hoffman Sr.'s commitment to Gloucester County and its citizens should not go unrecognized. I express my deepest condolences to his family for their loss and pay tribute to the memory of this outstanding individual.

IN HONOR AND RECOGNITION OF GARY S. ADAMS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Gary S. Adams as he is named by the Cleveland-Marshall Law School Association a 2010 Alumnus of the Year in recognition of his continued entrepreneurship, hard work and business achievement.

Mr. Adams grew up in the Cleveland area. As a graduate of the Cleveland-Marshall College of Law, he has consistently utilized his legal expertise to help support, promote and grow the auto industry throughout Greater Cleveland. In addition, he has maintained a special focus on locally owned dealerships, employees and customers.

For many years, Mr. Adams served as the President of the Greater Cleveland Auto Dealerships' Association and is now the President of the annual Cleveland Auto Show which draws tens of thousands of visitors every year. Mr. Adams is an expert in his field. He has an unparalleled knowledge of many aspects of the auto industry, including government policy, public relations and consumer rights. Moreover, Mr. Adams is known as man whose kindness, integrity and generosity match his competitive spirit.

Madam Speaker and colleagues, please join me in recognition of Gary S. Adams upon being named as a 2010 Alumnus of the Year by his alma mater, the Cleveland-Marshall College of Law in Cleveland, Ohio. Mr. Adams' leadership, expertise, integrity and dedication to supporting the economic base of our community have made it a better place to live.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. LEVIN. Madam Chair, I rise in strong support of the amendment by Representative MURPHY to repeal the ''Don't Ask Don't Tell'' policy.

The Don't Ask Don't Tell policy is discriminatory and it harms U.S. military readiness. Over the last 17 years, our nation has paid a heavy price for pursuing this policy. Since 1993, more than 13,000 qualified, well trained men and women have been dismissed from the military simply because of their sexual orientation. These are men and women we could ill afford to lose, especially at a time when our armed forces are engaged in two major military conflicts in Iraq and Afghanistan.

This is why so many of this country's highest current and retired military leaders favor repeal of Don't Ask Don't Tell, including the Chairman of the Joint Chiefs of Staff, Admiral Mullen. Admiral Mullen recently wrote, ''No matter how I look at this issue, I cannot escape being troubled by the fact that we have a policy which forces young men and women to lie about who they are in order to defend their fellow citizens.'' Retired General Colin Powell and the former Chairman of the Joint Chiefs of Staff, General John Shalikashvili also have urged repeal.

The argument has been made that repealing Don't Ask Don't Tell would negatively affect military unit cohesion. The evidence simply does not support this. Many other countries—including Britain, Canada and Israel—successfully allow gays and lesbians to serve openly. In any case, the Murphy amendment specifically states that repeal will take place only after the President and our nation's military leaders certify that the Department of Defense has prepared the necessary policies and regulations to implement repeal and that these policies are consistent with military standards for readiness, effectiveness, unit cohesion, recruiting and retention.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. HASTINGS of Florida. Madam Chair, I rise today to clarify why I was unable to vote on Thursday, May 27 and Friday, May 28 in favor of the so-called Murphy Amendment and the National Defense Authorization Act for Fiscal Year 2011, respectively. I would also like to reaffirm in the strongest possible terms my support for repealing the law known as ''Don't Ask, Don't Tell,'' which prohibits gay and lesbian service members from serving openly, as soon as possible.

As you know, Congressman PATRICK MURPHY's amendment, which passed in the House of Representatives by a vote of 234–194, provides for a process to be set in place to implement the repeal of Don't Ask, Don't Tell as soon as the Pentagon completes its review of the issue and President Obama, Defense Secretary Gates, and Admiral Mullen, Chairman of the Joint Chiefs of Staff, certify that repeal implementation will not negatively affect our military.

During the Rules Committee's meeting on Wednesday to consider amendments to the Defense Authorization bill, I openly declared my support for the repeal of Don't Ask, Don't Tell and for Congressman MURPHY's amendment.

Unfortunately, I had an official trip in my capacity as Co-Chairman of the Commission on Security and Cooperation in Europe (U.S. Helsinki Commission) that was scheduled prior to the vote. The consideration of amendments to the Defense Authorization bill on the House floor was such that I was unable to vote. Had I been present and not on official travel, I would have voted in favor of the Murphy amendment's inclusion, as well as in favor of the final Defense Authorization bill.

I commend my colleagues, Congressman MURPHY, Senator LIEBERMAN, and Senator LEVIN, for their leadership on this repeal effort. As I have said time and again, Don't Ask, Don't Tell threatens our national security and costs us millions of dollars each year to kick out dedicated and highly-skilled service members because of their sexual orientation and to retrain new ones.

I am also heartened to hear that our colleagues in the Senate Armed Services Committee voted 16–12 to bring Senator LIEBERMAN's companion amendment to repeal Don't Ask, Don't Tell to the Senate floor along with the Defense Authorization bill for consideration.

It is indeed a historic day for our military, the American people, and our nation. What should have happened 17 years ago is now closer than ever before. By passing the Murphy amendment along with the Defense Authorization bill, the House of Representatives has pledged to fulfill its promise of upholding the values for which the United States stands by allowing gay and lesbian Americans to serve openly in the military.

As we celebrate this victory, we are reminded of the long battle that has brought us to this point. I would be terribly remiss if I did not acknowledge the hard work and sacrifices of countless service members and veterans, many of whose lives have been negatively impacted by this bigoted law, as well as those military and policy leaders, advocacy organizations, and everyday Americans who have taken a stand against discrimination.

Madam Chair, I am eternally grateful to the brave men and women in our Armed Forces who protect this nation and the American people each and every single day and look forward to Don't Ask, Don't Tell being repealed once and for all.

ASSURING QUALITY CARE FOR VETERANS ACT

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Ms. RICHARDSON. Madam Speaker, I rise today in support of H.R. 5145, which will increase the reimbursement amount for Veterans Administration, VA, health professionals who continue their professional education. It will also expand the VA's authority to offer education reimbursements by allowing all health professionals employed by the VA to qualify, including optometrists, nurses, chiropractors, and other vital health care providers who are currently ineligible. This important measure will ensure that the VA community has up-to-date training so that they can best treat our veterans who so selflessly serve our country.

I thank Chairman FILNER for his leadership in bringing this bill to the floor. I would also like to thank the sponsor of this legislation, Congressman MCNERNEY, for his dedication to ensuring that we offer our veterans the highest quality health care.

Madam Speaker, our brave men and women in uniform have assumed the responsibility of protecting us and the values that we cherish as American citizens. We, then, have a solemn obligation to provide them with the resources and services that they need. This includes the best available medical treatment for our veterans who return home wounded or with disabilities. With a new generation of veterans coming home from Iraq and Afghanistan, it is as important as ever that the VA medical staff is fully equipped to treat traumatic brain injuries, post traumatic stress syndrome, and other health complications that are increasingly prevalent due to the new threats of 21st century warfare.

As the representative of a district that is home to over 24,000 veterans and the VA Medical Center of Long Beach, I am sensitive to the health care needs of our servicemen and servicewomen returning home from overseas. These young men and women in uniform risk their lives on our behalf and ask little in return. The least we can do to repay their sacrifice is ensure that they have access to the most modern and effective treatments and a comprehensive array of services. This bill will do just that.

Madam Speaker, I urge my colleagues to join me in supporting H.R. 5145.

EXPRESSING SYMPATHY TO FAMILIES OF SOUTH KOREAN SEAMEN KILLED BY NORTH KOREA

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in strong support of H. Res. 1382, expressing sympathy for the families of those killed by North Korea in the sinking of the Republic of Korea Ship *Cheonan,* and solidarity with the Republic of Korea in the aftermath of this tragic incident. I would like to thank Mr. FALEOMAVAEGA for introducing this resolution reaffirming our long-standing friendship with the people of South Korea.

Madam Speaker, South Korea has suffered a senseless and tragic loss due to a vicious attack from their northern neighbor. On May 20, 2010 a group of 74 experts, 50 from South Korea and 24 from the international community, published a report containing conclusive evidence that North Korea, in clear violation of the Korean War Armistice Agreement, sank

the Ship *Cheonan* without provocation. The *Cheonan* lost 46 of its 104 sailors in the attack, and the people of South Korea still mourn their loss.

The Republic of South Korea has been a steadfast ally to the United States for over 50 years, providing a vital foothold for security and stability in Asia; moreover, the United States is bound to South Korea through a shared belief in the values of democracy and the rule of law. We must not stand idly by while our allies overseas are attacked. Foreign aggression is a threat to international stability, and as such also threatens the security of the United States and its people. Secretary of State Clinton has already called out to the rest of the world, showing unwavering conviction that "we cannot allow this attack on South Korea to go unanswered by the international community." Nor can we in the U.S. Congress remain silent.

I urge my colleagues to support this resolution to reaffirm the United States' commitment to our alliance with the Republic of South Korea. We condemn in the strongest terms the actions of North Korea for their attack and demand a full apology for their aggression, along with a commitment to never again violate the terms of the Korean War Armistice Agreement. The United States must coordinate with our allies to take appropriate action in response to the hostility of the North Korean Government. We also strongly urge the international community to faithfully implement all United Nations Security Council Resolutions pertaining to security on the Korean Peninsula.

I support this resolution not only out of sympathy for our South Korean allies, but also because of the message it sends to potential aggressors abroad. It says we understand that stability around the world is necessary for security at home; it says that we will not remain silent in the face of violations of international treaties; it says that hostility towards peaceful democratic nations will not go unanswered. The safety of the people of the United States depends on our ability to work with the international community to stand by our allies and respond to aggressors.

CELEBRATION OF THE BIRTHDAY OF ATATURK

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Ms. FOXX. Madam Speaker, As co-chair of the Turkish Study Group in the House, I was invited to a celebration of the birthday of Ataturk, revered as the father of modern Turkey. At the event 16 year old Selin Odabas-Geldiay was asked to speak about the occasion. This very poised young woman gave extremely articulate and pertinent remarks which I felt were worthy of being shared with a much larger audience and am including them here.

REMARKS ON THE OCCASION OF ATATURK'S PROCLAMATION OF YOUTH AND SPORTS DAY IN TURKEY TO MEMORIALIZE THE START OF THE WAR OF INDEPENDENCE, SELIN ODABAS-GELDIAY, MAY 20, 2010, HOME OF MIRAT AND HUDAI YAVALAR

It is a great honor for me to be here tonight and to speak about our great leader Ataturk and the importance of May 19th. Ninety-one years ago yesterday, Ataturk took a very dangerous trip from Istanbul to Samsun, a city on the Black Sea. There he assumed command of the 9th Ottoman Army. This was a turning point for Turks as it represented the beginning of the Independence War. Because of the significance and the importance of that day, Ataturk dedicated this day to the Turkish youth as he had great confidence and trust in the ability of the Turkish youth to protect and continue the Turkish Republic he founded. I am one of those Turkish youth. When Ataturk spoke of the youth, he was not only referring to those young in age but also to those with open minds, ready to embrace and conquer new challenges.

For as long as I can remember, I have taken great pride in my Turkish heritage. Whenever I meet someone new, I always make a point of telling them that even though I was born in the United States, which I love, my roots are from Turkey. Even in my high school, if someone doesn't know me personally, he or she will still know me as ''the Turkish girl.'' I have taken on this identity as a result of my upbringing and how my parents installed this pride in me by example. Ever since I was little, I have watched my parents say with joy, ''I live in the United States, but I'm originally from Turkey.'' This phrase soon became my own as I met new people. As I was growing up, I remember attending many birthday celebrations for Ataturk at the home of our hosts Mirat and Hudai Yavalar (since May 19th is also considered Ataturk's birthday) and I thank them for also being good role models in teaching young people about Ataturk. Those are the only birthday parties I attended where the person whose birthday we are celebrating is missing in person. But I realize that Ataturk continues to live in our hearts and minds. How many leaders do you know who evoke such strong feelings of love and devotion in people's hearts 72 years after they are gone? Not too many, I assure you.

As a child I attended Turkish school every Sunday. We would learn grammar, history, and music, but most of all we would be learning about Ataturk. His leadership and bravery as a military genius were always highlighted. His achievements as a statesman are unmatched. I do not know of any other nation that has gone through and embraced the kinds of reforms Ataturk introduced in Turkey. Creating a secular republic, giving women the right to vote and be elected, changing the alphabet to Latin letters almost overnight, changing the way people dress are just a few of the incredible reforms he promoted and established in Turkey.

As I mentioned earlier, May 19th is dedicated to young people, not only to those who are young in age, but also those who are young in mind, meaning open to learning new ideas and new things. I am happy to be celebrating this important day with all of you.

Thank you for giving me the opportunity to speak with you tonight.

IN HONOR AND RECOGNITION OF CLEVELAND MAYOR FRANK JACKSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. KUCINICH. Madam Speaker, I rise in recognition of Mayor Frank Jackson as he is named by the Cleveland-Marshall Law Alumni Association as a 2010 Alumnus of the Year for his work and leadership on behalf of those who live and work in the City of Cleveland.

Mayor Jackson has lived in Cleveland his entire life, and today resides in the same neighborhood in which he grew up. He began his formal schooling in the Cleveland Public Schools. He moved on to Cuyahoga Community College, where he earned an associate's degree. Subsequently, he earned a bachelor's and master's degree from Cleveland State University and later earned a law degree from Cleveland-Marshall College of Law. Mayor Jackson was elected to the Cleveland City Council in 1989, where he led the charge to protect our most vulnerable citizens. Mayor Jackson is also a United States Veteran, having served our country in Vietnam with honor.

Mayor Jackson continues to work on issues such as jobs, the foreclosure crisis and affordable housing. He remains a public advocate for the homeless members of our society and he is the first Mayor to attend the annual Homeless Memorial Day event and other events organized by homeless citizens.

Madam Speaker and colleagues, please join me in honoring Mayor Frank Jackson as he is being recognized by the Cleveland-Marshal Law Alumni Association for his tireless efforts on behalf of the people of Cleveland.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. LINCOLN DIAZ-BALART of Florida. Madam Chair, when the President announced his decision to repeal the current policy, known as "Don't Ask, Don't Tell," earlier this year, the military service chiefs and the Secretary of Defense requested the opportunity to carry out the President's directive in an orderly manner that would assure the maintenance of discipline and morale in the Armed Forces. It was agreed to at that time, including by the President, that a survey would be sent to all the troops so that their input would be taken into account regarding how best to implement the new policy, and that a report with such recommendations as to how to best implement the new policy would be issued this December, before any legislative action was taken. I believe that process, which was agreed to by the President pursuant to the request of the service chiefs and the Secretary of Defense, should be followed.

Breaking the agreement now by having this vote is most unfortunate, and I strongly disagree with the decision of the President, the Speaker, and the majority leadership to break that agreement today.

THANKING RICK WEIDEMANN FOR HIS SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of his retirement on May 25, 2010, we rise to thank Mr. Rick Weidemann for his 22 years of distinguished service to the U.S. House of Representatives. Rick has served this great institution as a valued employee of the Clerk of the House for 8 years and House Information Resources (HIR) in the Office of the Chief Administrative Officer (CAO) for 14 years.

Rick began his career at the House with the Office of the Clerk in November 1987 as a Data Entry Clerk for the Finance Office. A year later he was promoted to the position of Senior Telecommunications Administrator with the Office of Telecommunications. In June of 1995, Rick joined HIR when the Office of Telecommunications was transferred to the Office of the Chief Administrative Officer. During this time, Rick managed the landlines and wireless requirements of Members, committee, leadership and House support offices.

In recent years, Rick has handled the increased workload and challenges of the position brought on by the explosive growth and variety of personal digital assistants (PDAs) and Smart Phones.

On behalf of the entire House community, we extend congratulations to Rick for his years of dedication and outstanding contributions to the U.S. House of Representatives.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Ms. RICHARDSON. Mr. Chair, I rise in strong support of H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011,'' which provides $726 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy.

I thank Chairman SKELTON for his masterful leadership in bringing this legislation to the floor.

Mr. Chair, I support this bill for three reasons: (1) it restores and enhances the readiness of our troops, equipment, and defense infrastructure; (2) it takes care of our military personnel and their families; and (3) it authorizes the needed investments to keep our nation strong, safe, and respected in the world.

Let me briefly highlight some of the key provisions. This legislation:

TROOP AND EQUIPMENT READINESS

Provides $1.2 billion for projects in Afghanistan to allow our commanders on the ground to immediately respond to military construction needs in theater.

Authorizes $13.6 billion for the training of all active duty and reserve forces to increase readiness as troops experience greater dwell time following the Iraq drawdown.

Authorizes $345 million to fully fund the first increment of construction funds to modernize DOD schools.

Authorizes $9.7 billion to fully fund day-to-day maintenance requirements of DOD facilities.

Provides a total of $7.2 billion for the National Guard and Reserve, including $700 million above the budget request.

HELP FOR MILITARY FAMILIES

Provides a 1.9 percent military pay raise.

Expands TRICARE health coverage to include adult dependent children up to age 26.

Increases family separation allowance for troops who are deployed away from their families.

Increases hostile fire and imminent danger pay for the first time since 2004.

Expands college loan repayment benefits.

Contains the most comprehensive provisions to address sexual assault in the military, including 28 recommendations of the Defense Task Force on Sexual Assault.

Establishes a pilot program to help military spouses take advantage of their personal skill sets to identify and obtain desirable and portable careers.

Authorizes an additional special one-time payment to seriously wounded servicemembers to pay for the relocation costs of their caregivers.

IRAQ AND AFGHANISTAN

Bans permanent bases in Iraq and prohibits U.S. control of Iraqi oil.

Requires report on responsible redeployment of U.S. forces from Iraq, the development of military capabilities that are necessary for the Government of Iraq to stand on its own, and the status of nearly 1,000 projects, programs, and activities that will need to be closed or transferred over a short period of time as a result of the drawdown.

Bans permanent bases in Afghanistan.

Requires reports to assess progress toward security and stability in Afghanistan and the conditions and criteria that would need to permit the transition of lead security responsibility to the Afghan government, and allow the redeployment of U.S. forces from Afghanistan.

HOMELAND SECURITY AND COUNTERRORISM

Authorizes $87.8 million for the Combating Terrorism Technical Support office.

Authorizes $2.6 billion for Homeland Defense and counterproliferation activities, including $1.6 billion for chemical biological defense.

Provides $20 million for two cybersecurity new start programs.

Provides $1.6 billion to support nations providing support in Iraq and Afghanistan in the fight against al Qaeda and the Pakistan Taliban.

Extends DOD's Pakistan Counterinsurgency Fund through FY11.

RICHARDSON AMENDMENT #1

Mr. Chair, in my remaining time let me discuss an additional reason why I support this legislation. With the support of Chairman SKELTON and his committee, this bill includes an amendment I offered which I will briefly describe.

My amendment, Richardson Amendment #1, improves the bill by instructing the TRANSPORTATION COMMAND (TRANSCOM) to update and expand the PORT LOOK 2008 Strategic Seaports study. This study remains a crucial tool to ensure that our ports are ready to respond in the case of an emergency. My amendment would expand the scope of the report to include consideration of the infrastructure in the vicinity of strategic ports, including bridges, roads, and rail capacity, in addition to the facilities inside the port that are already covered.

Mr. Chair, it bears repeating that in time of war, ''the role of the ports is to protect the forts.'' If the transportation systems and infrastructure in and around our strategic ports is deficient, the ability of these ports to fulfill their indispensable national security role will be compromised. That cannot be allowed to happen. My amendment will ensure that we have the information needed to make the investments needed to keep our strategy the best in the world.

I thank the Rules Committee for making my amendment in order and Chairman SKELTON for accepting it.

RICHARDSON AMENDMENT #2

I also offered a second amendment, Richardson Amendment #2, to increase the effectiveness of the Northern Command (''NORTHCOM'') in fulfilling its critical mission of protecting the U.S. homeland in event of war and in providing support to local, state, and federal authorities in times of national emergency. Specifically, my amendment would have ensured that NORTHCOM (1) develops and has in place a leadership strategy that will strengthen and foster institutional and interpersonal relationships with state and local governments and (2) develops an instructional program to train key personnel how to lead effectively in the event of a disaster when they do not have command authority to dictate actions.

The purpose for NORTHCOM is to bring the capabilities and the resources of the U.S. military to the assistance of the American people during a catastrophic disaster. NORTHCOM leaders will be much more effective in saving lives, protecting assets, and enhancing resilience after the disaster has occurred if they are trained in the techniques of effective engagement with civilian leadership. My amendment would have ensured that such training will be available. Although this amendment was not made in order by the Rules Committee, my present intention is to introduce this legislation as a separate bill when the House reconvenes next month.

CONCLUSION

Madam Speaker, let me express my thanks to Chairwoman SLAUGHTER of the Rules Committee for making the Richardson Amendment in order and to Chairman SKELTON for accepting it. I also want to acknowledge the yeoman work of the Committee staffs and the excellent work of my Legislative Director, Gregory Berry, and Jeremy Marcus, my Senior Legislative Assistant.

In conclusion, I support H.R. 5136 because it restores and enhances the readiness of our troops, equipment, and defense infrastructure. It takes care of our military personnel and their families. And it authorizes the needed investments to keep our Nation strong, safe, and respected in the world. I urge my colleagues to join me in voting for the bill on final passage.

HONORING THE 178TH FIGHTER WING

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. AUSTRIA. Madam Speaker, on behalf of the people of Ohio's Seventh Congressional District, we are honored to recognize the contributions of the 178th Fighter Wing for their 60-plus years of service to our nation during their Hail and Farewell Ceremony on June 5, 2010.

The heritage of the 178th Fighter Wing and 162nd Fighter Squadron traces its roots back to the world famous 357th Fighter Group, the ''Yoxford Boys'' and the 362nd Fighter Squadron in England.

During World War II, the Wing's combat victories totaled over 695, a mark no other fighter unit anywhere has matched. Ever since, the 178th Fighter Wing has played an active role in air combat and support, training, security forces, engineering, medical, communications, aircraft maintenance, human resources and transportation in support of contingency operations around the world.

As the military's needs evolve with the emergence of new threats and advancing technology, the Base and Wing will be transitioning to new missions that will enable our military to meet the unique challenges of the 21st Century. It would have been impossible to imagine, during World War II, that planes conducting missions over nations half a world away would be piloted by the 178th Fighter Wing in Springfield, Ohio. It would be equally difficult to imagine then the quality and speed of the intelligence gathering process that will also take place in Springfield, through NASIC. We are confident the men and women of the 178th stand ready to meet future challenges and missions successfully, as they begin a new chapter in a proud legacy.

Thus, with great pride, we congratulate the men and women of the 178th Fighter Wing and their families for their exemplary service to this community and our country and extend best wishes to them for the future.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. VAN HOLLEN. Mr. Chair, I rise in support of the National Defense Authorization Act of 2011. The bill authorizes $726 billion for defense programs, global military operations and pay and benefits for active duty military personnel, veterans and their families. As Memorial Day approaches, we are reminded of the great debt we owe to our men and women in uniform. This bill continues our commitment to them, to their civilian colleagues, and to their families for their support and sacrifice.

The welfare and safety of our troops and their families is a priority of this Congress. That is why this bill authorizes funding to support not only the healthcare programs that our military personnel and their families depend on, but also the funding to ensure that our troops have the equipment and support they need for their mission.

In addition to authorizing funding for training, transportation and equipment, the measure includes additional funding specifically targeted to protecting troops in harm's way. For those currently serving on the front lines in Afghanistan and Iraq at risk of injury from improvised explosive devices, the bill authorizes $3.5 billion for counter measures, $3.4 billion for Mine Resistant Ambush Protected vehicles, and almost $1 billion to up-armored Humvees.

The sluggish economy places a special burden on the limited financial resources of military families. That is why the bill authorizes an average 1.9% pay increase for military personnel and establishes a career development pilot program for military spouses.

Healthcare for our troops and their families is a priority of this congress. The bill authorizes $32.4 billion for defense health care programs. This includes a one-time authorization for cash payments to severely wounded combat veterans for attendant care, an extension of health care coverage to dependent children of Tricare Beneficiaries up to age 26, and $524 million for medical research and development, including $3 million in extra funds for research in alcohol and substance abuse disorders. For those suffering from mental health problems associated with multiple deployments and Post Traumatic Stress Disorder, the bill also authorizes a 25% increase in the number of mental health providers for the military. According to the military, the number of military personnel who committed suicide in 2009, exceeded the number who died in combat in Afghanistan that year. This is a growing and silent killer that must be addressed.

I am pleased to report that the bill also authorizes $2.5 million for the Bethesda Hospitals Emergency Preparedness Partnership which includes the Naval Bethesda Medical Center, the National Institute of Health Clinical Center, the National Library of Medicine, and Suburban Hospital, to develop plans and procedures to respond rapidly and successfully to any emergency situation in the Washington DC region. And, the measure also authorizes $5 million for the Hydrodynamic Test Facilities at Carderock to replace the wavemaking equipment at the Carderock Division of the Naval Surface Warfare Center. These authorizations will not only strengthen our national security, they will also help create and retain good paying jobs for Montgomery and Prince George's county residents.

And, finally, I support the repeal of the discriminatory Don't Ask, Don't Tell policy. Since 1994, thousands of qualified and committed service members have been fired simply on the basis of their sexual orientation. At a Senate Armed Services Committee hearing in February, Admiral Mike Mullen, the chairman of the Joint Chiefs of Staff said, ''I cannot escape being troubled by the fact that we have in place a policy that forces young men and women to lie about who they are in order to defend their fellow citizens.'' And, General Colin Powell, changing his long held position on Don't Ask Don't Tell recently said, ''It's been a whole generation since the legislation was adopted, and there is increased acceptance of gays and lesbians in society. Attitudes and circumstances have changed.''

We cannot afford to turn away dedicated, talented and committed soldiers just because they are gay. Though this change will not go into effect until the Pentagon completes an ongoing review due in December, and the president and secretary of defense certify that a repeal is consistent with the military's standards of readiness and effectiveness, the end of this discriminatory policy is finally in sight.

Madam Speaker, this bill authorizes much needed funding for vital programs that benefit our men and women in uniform, their civilian colleagues, our veterans and to their families. I urge its immediate passage.

IN HONOR OF DETECTIVE DONALD MALLOY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Detective Donald Malloy as he celebrates retirement after nearly thirty years of excellent service to the City of Cleveland Police Department.

Detective Malloy was appointed to the force on August 7, 1981, and he began as a patrol officer in the 4th District. During his career, Detective Malloy completed the Ohio Fire Academy program, became a certified finger print examiner and worked in the Crime Scene Records division. He spent the majority of his career in the Financial Crimes Unit, investigating and assisting in the arrests of numerous perpetrators.

Detective Malloy has been honored with commendation for his service, including awards from the City of Shaker Heights, the Cuyahoga Metropolitan Housing Authority and the former Mayor of Cleveland, Mike White.

Madam Speaker and colleagues, please join me in honor and recognition of Cleveland Police Detective Donald Malloy, whose dedication, expertise and concern for the people of the City of Cleveland has helped to protect our community. We are grateful for his service. I wish Detective Malloy, his family and friends health and happiness.

CONGRATULATING GREATER MOUNT ZION CHURCH

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. PAUL. Madam Speaker, on June 12, 2010 the Greater Mount Zion Church in Brazoria, Texas will observe the Grand Opening and Church Dedication of their new worship facility. Greater Mount Zion Church is one of the fastest growing churches in Southern Brazoria County, having quadrupled their active membership and attendance since 2005. Greater Mount Zion services Southern Brazoria County with over 40 ministries, including several ministries aimed at serving children, teenagers, and young adults.

In 2005, in order to better serve the people of Brazoria County, the Greater Mount Zion (GMZ) Education and Development Center was created. The GMZ Education and Development Center has implemented a number of programs focusing on areas such as academics, employment, financial management, family stability, and civic involvement.

Greater Mount Zion's newly finished facility will facilitate in continuing partnerships, as well as creating opportunities for new partnerships, with other churches, faith-based groups, schools, community organizations and businesses, thus allowing Greater Mount Zion and GMZ Education and Development Center to better serve their community. While Greater Mount Zion's prior facility consisted of a sanctuary that seated 130 individuals, three classrooms, and a multi-purpose building with a half-gym, the new campus includes a sanctuary which seats approximately 500 individuals, 10 classrooms, and a multi-purpose building with a full gym. The new campus will allow more individuals and organizations to use the facility for academic and other programs that help the residents of Brazoria find employment, achieve financial success, and attain their other personal and professional goals.

Madam Speaker, I once again congratulate the staff and congregation of Greater Mount Zion Baptist Church on the opening of their new facility and I thank them for all they have done for the people of Brazoria County.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. ETHERIDGE. Mr. Chair, I rise today in support of H.R. 5136 the Fiscal Year 2011 Defense Authorization Appropriations Act.

It is fitting that we are considering this bill on the Friday before Memorial Day. In my state of North Carolina, patriotism never went out of style. We were patriotic before patriotism was cool. With Fort Bragg and Pope Air Force Base, other bases and our Guard and Reserve, units in my district, America's service members are our friends and neighbors, sons and daughters. We swell with pride at the work being done by our service members in Iraq, Afghanistan, and elsewhere. As we pray for their safe and speedy return, we also remember those veterans who came before them, who served their country and protected our freedom throughout history. I am proud every single day, not only on Memorial Day.

Mr. Chair, this bill recognizes the service of our men and women in uniform, and gives our troops the resources they need. It provides $567 billion to the Department of Defense and Department of Energy, and commits $139 billion for today's active operations. In terms of future security, the bill strengthens our counterterrorism efforts, providing our military with the additional tools they need to disrupt, dismantle, and defeat al Qaeda and its extremist allies. Of particular importance to Fort Bragg, which houses the Special Operations Command, it enhances our capacity to directly act against terrorist forces. It also brings warfare into the information age by integrating cybersecurity protection with the protection of physical security.

H.R. 5136 strengthens protection for our troops at home and abroad, and increases support for our soldiers and their families. It honors our covenant with the Guard and Reserve by raising their pay and by investing in new equipment. It strenthens our compact with the citizen soldier, so that when Guard and Reserve are called to active duty that they have the equipment and training they need to be effective.

The bill contains an amendment that I offered with Congressman LARRY KISSELL and Congressman SANFORD BISHOP that reinforces the pact between the communities that host the military bases and the Department of Defense. The change confirms Congress' commitment to the quality of life of America's soldiers, officers, civilians and their families. While the Office of Economic Adjustment in the Department of Defense is tasked with providing technical and financial assistance to communities affected by Defense adjustments, there are often community needs that cannot be financed in a timely manner with local resources. Our amendment makes sure that Office now has the full authority required to fulfill its mission. The Department now has clear authority to roll up its sleeves, so the Department can help out while the changes are happening. I appreciate Chairman SKELTON's willingness to accept this amendment, and I hope that we can work together to fund those needs.

Mr. Chair, the members of our armed forces give so much to our country. Whatever we ask, even for the ultimate sacrifice, we know will be given. On the eve of our Memorial Day observation, I urge my colleagues to join me in voting yes on this bill, ensuring that our military is fully prepared for threats and challenges worldwide and that our troops get the benefits they deserve and have earned.

CONGRATULATING THE BETHEL A.M.E. CHURCH FOR 59 YEARS OF OUTSTANDING COMMUNITY SERVICE

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. MCKEON. Madam Speaker, it gives me great pleasure to congratulate the Bethel A.M.E. Church for 59 years of outstanding community service.

Organizations such as Bethel A.M.E. strengthen communities through faith and selfless charity. From the Church's humble beginnings to the present day, those involved with Bethel A.M.E. have shown steadfast dedication to their surrounding community and have worked diligently to improve the lives of those less fortunate Americans.

Once again, congratulations to Bethel A.M.E. Church on its 59th anniversary. The Church has truly been a force of good in Barstow and I look forward to its continued growth and progress in advancing goodwill throughout California's 25th District.

IN HONOR OF COMMANDER DEBORAH WASHINGTON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Commander Deborah Washington as she celebrates retirement after nearly thirty years of exemplary service to the City of Cleveland Police Department.

Commander Washington started as a patrol officer in the 3rd, 4th and 5th districts after she was appointed to the force on June 1, 1981. She worked in the Juvenile/Gang Unit, Complaint Unit, Community Relations Division and the Financial Crimes Unit. On April 30th, 1999, Deborah Washington was appointed to the position of Commander of the City of Cleveland 5th District.

Commander Washington has been honored with numerous awards for her service, including commendations from Playhouse Square, Aftercare Residential Center, the Cuyahoga County Prosecutor's Office, the United States Secret Service and Judge Ronald Adrine's office.

Madam Speaker and colleagues, please join me in honor and gratitude of Commander Deborah A. Washington, whose service and leadership has helped protect the citizens of our community. She has helped keep our streets safe and strengthened the bonds of unity within the Cleveland Police Department. I wish Commander Washington, her family and friends health and happiness.

HONORING THE SERVICE OF JULIANNA MARIE PETRONE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. ISRAEL. Madam Speaker, I rise today to recognize an outstanding individual in our community, Julianna Marie Petrone.

Julie's dedication to serving veterans and active duty military personnel was evident when she first began her career in the federal service at my Congressional District Office in 2002. Julie served the veterans and military personnel of New York's 2nd Congressional District with such passion and determination that she gave new meaning to the phrase ''above and beyond the call of duty.'' Julie has worked tirelessly to ensure that these veterans and military personnel have received their medals and benefits with the dignity and justice they deserve.

Julie is now taking her call to serve our nation to the highest level. On Sunday May 30, 2010, Julie will be commissioned as 1st Lieutenant in the United States Air Force and will be serving at Wright-Patterson Air Force Base following Officers Training.

Julie has touched the lives of veterans on Long Island, and now she will touch the lives

of the citizens of our entire nation as she steps into her new leadership role as 1st Lieutenant in the United States Air Force.

I congratulate Julie upon her tremendous achievements and wish her the best in her next step of service.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. VISCLOSKY. Mr. Chair, it is with great appreciation that I rise in support of provisions contained within H.R. 5136, the Defense Authorization Act for Fiscal Year 2011, relating to the procurement of steel armor plate and the definition of the term ''produced.''

Recently, the Department of Defense has implemented a regulation that allows the use of steel armor plate that is melted in foreign countries to be used in various defense applications, and I want to thank Chairman SKELTON and Ranking Member MCKEON for including language that specifies that this type of steel must be melted in the United States.

I was informed of the urgency of this issue during a Steel Caucus hearing in March of this year, when we discussed that a Department of Defense regulation now merely requires the finishing processes of armor plate manufacturing to take place domestically, which is contrary to over thirty-five years of precedent requiring melting processes to occur in the United States. After this hearing, Rep. TIM MURPHY and I spearheaded a Steel Caucus letter to Secretary of Defense Gates, with 35 other Members of the Caucus signing the letter, which urged him to fully examine the implications of this regulation.

Steel armor plate plays a vital role in the protection of our troops and the defense of our nation, and the Specialty Metals Amendment, as originally included under the Berry Amendment in 1973, aims to ensure that American steel is used to protect our troops. The regulation amends the definition of produced under the Specialty Metals Amendment, and I am thoroughly concerned that this threatens the safety of our troops and the defense of our nation. Steel armor plate is used in Mine Resistant Ambush Protected (MRAP) vehicles and MRAP All-Terrain Vehicles, and we must do everything possible to ensure that American made material is used in the production of these vehicles.

I understand that the House Armed Services Committee has closely followed this situation and has included report language in the past cautioning the Department of Defense on the implications of this regulation, and I applaud your continued efforts today on remedying this situation and protecting our national security and the American industrial base.

RECOGNITION OF SANDRA GARDEBRING OGREN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mrs. CAPPS. Madam Speaker, today I rise to honor and celebrate a dedicated public servant and friend, Sandra Gardebring Ogren.

Sandee has served California Polytechnic (Cal Poly) State University remarkably as the Vice President for University Advancement. Drawing upon her long record of distinguished public service, Sandee's leadership has contributed to the university's national recognition as an institute of higher education and excellence. Her tireless efforts have helped the university continue to flourish as an invaluable source of innovation and graduates of the highest academic level.

Prior to her work at Cal Poly, Sandee served as Vice President for University Relations at the University of Minnesota for six years. From 1991 to 1998 she was a member of the Minnesota Supreme Court and for two years previously she was a member of the Minnesota Court of Appeals. Additionally, she has held a variety of other public sector jobs including Commissioner of the Minnesota Department of Human Services, Commissioner of the Minnesota Pollution Control Agency and Director of the U.S. Environmental Protection Agency's Region 5 Enforcement Division.

Clearly, I could talk all day about the extraordinary accomplishments of Sandee and her work in the areas of the law, the environment, human services, transportation, and education, just to name a few. I am honored to work with her and proud to call her my friend.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. PLATTS. Mr. Chair, I am proud to have joined with my friend from Texas, Mr. SESSIONS, in introducing this amendment which will provide our servicemembers that are affected by Traumatic Brain Injury (TBI) with access to cutting-edge treatments. As we all know, TBIs have become the ''signature wound'' of the wars in Iraq and Afghanistan. Record numbers of troops return to American soil in need of treatment and rehabilitation. While the Department of Defense has been a leader in providing treatment to our wounded warriors, it has been slow to embrace innovative treatments, such as Hyperbaric Oxygen Therapy.

This amendment would establish a five-year ''pay for performance'' innovative treatment pilot program. The pilot program would allow healthcare providers outside of the Department of Defense to treat active duty military personnel and veterans with cutting-edge TBI treatments not offered at military medical facilities. The private healthcare providers would only receive reimbursement from the Department of Defense if the treatment was proven to be successful. Servicemembers and veterans who voluntarily opt into this program would do so at no cost.

I see this amendment as a win-win. Not only will our troops receive access to innovative therapies, but it encourages the private sector to invest in new and inventive treatments for TBI. The amendment also requires the Department of Defense to maintain a database to track the effectiveness of such treatments. It is my hope that after the conclusion of this five-year pilot, the Department of Defense will begin providing proven therapies at military medical facilities.

Our men and women in uniform deserve the best treatments available. This common-sense amendment would help to expand access to new therapies in a fiscally responsible way. I encourage all of my colleagues to join with me to support this amendment.

PERSONAL EXPLANATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. DAVIS of Kentucky. Madam Speaker, on Thursday, May 27, 2010, I was unable to participate in all of the day's votes due to a family emergency. Had I been present I would have voted: on rollcall No. 306—No—H. Con. Res. 282, Providing for adjournment or recess of the two Houses; on rollcall No. 307—No—H. Res. 1404, Providing for consideration of the bill H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011; on rollcall No. 308—Yes—H. Res. 1161, Honoring the Centennial Celebration of Women at Marquette University, the first Catholic university in the world to offer coeducation as part of its regular undergraduate program; on rollcall No. 309—Yes—H. Res. 1372, Honoring the University of Georgia Graduate School on the occasion of its centennial; on rollcall No. 310—Yes—Skelton of Missouri Amendment No. 1; on rollcall No. 311—Yes—Marshall of Georgia Amendment No. 4; on rollcall No. 312—Yes—McGovern of Massachusetts Amendment No. 13; on rollcall No. 313—Yes—Inslee of Washington Amendment No. 82; on rollcall No. 314—Yes—Gutierrez of Illinois Amendment No. 21; on rollcall No. 315—No—Eshoo of California Amendment No. 42; on rollcall No. 316—No—Pingree of Maine Amendment No. 80; on rollcall No. 317—No—Patrick Murphy of Pennsylvania Amendment No. 79; on rollcall No. 318—No—Sarbanes of Maryland Amendment No. 47.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. KUCINICH. Mr. Chair, I rise in strong opposition to the National Defense Authorization Act of 2011. This legislation authorizes $725.9 billion for defense programs this year, including $159.3 billion specifically for the wars in Iraq, Afghanistan, and the so-called ''war on terror.'' Once again, the House of Representatives easily approves billions of dollars for war, while a bill that would provide genuine assistance to our constituents gets watered down by the demagoguery of fiscal responsibility.

Our national security is not preserved or furthered through the military occupation of Iraq and Afghanistan. Our presence in the region continues to foment resentment toward us and undermines the human rights of the Iraqi and Afghani people. To date, more than 4,000 U.S. servicemembers have lost their lives in Iraq, and more than 31,000 have been wounded. As the number of troops in Afghanistan surpasses the number in Iraq, over one thousand U.S. troops have been killed thus far. With the continuation of the wars, we are creating a new generation of Americans that will experience the trauma of war, like Vietnam veterans before them.

According to the United Nations, air strikes continue to be the leading cause of civilian deaths in Afghanistan, despite the Administration's claims that avoiding civilian casualties is a cornerstone of the Afghan strategy. Innocent Afghanis are killed, detained or threatened in frequent night raids conducted by North Atlantic Treaty Organization (NATO) forces, while Afghan President Hamid Karzai buys million-dollar villas in Dubai. This bill also authorizes $4.9 billion for ammunition and weapons systems, including for Unmanned Aerial Vehicles—or drones—that conduct indiscriminate attacks against suspected militants in Pakistan. According to a study conducted by the New America Foundation, three civilians die for every suspected militant killed by a Central Intelligence Agency (CIA) drone in Pakistan.

I am also concerned about a number of the amendments adopted in the bill that I believe have no place in a bill that is intended to address our national security. Language addressing sex-offenders and language that has considerable implications on our foreign policy was included as part of an en bloc amendment that addressed a significant gap in the health care services provided to our veterans pre and post-deployment. An amendment was also adopted that would allow the National Aeronautics and Space Administration (NASA) to conduct defense-related pilot programs with the Department of Defense (DOD). I have fought for years to keep NASA separate from DOD in order to preserve NASA's mission integrity and therefore, longevity.

While I oppose the underlying bill, I supported an amendment that would lead to the repeal of the ''Don't Ask, Don't Tell'' (DADT) military policy. For the past 17 years, DADT has forced our service men and women to hide who they are as they selflessly sacrificed their lives for our country. The amendment would repeal DADT following the receipt of recommendations from a Pentagon working group tasked with formulating the implementation of the repeal and certification from the President and Secretary of Defense that the Department of Defense is prepared to implement its repeal.

Since the implementation of this discriminatory and misguided policy in 1993, almost 14,000 service members have been fired because of their sexual orientation. The United States is well behind many of our allies in allowing gays and lesbians to serve openly in the military. Policies, like DADT, that create an atmosphere of fear and mistrust among colleagues serving side-by-side have no place in the military. I applaud the repeal of DADT and believe it is a significant step toward ensuring equality in our military and securing rights for members of the Lesbian, Gay, Bisexual and Transgender community.

I urge my colleagues to reflect on the policies and fiscal implications included in this legislation. As the country struggles to pull itself out of one of the worst economic recessions in history, we must commit to our priorities here at home—protecting our environment, keeping people in their homes, and getting people back to work.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. STARK. Mr. Chair, I rise to oppose out of control war and defense spending. This bill (H.R. 5136) would authorize a record $726 billion for defense. Congress refuses to find money to maintain COBRA premium assistance for jobless workers, but somehow we can afford yet another increase to our already bloated defense budget.

We should recognize that this legislation would fix a long-standing injustice by creating a path for the repeal of ''Don't Ask, Don't Tell.'' I was proud to vote for the Murphy Amendment and I look forward to the day when LGBT Americans enjoy equal rights in all facets of society, including marriage. Although I strongly support the repeal of ''Don't Ask, Don't Tell,'' I cannot vote for this legislation.

The waste in this bill is shameful. It includes $361.6 million more than the Pentagon wants for a missile defense program that doesn't work, and $485 million in funding for another engine for a fighter jet that already has a working engine. I offered an amendment that would have cut the extra funding for missile defense, but it was not allowed to come to the floor for a vote. An amendment to strike money for a duplicative engine that the Pentagon doesn't want or need was also defeated.

Congress needs to get our priorities in order. We should be working to create jobs and assisting those impacted by the recession, not continue runaway defense spending. I urge all of my colleagues to oppose this wasteful bill.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. KLEIN of Florida. Madam Speaker, on Thursday, May 27, I was unavoidably detained.

Had I voted, I would have voted ''yes'' on rollcall No. 312.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. POMEROY. Mr. Chair, I rise in support of H.R. 5136, the National Defense Authorization Act (NDAA) for Fiscal Year 2011, though I have concerns about certain provisions that have been included in the bill.

While I strongly support many aspects of the bill, I am concerned about the inclusion of language to overturn the military's ''Don't Ask, Don't Tell'' policy. Earlier this year, the Secretary of Defense ordered a study of the issue of repealing ''Don't Ask Don't Tell.'' He said that while he believes it should be repealed, he first wanted to gather input from the troops before moving forward with repeal. I agree with the approach of Secretary Gates. I also agree with our military's service chiefs, including Air Force Chief of Staff Gen. Norton Schwartz, who said we should complete the Secretary's review before passing legislation to repeal ''Don't Ask Don't Tell.'' I believe we should follow the lead of our military leaders. That means following the process we set up earlier this year to gather input from our troops and study the effect of repeal on our military forces. That is the best way to make sure our troops have their views heard, and that the right decision is made for the men and women in our armed forces.

While I voted against the amendment to end the ''Don't Ask, Don't Tell'' policy, I will be voting in favor of final passage of the 2011 NDAA. I believe that it is vitally important that Congress enact its yearly Defense Department authorization bill in a timely matter. This legislation helps to set military policy and any delay

in its enactment will have a negative effect on the department's ability to effectively and efficiently make decisions to execute that policy.

This bill also includes an important pay increase for our soldiers, authorizes funding for badly needed equipment for our Guard and Reserve and includes my amendment to continue the Joint Family Support Assistance Program. Additionally, the bill authorizes important military construction projects in North Dakota including nearly $19 million to construct a new Air Traffic Control Complex at Minot Air Force Base, $11.2 million to renovate and expand the Readiness Center at Camp Grafton and $500,000 to begin planning and design of a Central Deployment Center at the Grand Forks Air Force Base. These programs must be authorized so that the DoD can put these important initiatives in place. My vote in favor of this bill is a vote to move the important process of authorizing the activities of the Defense Department forward in a timely manner and a vote in support of our soldiers.

APPLAUDING THE MACOUPIN COUNTY COURTHOUSE'S INCLUSION AS ONE OF THE ''150 GREAT PLACES IN ILLINOIS''

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. HARE. Madam Speaker, I rise today with great pride to applaud the Macoupin County Courthouse and its inclusion as one of the ''150 Great Places In Illinois'' as determined by the American Institute of Architects as part of its 150th anniversary celebration. This remarkable courthouse in the City of Carlinville has long had great historical significance. It was built to replace the courthouse where a persuasive attorney named Abraham Lincoln once practiced law, and since its completion it has stood as a central part of the county and local community.

Completed in 1870, the courthouse was designed by Elijah E. Myers, who later designed numerous state capitols. This extraordinary building resembles the Corinthian order with its impressive portico on the north side and south elevation. The large dome, classical detailing and use of native limestone all add to the building's splendor. At the time of its completion, this courthouse was among the largest county courthouses in the United States, rivaled in size only by the one in New York City. Within Illinois it became an impressive symbol of grandeur, as it even outsized the Illinois Statehouse in the Springfield Capital.

Along with its aesthetic appeal, the building also garnered praise for being technologically advanced. The Macoupin County Courthouse was designed and constructed to be nearly fireproof—a characteristic not at all common among structures of the day. Stone, brick and metal were used almost exclusively, with wood used only sparingly. The painted sheet metal was magnificently detailed, and some of the major doors were constructed from cast iron. The ornate design, materials and construction resulted in a cost of over $1.3 million dollars once completed, roughly $19 million by today's standards.

The Macoupin County Courthouse still serves as the seat of the county government 143 years later, which demonstrates the enduring impact and quality of the structure. With its inclusion as one of the ''150 Great Places In Illinois,'' the Macoupin County Courthouse joins other significant landmarks such as the State Capital and the homes designed by Frank Lloyd Wright in Oak Park. I applaud the American Institute of Architects for including the Macoupin County Courthouse and recognize that it will continue to be a proud symbol of Illinois achievement and magnificence for generations to come. I thank the Speaker for allowing me to share this moment of joy stemming from the 17th Congressional District of Illinois.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. PLATTS. Mr. Chair, I rise in support of this important amendment and I thank my friend from New Jersey, BILL PASCRELL, for allowing me to work with him on this issue. The Department of Defense and the RAND Corporation have recently estimated that 20 percent of our military personnel who have served in Iraq or Afghanistan have suffered a Traumatic Brain Injury (TBI).

Because symptoms of TBI often go unnoticed, at least initially, it is difficult to know exactly how many troops are living with this disability. If not diagnosed early on, TBIs can lead to memory loss, severe headache disorders, and alcohol and drug abuse.

Neurocognitive assessment has been proven to be an effective tool in detecting and measuring the severity of TBI. This is why the fiscal year 2008 National Defense Authorization required the Department of Defense to screen ALL military personnel for TBI both before and after deployment. Post-deployment screenings are to be compared with pre-deployment (or baseline) assessments to determine whether or not the servicemember is suffering from a TBI.

Unfortunately, too many of our men and women returning from the wars in Iraq and Afghanistan are still not being screened for TBI. Servicemembers that have been screened post-deployment are currently given a self-assessment checklist, in which the results are not even comparable to their pre-deployment neurocognitive screenings. Not to mention that because the checklist is self-administered, the results are typically inaccurate since these troops either do not realize or do not want to admit that they are living with a TBI.

I am pleased that this year's Defense Authorization includes language requiring the Department of Defense to implement a comprehensive screening and assessment policy by the end of 2011. However, until this policy is fully implemented, thousands of our men and women in uniform are returning from combat without the necessary screenings to ensure that they receive proper treatment.

This amendment, which I am proud of to have introduced with Congressmen PASCRELL, ANDREWS, COLE, ORTIZ, COFFMAN and JOE WILSON, will ensure that until the Department of Defense has put in place a comprehensive screening policy, all of our military personnel will receive neurocognitive assessments both before and after deployment. The amendment requires that the same neurocognitive tool used for pre-deployment assessment also be used for post-deployment evaluation. Using the same test allows physicians to compare the baseline screening with the post-deployment results to determine whether a TBI does in fact exist. The current system of using different tools for pre and post deployment screenings is like comparing apples to oranges. It is essential that our men and women who put themselves in harm's way to protect us every day receive immediate and appropriate care.

Though TBIs are difficult to detect because no one symptom exists, it is imperative that the Department of Defense take every possible measure to diagnose and treat our troops affected by TBI. This is why I strongly support this amendment and I encourage all of my colleagues to do the same.

MEMORIAL DAY TRIBUTE

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Ms. SCHWARTZ. Madam Speaker, as Memorial Day approaches, it is important we each take a moment to pay tribute to the generations of Americans who have given their lives so that we may enjoy the rights and freedoms we hold so dear. It is important to remember and honor those who have served us and have given the ultimate sacrifice.

As the daughter of a veteran of the Korean War, I had the privilege of knowing firsthand the pride commanded through military service by those who served and the families who supported them. As a member of Congress, it has been my honor to work to provide those who have served our Nation with benefits reflective of their service.

This Memorial Day, each of us can express our gratitude with a simple yet powerful act of tribute. Americans are asked to pause at 3 p.m. for a National Moment of Remembrance. Wherever you are, whatever you are doing, stop for just one minute. Consider all the rights and liberties that are guaranteed to us as Americans, but withheld from so many others around the world. Consider the members of the armed forces who served, fought and died so that our great Nation can be strong and we can live with liberty and security.

TRIBUTE TO RETIRING EDUCATORS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. WAXMAN. Madam Speaker, I rise today to pay tribute to Sandra Resnick, Marta

Kinsberg, Ruth Sondik, and Sue Faiman for their distinguished careers as educators. The students, faculty, and parents of Taylor Mills School owe them a great debt of gratitude for their commitment to child development and educational excellence.

We all remember a favorite teacher who inspired us to strive to reach our full potential. While Taylor Mills School community will miss the many years of knowledge and experience these devoted teachers will take with them, their personal influence on thousands of children will be their lasting legacy.

On a personal note, I am delighted that Sandra Resnick's retirement will allow her to spend even more time nurturing the grandchildren we share, who, as she knows, are perfect.

I ask my colleagues to join me in congratulating these wonderful teachers on their retirement and thanking them for their many years of commitment and hard work.

PROTECT CAMP ASHRAF

HON. EDOLPHUS TOWNS–

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. TOWNS. Madam Speaker, I am very concerned about the safety and security of the 3,400 members of the main Iranian opposition who are residing in Camp Ashraf, Iraq. The United States Government signed an agreement with each and every individual in that Camp to protect them against potential attacks and mistreatment from Iran or its proxies in Iraq. In return for that promise to protect them, residents of Camp Ashraf voluntarily turned over all their weapons in 2003 to the our military. U.S. Military Forces took on full protection of the camp in 2003, and continued to closely monitor it from their base in FOB Grizzly in Ashraf, beginning in 2009. I am concerned for their continued safety as the United States prepares to rapidly leave Iraq.

America has a moral and legal obligation towards the residents of Camp Ashraf. They are vulnerable to persecution by Tehran's proxies. In addition, many family members of Camp Ashraf residents have been sentenced to death in recent weeks in Iran. I have met with many family members of Camp Ashraf who live in the United States, including in New York State, and they are very committed and dedicated individuals who seek not aid but only the safety and security of their loved ones. Many of the Camp Ashraf residents spent years in Iranian prisons and underwent torture and mistreatment by Tehran's henchmen before they managed to leave Iran and take up residence in Camp Ashraf. Many student leaders, academics, teachers, and intellectuals who were threatened with arrest and execution by the Iranian Revolutionary Guards and Ministry of Intelligence made their way to Camp Ashraf. They are a major source of encouragement for the democracy movement in Iran.

Given the current instability in Iraq, and given the fact that the Maliki Government has stated that it intends to forcibly displace and/or expel the Camp residents, which would certainly lead to further bloodshed, I believe we should be doubly alert about the safety and security of Camp Ashraf's residents. I want to urge President Obama, and Secretary Clinton to make sure that we live up to our moral obligations. I do not want to see a situation a few months from now, in which we would find ourselves investigating the U.S. role in failing to protect these people.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. FARR. Madam Chair, when we pass the National Defense Authorization Act for Fiscal Year 2011, we take a historic step to restore equality in the ranks of our military by voting to repeal Don't Ask Don't Tell.

Looking back in our history, social change occurred because of leadership. President Obama, our military leaders and gay Americans have shown leadership to overturn this discriminatory policy. Comparable to the leadership shown by President Truman in 1948 when he issued Executive Order 9981 that ordered the integration of the armed forces, we can be proud that the civil rights of all Americans who want to serve in our All Volunteer Forces is preserved. During its 17 year history, DADT has discharged far too many highly qualified and trained Arab linguists, doctors and mission critical specialists in every field and in every service who simply wanted to serve their country. For the last 17 years I been a Member of Congress who has fought to overturn this policy that has prohibited openly gay men and women from serving in the military.

Madam Chair, as we move forward in the legislative process, you may be assured of my continued strong support for repeal of Don't Ask Don't Tell.

RECOGNIZING THE DOBSON HIGH WIND SYMPHONY AND JAZZ BIG BAND, SELECTED FOR THE 2010 SHANGHAI WORLD MUSIC EXPO FESTIVAL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize Mesa Arizona's Dobson High Wind Symphony and Jazz Big Band, which will represent our state at the 2010 Shanghai World Music Expo Festival in China. I wish to convey my pride and that of all Arizonans in the efforts of these talented and dedicated students, and thank the Dobson faculty and community for its remarkable support.

As a former teacher, I believe very strongly that participation in the arts, especially on such a global scale, leads to cultural enrichment and enhances education and learning across all subjects. This opportunity to perform on a world stage, and the subsequent rush of community support to make this trip possible, is a well-earned reward for the hard work and commitment of the Dobson High Wind Symphony and Jazz Big Band and its supporters. To make this trip possible, band members raised $3,000 apiece to pay for travel expenses. I believe in the old saying, ''it is hard to be successful unless a lot of other people want you to be.'' So I also applaud all the parents and community members who helped in this effort as well.

Madam Speaker, I am honored to recognize the Dobson High Wind Symphony and Jazz Big Band as they represent the State of Arizona at the 2010 Shanghai World Music Expo Festival in China. I wish the band all the best during their performance in China and I am confident they will use this trip as an opportunity to learn about a new culture and positively represent our state and country within the global community. I know they will make us all proud.

CELEBRATING THE 10TH ANNUAL MANTUA KIDS CARE CLUB RACCOON RUN

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the 10th Anniversary of the Mantua Kids Care Club Raccoon Run. Each year, hundreds of participants and spectators come together for this race to promote charitable action and to celebrate the spirit that makes Mantua the vibrant community that it is today.

The Raccoon Run began in 2000 as a community endeavor to raise funds for Mantua school families in need. Conceptualized by Joyce Montgomery, the initial name was the ''Rocket Run'' but was changed to Raccoon Run in honor of the Mantua Elementary School mascot. The Mantua Kids Care Club embraced the idea, and became an early supporter of the race.

When 5th grade teacher Roberta Romano was diagnosed with cancer, the race was restructured to benefit a single cause: Life with Cancer. Life with Cancer is a program administered by the INOVA Health System that provides critical support to caregivers and those afflicted with cancer.

Every year on Mother's Day weekend, we come together to honor the memory of Roberta Romano and to support a worthy cause. In the ten years since the race's inception, the Raccoon Run has raised nearly $100,000.00 and has benefited countless Northern Virginians. As a resident of Mantua, the former president of the Mantua Civic Association, and most importantly, the father of a Mantua Elementary School graduate, I am grateful for the strong sense of community exemplified by this annual event.

Madam Speaker, I ask that my colleagues join me in applauding the efforts of the Mantua community and in thanking all those who have supported this worthwhile cause. Events like the Raccoon Run are the fabric of a true community and of our society at large.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. BLUMENAUER. Mr. Chair, as we prepare to observe Memorial Day, the House passed a measure that makes a significant investment in our armed forces. In addition to much-needed additions in equipment, mental health care, and health services, the FY 2011 Defense Authorization Act includes a significant step forward for human rights. I am proud to say that this Congress has taken action to end the outrageous ''Don't Ask, Don't Tell'' policy. By the end of 2010, it is my hope that all members of our armed forces will be able to serve our nation proudly and openly.

I am also pleased that the Committee has taken my request for additional environmental cleanup funding seriously. This bill provides $20 million over the President's request, which is a small, but important first step. Our nation has tens of millions of acres of land that are contaminated with toxins and munitions left over from military training. Much of this now serves as parks, housing, or business development where Americans work and play every day. Yet the last of these sites won't be cleaned for another 250 years. It was my hope to include a provision, which I submitted to the Rules Committee as an amendment with Representatives BROWN-WAITE and FARR, to require that the military notify families and businesses living and operating on these sites. I am disappointed that this simple and commonsense amendment was not made in order, and it is my intention to offer it as a stand-alone bill. Americans have a right to know.

The continuous commitment to the escalation in Afghanistan concerns me greatly. The money and effort is misplaced and ultimately ineffectual. I am also disappointed that the House voted to preserve funding for the extra engine program for the F–35 Joint Strike Fighter. I have opposed this program for years, as have President Obama, Secretary Gates, the Army, Navy, and Marines. This is a sad reminder of how parochial interests can overwhelm good policy, and I will work with my colleagues to remove this funding in conference with the Senate.

I also look forward to working with my colleagues to clarify the Department's role with respect to the siting of wind energy projects, and to clarify the bidding process with regards to the Army's M915 truck.

No bill is ever perfect, and I will work to refine and strengthen this legislation through the conference process.

TRIBUTE TO VIOLA DUVALL STEWART

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to an unsung civil rights pioneer and educational justice advocate. Mrs. Viola Duvall Stewart, who is currently 90 years old, filed the first lawsuit in 1945, seeking equal pay for African American teachers in South Carolina.

Viola Louise Duvall was born the only child of Vincent and Pearl Duvall in Charleston, South Carolina on June 30, 1919. She was named for two of her mother's sisters who died in the Spanish flu pandemic of that era. After her mother and Vincent Duvall were divorced, she married Coleman Wheeler and Viola gained two sisters, Angela and Ruby.

Viola graduated as salutatorian from Conception High School in 1937. That fall she enrolled in Howard University from which she earned a Bachelors of Science degree in chemistry in 1941.

In 1944, Viola Duvall was in her third year teaching science at Burke High School in her hometown of Charleston making just $12 a week. She was recruited by the South Carolina NAACP to be the plaintiff in a case to equalize teachers' salaries in the State. Due to the intimidation and fear of losing their job, many teachers refused to participate in the lawsuit. Ms. Duvall was shunned by her fellow teachers and neighbors, who were fearful to associate with her for the public stand she was taking.

The case went to trial in April 1944. Ms. Duvall was represented by NAACP Chief Counsel Thurgood Marshall, who was nervous about being in South Carolina for the first time. The judge on the case was U.S. District Court Judge J. Waites Waring, a member of an old Charleston family.

The case didn't have an auspicious beginning when Judge Waring asked the School Board attorneys for the date of the Donald Murray case in Maryland. Mr. Marshall jumped up to respond and was dismissed by the judge. The same line of questioning continued, each time Mr. Marshall knew the response because he had been the attorney on all the cases in question, but the judge would not allow him to speak. The packed audience began to whisper because they feared Judge Waring would not give Ms. Duvall and her distinguished attorney an opportunity to be heard. And they were right.

Without giving the plaintiff the chance to present her case, Judge Waring turned to Mr. Marshall after he ended his questioning of the School Board attorneys and apologized for seeming rude. It is reported he said, ''This is a very simple case, but what I wanted to find out from the School Board was how long it knew it was supposed to pay Negro teachers equal salaries and hadn't paid it. There's no need to take the court's time on this.'' In less than 15 minutes, without either side making an argument, the case was decided in favor of the plaintiff, Viola Duvall.

As a result of Ms. Duvall's determination and sense of justice, it took just a matter of months to ensure all of South Carolina's 6,000 black teachers received the same pay as their white counterparts. However, she didn't remain in South Carolina long to enjoy the fruits of her labor.

Ms. Duvall met her future husband, Nathaniel C. Stewart, a second lieutenant with the Tuskegee Airmen on a blind date in 1945, when he was stationed in Walterboro, South Carolina. They were married on August 14, 1945, and later that year moved to his hometown of Philadelphia so he could attend pharmacy school. He graduated and went onto become the first African American department head at Philadelphia General Hospital as the director of pharmacy services.

Mrs. Stewart took a break from teaching to focus on her family. She did return to the classroom in 1964, as an intenerate special education instructor serving visually handicapped children around middle and high schools in the Philadelphia Public School District. She retired from teaching in 1981.

Viola and Nathaniel Stewart had two sons, Nathaniel, Jr. and Louis, and five grandchildren. She currently resides in Silver Spring, Maryland. She is a life member of Alpha Kappa Alpha Sorority. She also served for many years as Treasurer of Galilee Baptist Church of Philadelphia, where she has been a member for more than 50 years.

Madam Speaker, I ask you and my colleagues to join me in recognizing the contributions of this remarkable woman. Viola Duvall Stewart is one of the many heroes whose selfless acts led to a better life for so many people. Her name is not one that is recognized, but her actions left an indelible mark on the teaching profession and the civil rights movement in South Carolina. It is my honor to thank Mrs. Stewart for taking a stand despite the tremendous challenges of the day. It is because of people like her that I, and so many others, are where we are today.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Ms. BORDALLO. Mr. Chair, today I rise in strong support of H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. The bill continues a strong tradition under the leadership of Chairman IKE SKELTON of Missouri of providing our men and women in uniform with the training, equipment and authorities that they need to protect our country. In particular, I rise in strong support of subtitle C of title 28 of this bill which includes several provisions that further strengthen Congressional oversight of the military build-up on Guam and directly address concerns raised in the draft environmental impact statement on the military build-up.

Of significant importance is Section 2822 which grants authority to the Secretary of Defense to assist the Government of Guam in

providing funding for civilian infrastructure improvements required as a result of the realignment of military installations and the relocation of military personnel on Guam. Congress has granted this authority before, most recently during the realignment of forces to Bangor, Washington. The authority granted to the Secretary addresses concerns raised by the U.S. Environmental Protection Agency and our community in regards to mitigating the impact of the buildup on our local infrastructure. The authority granted in Section 2822 also expands on President Obama's request for $50 million in transfer authority to modernize infrastructure at the Port of Guam. To accommodate the influx of servicemembers and their dependents, our island will have to modernize aging infrastructure, build and repair roads, improve water and wastewater capacity, and increase capacity at the Port of Guam among many other preparations. This authority will assist our island in preparing for the realignment of forces to Guam and mitigate impact to our community.

Section 2824 is also important as it allows the Secretary of Defense to transfer rights and management authority of Navy's water and wastewater system to the Guam Waterworks Authority. This provision will create one single water and wastewater system on the island, create economies of scale, and will remove redundancies in our current system.

Most importantly, I worked to include an amendment that incorporated the full text of H.R. 44, ''The Guam World War II Loyalty Recognition Act,'' to the National Defense Authority Act for Fiscal Year 2011. This provision would recognize the people of Guam for their sacrifices during World War II when Guam was occupied by enemy forces. With the realignment of forces to Guam, it is important that this longstanding issue be resolved so that the military build-up on Guam is implemented with community support. The Guam World War II Loyalty Recognition Act was adopted by the House as an amendment to the National Defense Authorization Act for Fiscal Year 2010, but was subsequently removed during conference with the Senate. I thank my colleagues for voting to adopt this provision once again.

I want to thank Chairman IKE SKELTON of the House Armed Services for his leadership on issues affecting the readiness of our military forces. I look forward to working with my colleagues toward passage of H.R. 5136 by the full House of Representatives.

SENSE OF HOUSE REGARDING HOUSING FUNDING TO COMBAT AIDS

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Ms. JACKSON LEE of Texas, I rise today in strong support of H. Con. Res. 137, ''Expressing the sense of the Congress that the lack of adequate housing must be addressed as a barrier to effective HIV prevention, treatment, and care, and that the United States should make a commitment to providing adequate funding for developing housing as a response to the AIDS pandemic,'' as introduced by my distinguished colleague from New York, Representative NADLER.

The HIV/AIDS pandemic continues to be a serious issue in the United States. A growing body of empirical research shows that HIV patients' housing and other socioeconomic factors are of equal or even greater importance than their medical care or personal health behavior in determining their long term health status. 70% of all persons with HIV or AIDS have reported periods of homelessness or unstable housing in their lives, the rates of HIV infection are 3–16 times higher for those who are homeless or have unstable housing, and the HIV/AIDS death rate is 7–9 times higher for homeless adults than the general population.

The link between poverty and HIV risk and outcomes is well established. Poor living conditions such as homelessness and overcrowding undermine safety and efforts to promote responsible sexual behavior. A lack of stable housing greatly reduces people's ability to reduce their risk of HIV, as people who are homeless or have unstable housing are 2–6 times more likely than the general population to use hard drugs, exchange needles, or trade sex for money or shelter.

Despite this evidence that adequate housing is an important effect on HIV prevention, the housing resources devoted to the national response to HIV/AIDS have been inadequate and housing has been largely ignored in policy discussions at the international level.

H. Con. Res. 137 recognizes that stable, affordable housing is a key component of any effective strategy to prevent the spread of HIV/AIDS, as well as its treatment and care. It further recognizes that the United States should make a serious commitment to providing adequate funding for developing housing as a response to the AIDS pandemic. I am proud to support this resolution, and strongly urge my colleagues to join me.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Ms. WOOLSEY. Madam Chair, we've heard these arguments before.

The Secretary of the Army said he was concerned about how the proposed change would affect ''the efficiency . . . of the Army.''

A five-star General warned of ''social experiments'' and worried that with reform in military personnel policy ''. . . we may have difficulty attaining high morale.''

Those are not quotations from 2010 about the right of gay and lesbian Americans to serve openly in the military. They're from more than 60 years ago, during the debate over racial integration of the armed forces.

Does anyone believe they were right? If so, please speak up.

Is anyone prepared to argue that our military has suffered from the full participation of African-Americans in its ranks?

I hope we all remember this history lesson as we prepare to vote on a repeal of the Don't Ask, Don't Tell policy, an embarrassment unworthy of a great country and a great military.

It is responsible for the discharge of 13,000 honorable Americans, men and women who were told their service is dispensable . . . not because of how they behaved, but because of who they are.

It does violence to cherished American values like equality, inclusion, and tolerance. And it damages our national security too.

Given the military's recruitment challenges at a moment that we're still, unfortunately, fighting two wars . . . it is incomprehensible to me that we would reject any capable person who wishes to serve.

It was particularly galling to watch as hundreds of language specialists who could speak Farsi and Arabic were dismissed just when they were needed most, when our occupation of Iraq began.

The assertion that openly gay service members would undermine unit cohesion is just bunk, Madam Chair.

It is an argument based on fear, not fact. The research suggests that Iraq and Afghanistan veterans are comfortable serving side-by-side with fellow soldiers who happen to be gay or lesbian.

To suggest otherwise is to insult our troops, as the author of the amendment Mr. MURPHY has pointed out. Because the morale argument assumes our soldiers are so unprofessional—and even unpatriotic—that they would let another soldier's sexual orientation distract them from the mission.

Admiral Mike Mullen, chairman of the Joint Chiefs of Staff, may have put it best when he said, ''I cannot escape being troubled by . . . a policy which forces young men and women to lie about who they are in order to defend their fellow citizens. For me personally, it comes down to integrity—theirs as individuals and ours as an institution.''

And now it comes down to our integrity, the integrity of those of us privileged to serve in the people's House.

We must have the integrity to do what's right . . . to support our troops and strengthen our military . . . by repealing the cruel and un-American Don't Ask, Don't Tell policy.

RECOGNIZING NYASHA SPROW AS A STATE HONOREE IN THE 2010 PRUDENTIAL SPIRIT OF COMMUNITY AWARDS PROGRAM

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Nyasha Sprow from Prince William County, Va., for being a state honoree in the 2010 Prudential Spirit of Community Awards Program. Nyasha is a volunteer with the Prince William Chapter of the American Red Cross and a seventh-grader at Virginia Virtual Academy. Additionally, she has become a passionate advocate for organ and tissue donation.

Nyasha has become a spokesperson for the National Kidney foundation and she works to

stress both the importance of protecting one's organs and the need for more organ donors. She makes presentations at elementary schools, distributes literature at health fairs and community events and does interviews with the local news media. Furthermore, Nyasha participates in fund-raising events sponsored by the National Kidney Foundation and the Regional Transplant Community and has further spread the word about organ donation as a contestant in the National American Miss pageant.

Madam Speaker, Nyasha Sprow represents the best of our nation's youth, and her work with organ and tissue donation demonstrates her dedication to helping those around her. I congratulate her on this award and wish her well in all of her future endeavors.

A TRIBUTE TO BETTY WHITE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor Betty White, who is receiving the Greater Los Angeles Zoo Association's (GLAZA) Beastly Ball Award.

Betty began her impressive performing career in the 1940s on the radio. Her first big break was in 1949 when she joined Al Jarvis on a daily, live, local television show, which she eventually hosted. In partnership with writer George Tibbles and producer Don Fedderson, she formed her own production company and produced her first comedy series, Life with Elizabeth, receiving an Emmy in 1952. Appearing frequently on major variety and game shows, she was a recurring regular with Jack Paar, Merv Griffin, and Johnny Carson, and a regular on Mama's Family.

Ms. White's first appearance on The Mary Tyler Moore Show in the show's fourth season led to her becoming a recurring cast member, and her portrayal of Sue Ann Nivens, the Happy Homemaker, brought two Emmys for supporting actress in 1974–75 and 1975–76. She received her fourth Emmy for Best Daytime Game Show Host for Just Men. Nominated seven times for Best Actress in a Comedy Series for The Golden Girls, she won the Emmy in 1985, and won a sixth Emmy for Best Guest Actress in a Comedy Series in 1996 on The John Larroquette Show. Since 2000, Betty has appeared in Ally McBeal, That 70s Show, Boston Legal and The Bold and the Beautiful. In May 2010, Betty hosted Saturday Night Live, resulting in the long-running show receiving its highest ratings ever. In June of this year, she will appear in a new weekly TV Land Series, Hot in Cleveland. Betty's movies for television credits include Chance of a Lifetime, Stealing Christmas, Annie's Point, and Animal Planet's The Retrievers. Her big screen endeavors include Hard Rain, Dennis the Menace Strikes Again, Bringing Down the House, The Proposal, and You Again, which will be released in September 2010.

Along with the Emmys, Betty has won numerous awards during her seventy-year career. They include the Pacific Pioneers in Broadcasting's ''Golden Ike'' Award, the Genii Award from American Women in Radio and TV, the American Comedy Awards' Funniest Female Award as well as their Lifetime Achievement Award. In addition, she was honored with the Career Achievement Award from the Television Critics Association, the Life Achievement Award from the Screen Actors Guild and the Lifetime Achievement Award in Acting from the American Women in Radio and Television. In 1995, Betty was inducted into the Television Academy's Hall of Fame.

Betty's work on behalf of animals is close to her heart and legendary. She is President Emeritus of the Morris Animal Foundation, serving as a Trustee since 1972, a member on the Board of the Greater Los Angeles Zoo Association since 1974 and an eight-year Los Angeles Zoo Commissioner. Among the awards she has received for her work for animal welfare include the American Veterinary Medical Association's Humane Award, the Jane Goodall Institute's Lifetime Achievement Award, and an honorary doctorate from Western University Veterinary School as ''Doctor of Humane Veterinary Sciences.'' In 2006, Betty was honored by the City of Los Angeles with the title of ''Ambassador to the Animals.''

The time, energy and devotion Betty has given to GLAZA is extraordinary, and the residents of the greater Los Angeles area have benefited enormously from her generosity. I ask all Members of Congress to join me in commending Betty White upon receiving the 2010 Greater Los Angeles Zoo Association's Beastly Ball Award.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Ms. MATSUI. Mr. Chair, I rise today in support of the Courtney/Petri/Matsui amendment which would transfer the Troops to Teachers Program back to the Department of Defense from the Department of Education and would make essential improvements to the program to ensure that veterans returning from service have access to its benefits.

Currently, the Troops to Teachers Program is operated by the Defense Activity for Non-Traditional Education Support (DANTES) within the Department of Defense. The Department of Education simply transfers funds to DANTES. Our amendment would transfer the program back to the Department of Defense, thus streamlining the program. Both the Department of Defense and the Department of Education support this transfer, which is reflected in the President's Fiscal Year 2011 budget request.

Additionally, our amendment would ensure that veterans participating in the Troops to Teachers program receive a $5,000 stipend for teaching three years in any school that is in a district receiving Title 1 funds. This change would create a 49-percent increase in the number of schools eligible under the program.

As the language of H.R. 3943 reflects, it is the intent of this amendment to strike ''high need'' from the stipend participation language in the Troops to Teachers statute. There was a late night drafting error that mistakenly did not delete the term ''high need'' as was planned and is consistent with the language in H.R. 3943. As this provision is finalized in conference, it is essential that this technical change be made to implement the original intent of the amendment.

This amendment also makes this program more accessible to our veterans returning from service by reducing the length of service requirements for active military. Many of our young men and women returning from service in Iraq and Afghanistan who would like to pursue teaching careers are currently ineligible for the program. The amendment reduces the required length of service from six years to four years.

Finally, this amendment creates an advisory board to ensure continued success, by increasing awareness and participation and ensuring the program meets the needs of schools and veterans.

I want to thank my colleagues, Representative COURTNEY and Representative PETRI for their work on this amendment and for their continued support of the Troops to Teachers Program, as well as both the House Committee on Armed Services and Committee on Education and Labor for their assistance in this amendment. I urge my colleagues to support the amendment. es to support the amendment.

HONORING STANISLAUS COUNTY MEDICAL SOCIETY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate the Stanislaus County Medical Society upon celebrating its 100th anniversary. The medical society will be celebrating the anniversary during the annual membership meeting to be held on Thursday, May 27, 2010, at the Del Rio Country Club in Modesto, California.

During the 1820s, early settlers to California began migrating near the Stanislaus River. In 1848, California was ceded to the United States, gold was soon discovered and in 1854 the boundaries were set for Stanislaus County. Between the gold rush and the Central Pacific Railroad laying tracks through the area, Stanislaus County was growing fast. In 1878, there were 10 men listed as licensed to practice medicine in Stanislaus County. By 1891, a county hospital had been built and the number of practicing physicians had risen to 15.

In 1903, Dr. Surryhne built the first private hospital in Stanislaus County. By 1910, the Stanislaus County Medical Society was established with Dr. W.J. Wilhite serving as president and Dr. Surryhne serving as secretary. The society meetings typically took place at the Hotel Modesto, with an attendance of eighteen to twenty members. By 1946, physicians were returning from World War II and the Society grew in numbers and specialties, such as obstetrics and gynecology, orthopedics, G.U., general surgery and internal medicine.

The physicians of the Stanislaus County Medical Society formed the Stanislaus Foundation for Medical Care to guarantee the delivery of quality medical care on a prepayment basis at a just and equitable cost to both the patient and physician. The foundation was incorporated as a non-profit organization in 1957, and acts as a health management system. It was created and operated by local physicians to serve the best interests of the public and professional community.

Today, the Stanislaus County Medical Society has over 650 active, retired and resident members. The members serve the purpose of ''promoting and developing the science and art of medicine, conserving and protecting the public health, promoting the betterment of the medical profession, cooperating with organizations of like purposes and uniting with similar societies from other counties of the State to form the California Medical Society.''

Madam Speaker, I rise today to commend and congratulate the Stanislaus County Medical Society upon 100 years of service. I invite my colleagues to join me in wishing the Society, and all of the members, many years of continued success.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Ms. HERSETH SANDLIN. Madam Chair, I rise today in strong support of amendment number 38 to the National Defense Authorization Act of Fiscal Year 2011.

I would like to thank Chairman SKELTON for including this amendment, which I introduced, in an en bloc package today.

Representative JOHN FLEMING of Louisiana, a member of the Armed Services Committee's Air and Land Forces Subcommittee, is cosponsoring the amendment. I appreciate his support and the leadership he has shown on the issue of improving and protecting our nation's bomber fleet.

This amendment requires reports from the Institute of Defense Analyses, the Congressional Budget Office and the Department of Defense that, taken together, will provide a comprehensive review of the sustainment and modernization requirements and costs related to the U.S. bomber force and long-range strike capability.

Over the past year, as I've met with Air Force leaders, including Secretary Michael Donley and Chief of Staff General Norton Schwartz, we have discussed the need to sustain and modernize our nation's current bomber fleet as the Air Force begins to develop a next-generation bomber and long-range strike capability needed to maintain a strategic deterrence.

Since I was first elected to Congress in 2004, I have worked closely with the brave airmen at Ellsworth Air Force Base in my state of South Dakota. Ellsworth is home to two wings of B–1 bombers, and I know the important role those planes have played in Iraq and Afghanistan. These planes, and the other bombers in our fleet, project power across the globe in order to keep potential enemies at bay and also serve to protect and save the lives of troops fighting on the ground.

As Members of Congress, we are charged with equipping our Armed Forces and are responsible for allocating taxpayer funds in the most fiscally responsible manner. This amendment ensures that we will accomplish both goals by better informing Congress and the Department of Defense on the best path forward for our nation's bomber fleet.

I urge my colleagues to support this commonsense amendment.

PRESIDENT OF GABON, ALI BONGO ONDIMBA

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. MEEKS of New York. Madam Speaker, in early March, it was my pleasure and privilege to meet the new President of Gabon, Ali Bongo Ondimba.

President Bongo was in New York in his capacity as head of state of the country that, for the month of March, presided over the United Nations Security Council. Gabon is one of three African countries that are members of the Security Council on a rotating basis.

President Bongo came to office after the death of his predecessor last year. Between June and October, Acting President Rose Francine Rogombé, who had previously served as president of Gabon's Senate, led a smooth and swift transition.

As a member of the Foreign Affairs subcommittee on Africa and Global Health, and Chair of the Financial Services Subcommittee on International Monetary Policy and Trade, I understand the importance of the relationship between the United States and countries of the Central African region.

In our conversation, I was impressed by President Ali Bongo's determination to improve the quality of life for the people of Gabon. He is committed to eliminating corruption that has plagued Gabon in the past.

I was particularly interested in Gabon's role as one of the six members of the Bank of Central African States and as a member of the Economic Community of Central African States. Gabon's capital city, Libreville, is also the location of one of the key regional offices of the African Development Bank, and it is the headquarters of the locally-owned and operated Gabonese Development Bank.

As one might expect, Central African countries, including Gabon, were hit hard by the global economic meltdown of the past few years. As a report from the International Monetary Fund noted on March 15, ''The Gabonese economy went through a difficult year in 2009 due to the unusual domestic environment because of painful social developments and the preparation of the presidential elections on the one hand and to the unfavorable international economic situation on the other.''

Given these circumstances, I listened carefully as President Bongo explained what his government and those of neighboring states were doing to stabilize currency in the region and to regularize customs and tariffs. He also expressed his desire for attracting more foreign investment to Gabon—especially beyond the dominant oil-industry sector—and his vision for how to achieve that.

During his visit to the United States, President Bongo met with Secretary of State Hillary Rodham Clinton in Washington. Secretary Clinton said after their meeting that ''Gabon is a valued partner of the United States, and this visit gave us an opportunity to discuss a wide range of common concerns.'' She went on to thank President Bongo ''for his and Gabon's efforts on behalf of regional stability in Central Africa and for its leadership on the world stage, particularly at the United Nations.''

In line with my own conversation with President Bongo on the same topics, Secretary Clinton said ''We are very supportive of Gabon's efforts to diversify its economy, widen the circle of prosperity, and create new opportunities for its people'' and added: ''I want to recognize President Bongo's efforts to improve government efficiency, eliminate waste, and fight corruption.''

To offer a sense of the purpose of President Bongo's visit to the United States, I would like to insert in the RECORD an article from America.gov by Jim Fisher-Thompson entitled ''Gabon's President Meets Clinton, Calls Corruption Africa's Cancer,'' which was published on March 9.

[From America.gov, Mar. 9, 2010]

GABON'S PRESIDENT MEETS CLINTON, CALLS CORRUPTION AFRICA'S CANCER

(By Jim Fisher-Thompson)

WASHINGTON.—Gabon's president, Ali Bongo, intends to use his country's two-year seat on the United Nations Security Council to highlight democratic reforms and his fight against corruption, which he terms a ''cancer'' sapping Africa's strength and potential. ''Unfortunately, when it comes to the African body, we have many diseases—and corruption is one of them,'' Bongo told America.gov in an interview after meeting with Secretary of State Hillary Rodham Clinton March 8 at the State Department.

''Corruption is a major problem that has to be stopped,'' the African leader said, ''which is why we are committed to fighting it. We know if we want to build a better future with responsible people, we especially need accountability, and this is what has been lacking.'' Gabon, with a population of fewer than 2 million, is largely dependent on the energy and extractive (mining and timber) sectors and is the fifth-largest supplier of oil in sub-Saharan Africa to the United States. In 2009, the nongovernment group Transparency International rated the nation 106 out of 180 countries in its annual corruption index, tied with Argentina, The Gambia, Niger and Benin.

After his election as president in August 2009 and before traveling to the United States, Bongo instituted a number of government reforms, including cutting Cabinet posts while restructuring the Treasury Department and launching an environmental effort called ''Green Gabon.''

At the same time, he streamlined government by eliminating several agencies and bureaucracies that were hindering innovation and investment in Gabon. He has also threatened criminal penalties for persons attempting to bribe public officials, according to a recent press report.

Despite the challenges of corruption and reform, Bongo told America.gov: ''I remain

optimistic about Africa's future. We know we will make mistakes; we will struggle, and at times we will fall. But we will get up and move forward.''

In international affairs, Bongo said U.S.-Gabon relations are ''very good,'' adding, ''We would like more progress on the economic front and are working on a trade agreement with the U.S. government.''

Acknowledging Gabon's new responsibilities on the U.N. Security Council, Bongo said, ''We are going to work very closely with the United States and all the permanent members of the Security Council to make sure that the world is a better place.'' He had earlier addressed the Security Council, which Gabon chairs for the month of March.

Speaking to the press after her private meeting with the African leader, Secretary Clinton said, ''I want to recognize President Bongo's efforts to improve government efficiency, eliminate waste and fight corruption.

''We know, as the president knows, that economic progress depends on responsible governance that rejects corruption, enforces the rule of law, provides good stewardship of natural resources and delivers results that help to change people's lives for the better.

''We stand ready to support Gabon as it further strengthens its democratic institutions and processes,'' Clinton said.

The secretary added, ''We are very supportive of Gabon's efforts to diversify its economy, widen the circle of prosperity and create new opportunities for its people. Gabon is participating in the Extractive Industries Transparency Initiative and taking other steps that will give confidence both to international investors but, more importantly, to the people of the country.''

Speaking two days before the State Department issues its annual human rights report, Clinton said: ''I also want to applaud the leadership that Gabon has shown in combating human trafficking. We have forged new partnerships with the Justice Department, and Gabon is moving toward ratifying the U.N. protocol. This is one more example of the reform-minded leadership that President Bongo is bringing to his country.''

''We've come a long way,'' Bongo responded. ''We've gone through a democratic process, and now we are moving forward. Good governance, [the] fight against corruption, diversity [in] our economy and our partners. This is what we're doing.''

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mrs. MCCARTHY of New York. Mr. Chair, I rise in support of H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011.

Each year, Congress acts to authorize national defense spending. Matters of defense spending have been one of my highest priorities throughout my time in Congress. Especially during times of war, we, in Congress, have the utmost obligation to ensure our service men and women have the adequate resources they need to serve both honorably and safely. Moreover, we must remember our retired and wounded service men and women and ensure that they receive the benefits and care respectful of their heroic sacrifices.

There are many provisions of this $567 billion authorization to be proud of. This bill strengthens four pivotal national objectives including, but not limited to, counterterrorism efforts, missile defense, nuclear nonproliferation, and benefits and care to our nation's service members and their families.

Some provisions that particularly stand out are the funding authorizations that support the President's agenda in Afghanistan. This bill takes steps to address prior shortfalls of our efforts in Afghanistan under the Bush Administration. Specifically, the bill outlines resources that will give U.S. commanders in the field the tools they need for success, as well as the means to forge meaningful strategic partnerships with neighboring nations so as to both facilitate victory and a swift and safe return for our brave service men and women. The bill also furthers the President's efforts to secure the nuclear arsenals across the globe. If Cold War politics have taught the world one thing, it is that nuclear proliferation could lead to dangerous situations. H.R. 5136 makes significant strides in aligning our defense policy with 21st century challenges, including facilitating a mobile missile defense system and regulation of nuclear arms. I believe Congress must do all that it can to ensure that the development of nuclear technologies is globally regulated and transparent. This bill, in funding key programs like the Department of Energy's Global Threat Reduction Initiative and Department of Defense's Cooperative Threat Reduction Program, takes important steps to ensuring that weapons grade nuclear materials do not end up into the hands of terrorists and dangerous states.

I am proud to speak to the funds authorized for the benefits and care of our military servicemembers and their families. A nation with the best military in the world should provide the best care in the world. Among its many provisions, H.R. 5136 provides a 1.9% pay raise to our troops, increases imminent danger pay, and expands college loan repayment benefits. Furthermore, the bill includes a ''pre-separation'' counseling program to help provide discharged servicemembers and their spouses with financial and job assistance. Especially in these tough economic times, it is important to promote financial literacy efforts across the board so as to better educate and inform average Americans of their financial and professional options.

Finally, I am extremely encouraged by language included in the final Defense Authorization bill that recognizes the harmful implications of poor nutrition as it pertains to national security. As Chairwoman of the Healthy Families and Communities Subcommittee, I have been very active in efforts to increase access to child nutrition programs. It is important that Congress recognize the vast impact proper child nutrition has on our nation. H.R. 5136 includes a sense of Congress that hunger and obesity are impairing military recruitment and must be properly addressed. I am proud to lead efforts to improve access to important initiatives like direct certification systems, and the national school lunch and summer food services programs. The language in this bill regarding obesity underscores the vast and grave consequences an unhealthy nation can have.

Again, Mr. Chair, I support the National Defense Authorization Act for Fiscal Year 2011. I commend both Chairman IKE SKELTON and Ranking Member HOWARD MCKEON for their hard work in putting together a tremendous piece of legislation that, in my opinion, adequately supports our active and retired service men and women.

RECOGNIZING THE NATIONAL MUSEUM OF AMERICANS IN WARTIME IN PRINCE WILLIAM COUNTY, VA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the National Museum of Americans in Wartime (the American Wartime Museum), which will break ground later this year in Prince William County, Va. This museum is being built to honor all Americans who have served or presently serve our country in any branch of the United States military from World War I forward.

It will tell the stories and recognize the contributions and sacrifices of the brave men and women who dedicated themselves to defending and preserving our Nation's freedoms through their service in the U.S. Army, Marine Corps, Navy, Air Force, Coast Guard, the Reserves and the National Guard.

The museum will offer a unique interactive history of major conflicts from the 20th and 21st centuries and focus on educating young Americans about wartime experiences and the sacrifices made by those Americans who ''answered the call'' in service of our nation.

The American Wartime Museum is the culmination of a partnership between private and government entities. The Museum will be built on a 70 acre site that has been generously donated by the Hylton family of Prince William County. It will feature a large collection of vintage and modern operational military vehicles, some of which will be used for demonstrations and reenactments. There will be large outdoors ''Landscapes of War'' with authentic replicas of battle scenes. Visitors will be able to hear, touch and experience military vehicles, aircraft and naval vessels. The planned National Veterans Visitor Center will offer special services and activities for veterans including opportunities for military reunions and the ability to record oral histories for future generations of Americans. Visiting the Museum will be truly interactive and will not only educate but actually provide a very realistic sense of the experiences of those who have served in uniform.

This project enjoys broad, bipartisan support from the Prince William Board of County Supervisors, the Commonwealth of Virginia and the United States Congress. George Mason University is a key partner in this endeavor, which will provide new academic and research opportunities for students, historians and the public. The leadership team of the museum includes Craig Stewart, President and CEO; Allan Cors, Chairman of the Board of Trustees; former Virginia Governor and U.S. Senator Chuck Robb; a Medal of Honor recipient

and other distinguished veterans; military historians, authors and journalists; and prominent business leaders.

Madam Speaker, I ask my colleagues join me in recognizing the vision and dedication of those individuals and organizations that have worked together to create The American Wartime Museum. This museum will educate, inspire, and most importantly, honor all who have served our great nation in uniform.

And as we celebrate Memorial Day this weekend, I also ask my colleagues to join me in expressing our sincerest appreciation to every man and woman who has answered the highest call of duty by serving our country in the United States military. Their sacrifice, honor, and selfless dedication to the defense and protection of our country is deserving of the utmost respect and gratitude of every American.

IN HONOR OF MR. AND MRS. WILLIAM ROBERT AND BETTY CAMPBELL

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. DAVIS of Tennessee. Madam Speaker, I rise today in honor of Mr. and Mrs. William Robert ''Bob'' and Betty Grigsby Campbell of Franklin, Tennessee. They are long standing residents of the community which I represent and have raised five children in the area. Their children have added twelve grandchildren to the family tree and it is one of their grandchildren that have notified me of this special year of celebrations, the occasion of their 80th birthdays and their 60th wedding anniversary.

Bob grew up in Nashville, TN as the eldest son of a printer and secretary. He attended Vanderbilt University before owning his own business. Betty grew up in the Grigsby family home in Elkton, TN. Her family farmed the home place that was surrounded by cotton fields. Her father was an engineer and her mother was actively involved in the Methodist church and community.

Bob and Betty met on a blind date. They wed in a double wedding ceremony with Betty's sister, Dorothy (Mrs. John Brevard), who also resides in Franklin, TN. Bob and Betty settled in Nashville, TN and their children Bobby, Cindy, Nicky, Cathi and Chuck were born and have fond memories of camping and taking family vacations to Florida in the back of many station wagons. As their children moved on, Betty worked caring for children at their church and Bob continued to develop his small business.

During their retirement they have enjoyed traveling with their friends both throughout the country and internationally. They continue to be active members of the Baptist Church, while Bob maintains his small business restoring antique furniture. They regularly see their grandchildren who are spread from California to Louisiana to Washington, DC. Their grandchildren tell me they are looking forward to enjoying many more holidays with their ''MaBet and Papa'' in Franklin.

It is clear that the world in which Bob and Betty were born in 1930 was quite a different world than what their grandchildren experience today. But they have taught their children and grandchildren traditions that stand the test of time. Bob and Betty have been role models for their family in Southern hospitality and grace. They have taught the generations that true character is shown by commitment to each other, responsible engagement in community, dedication to God and strong family ties. These values last throughout time, throughout the economic turmoil and throughout the latest fad. I have no doubt that the Campbell family will continue to carry on these traditions for the rest of their lives due to the strong foundation provided by Bob and Betty.

I want to congratulate Bob and Betty on their banner year and wish them and their Campbell Clan good health, safe travels and much more shared laughter.

IN RECOGNITION OF THE ACCOMPLISHMENTS OF LEE HALE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to honor Lee Hale, the recipient of the NASSP/Virco National Assistant Principal of the Year Award for the state of Florida. Mr. Hale is a dedicated educator whose professionalism and innovative ideas have helped many students in my district succeed, and it is a great privilege to recognize him on this day.

Mr. Hale began his career in education after graduating from Samford University with a degree in Business Administration. After subbing at various schools in Okaloosa County, he was hired to teach at Choctawhatchee High School. Mr. Hale taught Alternative Education and Business and Technology courses for ten years all the while pursuing a Master's degree in Education, Global Leadership and Administration from Jones International University. While teaching during the day and advancing his own education through online courses, Mr. Hale made himself available to help struggling students recover credits by coordinating the Choctaw Academy. Mr. Hale's hard work did not go unnoticed, and in 2007, he became an Assistant Principal of Choctawhatchee. Most recently, Mr. Hale is pursuing a Doctor of Education, Curriculum and Instruction from the University of West Florida.

Lee Hale is well-deserving of Florida's Assistant Principal of the Year award, and it is apparent throughout his community leadership positions and continuing professional development activities. Mr. Hale leads Sunday School and coaches youth baseball and still makes time to attend workshops, such as the Florida Educational Technology Convention, so that his students are well prepared for the future.

Madam Speaker, on behalf of the U.S. Congress it is an honor to recognize the efforts and accomplishments of this outstanding educator. My wife Vicki and I congratulate Mr. Hale on his award and thank him for his 15 plus years of teaching service.

HONORING DR. LYNN WOLAVER

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. AUSTRIA. Madam Speaker, on behalf of the people of Ohio's Seventh Congressional District, I am honored to recognize Dr. Lynn Wolaver, who was inducted into the Ohio Senior Hall of Fame on May 24, 2010.

Dr. Wolaver's contributions to his country and the community are invaluable. A former member of U.S. Army and World War II veteran, he flew in C–47 aircraft in the European Theater of Operations. Following his military service, Lynn devoted himself to public service, holding positions as a member of the Fairborn City Planning Board, City Council, Deputy Mayor and Mayor of Fairborn. He has been an active member of the Fairborn Chamber of Commerce, Fairborn Rotary Club and the American Region. He currently serves on numerous local boards and committees, applying his knowledge and expertise for the betterment of the region.

Along with his natural penchant for service to his country and civic engagement, Dr. Wolaver has an extensive academic background. He studied at the University of Illinois, The Ohio State Extension at Wright Field and at the University of Michigan, where he received his doctoral degree. Dr. Wolaver spent nearly 40 years as an employee at Wright-Patterson Air Force Base in Springfield, OH, holding various positions, including Dean for Research Emeritus at the Air Force Institute of Technology at Wright Patterson Air Force Base. During his time at Wright-Patt, Dr. Wolaver taught and conducted research in the areas of navigation, astrodynamics, bioengineering and systems analysis, and he has authored over 60 technical papers on these topics. His academic achievements have earned him induction into prestigious honorary societies, and various honors and awards, including the Fairborn Chamber of Commerce's Ed Duncan Distinguished Citizen Award, Fairborn Chamber of Commerce President's Award and University of Illinois Distinguished Alumnus Award.

Finally, as a husband, father of two and grandfather, Dr. Wolaver has demonstrated the importance of balancing various obligations and activities with the needs of family.

Thus, with great pride, I congratulate Dr. Lynn Wolaver for his lifetime of remarkable achievements and his unparalleled contribution to our community.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. HASTINGS of Florida. Mr. Chair, I am pleased to offer an amendment to the National Defense Authorization Act for Fiscal Year 2011 that addresses the plight of Iraqis who have worked for the United States in Iraq and whose lives have been placed in grave danger for their service.

Under the Status of Forces Agreement signed in November 2008, there is not ONE mention of Iraqis who have worked with the United States, which I find to be most unsettling.

And while the December 2011 date for withdrawal of our troops seems far away, there is another benchmark of August 2010, when nearly 50,000 troops will be withdrawn from Iraq, which will limit our ability to protect U.S.-affiliated Iraqis at risk.

These U.S.-affiliated Iraqis have risked their lives to work alongside our troops, diplomats, and aid workers to help build a more stable and Democratic Iraqi committed to peaceful pluralism among both factions and sects. They are considered to be ''collaborators'' or ''traitors'' by Al Qaeda in Iraq and other insurgent groups and many have paid the ultimate sacrifice for their work at the hands of these terrorists.

I am increasingly concerned that the Obama administration has turned its focus away from this crisis. As we drawdown U.S. troops in Iraq, the thousands of Iraqis who work for our government and live on our bases will no longer have the security of our military once we are gone. The United States cannot turn its back at this critical juncture.

An organization that I have had the privilege to work with over the past several years, The List Project to Resettle Iraqi Allies has done a remarkable job on this front in advocating for and providing pro bono representation to these courageous Iraqis at risk.

The List Project's founder and executive director Kirk Johnson recently published a report entitled ''Tragedy on the Horizon: A History of Just and Unjust Withdrawal.'' It is a report that I would encourage all of my colleagues to read.

In particular, the report discusses the withdrawal of British troops from southern Iraq two years ago and states, ''militias conducted a systematic manhunt for Iraqi employees of the U.K. In a single incident, 17 interpreters were publically executed, and reports surfaced of others dragged to their deaths behind cars through the streets of Basrah. To imagine this as an isolated experience ignores this history of withdrawal, a bloody and predictable churn of violence upon those who 'collaborated' with the departing power.''

Time is of the essence. We must put in place a plan to ensure that those Iraqis allies who have helped our country are protected. We have a moral obligation to do this, and we still have time to avert a crisis—but not a lot of time.

Turning our backs now would be fatal for our Iraqi allies and would set a negative precedent for other theaters of war in particular Afghanistan where we need to win the loyal collaboration and hearts and minds of the population.

This week marked a turning point, in that the number of troops in Afghanistan exceeded those in Iraq for the first time since 2003. Reports now suggest that Afghans working as interpreters for the United States are increasingly facing the same lethal risks endured by our Iraqi employees.

We will be hard-pressed to find more help in Afghanistan if the United States is seen as quick to abandon its friends.

IN RECOGNITION OF SANDY BOWEN'S DECADES OF SERVICE TO NATIONAL SAFE PLACE AND AMERICA'S YOUNG PEOPLE

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. YARMUTH. Madam Speaker, I rise today to recognize a woman who spent her career tirelessly fighting to ensure young people in crisis have a place to get help, no matter where they are and no matter what they are going through.

National Safe Place is a national organization that oversees a network of shelters and resources that provide young people with immediate assistance, whenever they need it. Sandy Bowen has played an absolutely integral role in spreading the organization's mission across the Nation, transforming Safe Place from a single service located in one community into a nationally-renowned network that has touched the lives of almost a quarter of a million young people in 38 states. And we in Louisville couldn't be more proud that she calls our community home.

As Sandy reaches the end other exceptional career of service at Safe Place, we should have known from the start that she was destined to live a life dedicated to helping others. Her first job, in fact, was operating a nursery school and a pre-school in her backyard where children could attend for just $1 a week.

After working in the Jefferson County Public School system and for the 4–H Program, Sandy joined Safe Place. At the time, it was a local program operated in greater Louisville, established to give young people in crises a comfortable and safe place when they have no where else to turn.

Sandy came on board a few months after its founding. Since that time, it is no coincidence that National Safe Place has grown in leaps and bounds, expanding across the country, garnering recognition from Congress and 3 Presidents, and helping and educating tens of thousands of young people.

Safe Place has served 100,000 young people in Kentucky alone, and every citizen of our commonwealth can be particularly proud of its extraordinary work. Our home-grown organization has flourished thanks to Sandy Bowen's leadership, developing into a nationally-recognized symbol of hope and security for young people.

When she retires this year, Sandy Bowen will leave behind a legacy of service to our Nation, a record of commitment to helping those most in need, and a safe place for young people throughout our Nation.

I urge my colleagues to join me in thanking Sandy Bowen for her career of service, and I wish her nothing but luck and continued success in the next chapter of her life.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. GINGREY of Georgia. Mr. Chairman, I rise in opposition to the Polis/Langevin/Cohen amendment that has been included in the En Bloc amendment No. 4. Unfortunately—despite what proponents of this amendment are saying—I do not believe that this amendment does anything to alleviate the draconian problems of section 526 of the Energy Independence and Security Act of 2007.

Even if this amendment passes, Americans will still not be able to increase the supply of fuels from alternative sources derived from resources available in the United States. Oil shale will remain trapped in rock, and we will not be able to use clean carbon captured coal-to-liquid for fuel.

The amendment intends to create an exception under section 526 for generally available fuel not predominately produced from a non-conventional petroleum source, and all federal agencies—including DoD—will still be able to purchase Canadian fuels with traces of oil sands that may create more of a carbon footprint than completely conventional fuel. However, I am concerned that ''predominantly from a nonconventional source'' is not defined in this amendment. This stipulation could expose gasoline, diesel, and jet fuel produced from crude oil—with significant components of oil sands—to the prohibition in section 526.

Mr. Chairman, even under the provisions of this amendment, DoD—as well as every other federal agency—won't be able to utilize any of the sources of fuel that may be totally derived from clean domestic alternatives we have readily available.

This is precisely why I offered an amendment to the Rules committee on this bill; to provide a waiver to the Secretary of Defense to be freed from the handcuffs of section 526. I support a full repeal of section 526 because the cost of refined product for DoD has increased by over 500 percent in the last ten years when volume only increased by 30 percent. I offered my amendment—that was rejected by House Democrats—as a middle ground to not stifle domestic energy innovation and to save taxpayer dollars.

Mr. Chairman, I fear that this amendment does nothing to rectify the underlying problem with section 526 that prevents the Federal Government from utilizing domestic resources to reduce fuel costs, so I must oppose this amendment and ask all my colleagues to do the same.

IN RECOGNITION OF THE 2010 GRECIAN FESTIVAL IN WORCESTER, MASSACHUSETTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. McGOVERN. Madam Speaker, I rise today in recognition of the St. Spyridon Grecian Festival, to be held June 4th, 5th and 6th in Worcester, Massachusetts. The Festival has been held biennially in Worcester since 1976, and has served as a wonderful exhibition of Greek culture, customs, faith and food.

The St. Spyridon Grecian Festival was founded by Father George Stephanides. Upon his arrival in Worcester in 1974, his idea for a large Greek festival was met with skepticism. To prove that such an event would be viable, Father George organized a small food fair in 1975. With its success, the stage was set for the first ethnic festival of its kind in New England. With over twenty thousand visitors in the festival's first year, there was no doubt that the Grecian Festival would become a mainstay in the community for years to come. To this day, the Festival remains one of the largest in New England, with over 25,000 attendees.

For three days in early June, the St. Spyridon Grecian Festival will once again open its doors to the community to enjoy the best of Grecian cuisine and hospitality. From the abundance of Greek food and homemade pastry, to the art exhibits, dance performances, music and cultural displays, the Grecian Festival provides the entire community, both young and old, an opportunity to experience and interact with Greek culture on all levels.

Madam Speaker, I invite the United States House of Representatives to join me in recognizing the St. Spyridon Grecian Festival for the important role it has played over the past thirty-four years in sharing the wonders of Greek culture with our community.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. SKELTON. Mr. Chair, I would like to submit the following exchange of letters:

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, May 21, 2010.

Re Corrected Bill Number.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SKELTON: I am writing to you concerning the jurisdictional interest of the Committee on Education and Labor in matters being considered in H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011.

Our committee recognizes the importance of H.R. 5136 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I do not intend to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Committee on Education and Labor, and that a copy of this letter and your response acknowledging our jurisdictional interest will be included in the Committee Report and as part of the Congressional Record during consideration of this bill by the House.

The Committee on Education and Labor also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your consideration in this matter.

Sincerely,

GEORGE MILLER,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, House of Representatives, Rayburn Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I agree that the Committee on Education and Labor has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to schedule a mark-up of this bill in the interest of expediting consideration. I agree that by agreeing to waive consideration of certain provisions of the bill, the Committee on Education and Labor is not waiving its jurisdiction over these matters. Should this bill or similar legislation be the subject of a House-Senate conference, I will support the appointment of conferees from the Committee on Education and Labor.

This exchange of letters will be included in the committee report on the bill.

Very truly yours,

IKE SKELTON,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SKELTON: I am writing regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. As you know, the Committee on Energy and Commerce has jurisdictional interest in a number of provisions of this bill.

In light of the interest in moving this bill forward promptly, I do not intend to exercise the jurisdiction of the Committee on Energy and Commerce by seeking sequential referral of H.R. 5136. I do this, however, only with the understanding that forgoing consideration of H.R. 5136 at this time will not be construed as prejudicing this Committee's jurisdictional interests and prerogatives on the subject matter contained in this or similar legislation. In addition, we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference named to consider such provisions.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation on this matter.

Sincerely,

HENRY A. WAXMAN,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I agree that the Committee on Energy and Commerce has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to schedule a mark-up of this bill in the interest of expediting consideration. I agree that by agreeing to waive consideration of certain provisions of the bill, the Committee on Energy and Commerce is not waiving its jurisdiction over these matters. Should this bill or similar legislation be the subject of a House-Senate conference, I will support the appointment of conferees from the Committee on Energy and Commerce.

This exchange of letters will be included in the committee report on the bill.

Very truly yours,

IKE SKELTON,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SKELTON: I write to confirm our mutual understanding regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. While this legislation as reported contains subject matter within the jurisdiction of Committee on Financial Services, the committee waives consideration of the bill in order to expedite floor consideration of this important legislation.

The Committee on Financial Services takes this action only with the understanding that the committee's jurisdictional interests over this and similar legislation are in no way diminished or altered.

The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the committee report or in the Congressional Record during consideration of H.R. 5136 on the House Floor. Thank you for your attention to these matters.

BARNEY FRANK,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Rayburn Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I agree that the Committee on Financial Services has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to schedule a mark-up of this bill

in the interest of expediting consideration. I agree that by agreeing to waive consideration of certain provisions of the bill, the Committee on Financial Services is not waiving its jurisdiction over these matters. Should this bill or similar legislation be the subject of a House-Senate conference, I will support the appointment of conferees from the Committee on Financial Services.

This exchange of letters will be included in the committee report on the bill.

Very truly yours,

IKE SKELTON,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Rayburn House Office Bldg., Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011.

This bill contains provisions within the Rule X jurisdiction of the Committee on Foreign Affairs. In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this Committee's right to mark up this bill. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Foreign Affairs Committee conferees during any House-Senate conference convened on this legislation.

Please include a copy of this letter and your response in the Congressional Record during consideration of the measure on the House floor.

Sincerely,

HOWARD L. BERMAN,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. HOWARD BERMAN,
Chairman, Committee on Foreign Affairs, House of Representatives, Rayburn Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I agree that the Committee on Foreign Affairs has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to schedule a mark-up of this bill in the interest of expediting consideration. I agree that by agreeing to waive consideration of certain provisions of the bill, the Committee on Foreign Affairs is not waiving its jurisdiction over these matters. Should this bill or similar legislation be the subject of a House-Senate conference, I will support the appointment of conferees from the Committee on Foreign Affairs.

This exchange of letters will be included in the committee report on the bill.

Very truly yours,

IKE SKELTON,
Chairman.

COMMITTEE ON HOMELAND SECURITY,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 20, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR CHAIRMAN SKELTON: I write to you regarding H.R. 5136, the ''National Defense Authorization Act for Fiscal Year 2011,'' introduced on April 26, 2010.

H.R. 5136 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Homeland Security conferees during any House-Senate conference convened on this or similar legislation. I also ask that a copy of this letter and your response be placed in the Committee Report accompanying the legislation and the Congressional Record during floor consideration of this bill.

I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, House of Representatives, Ford Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I agree that the Committee on Homeland Security has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to schedule a mark-up of this bill in the interest of expediting consideration. I agree that by agreeing to waive consideration of certain provisions of the bill, the Committee on Homeland Security is not waiving its jurisdiction over these matters. Should this bill or similar legislation be the subject of a House-Senate conference, I will support the appointment of conferees from the Committee on Homeland Security.

This exchange of letters will be included in the committee report on the bill.

Very truly yours,

IKE SKELTON,
Chairman.

RECOGNIZING DR. JUDY BENSE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to honor Dr. Judy Bense upon being inducted into the Orden de Isabel la Catlica. Dr. Bense is a dedicated archeologist and received this award due to her research strengthening the ties between Northwest Florida and Spain. Madam Speaker, Dr. Bense's commitment to her work is truly remarkable. For that reason, it gives me much pleasure to recognize her on this day.

The Royal Order of Isabella the Catholic is one of Spain's highest civil honors granted in recognition of services that benefit Spain. The Order was created on March 14, 1815 by King Ferdinand of Aragon in honor of his ancestress, Queen Isabella I, with the intent of rewarding the firm allegiance to Spain and the merits of Spanish citizens and foreigners in good standing to the nation.

Dr. Bense was inducted into the Order by Spanish King Juan Carlos for her hard work to defend the shared legacy and strengthening the relationship between Florida and Spain. Just like the Order's namesake, Dr. Bense is an extremely accomplished and distinguished woman. With a career in archeology that has spanned more than three decades; she has been at the forefront of studying Spanish roots in Pensacola, Florida. Currently serving as the President of the University of West Florida, I am certain that her experience and commitment to education will provide the needed leadership to guide the university in its pursuit of academic excellence.

Madam Speaker, Dr. Judy Bense is a leader that I am proud to have serving in the Northwest Florida community. On behalf of the United States Congress and a grateful community, I congratulate Dr. Bense on her significant historical accomplishments.

TRIBUTE TO NATHAN DAVID KEHREIN

HON. DANNY K. DAVIS

OF ILLLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. DAVIS of Illinois. Madam Speaker, I rise to pay tribute to the outstanding young men of my community who unfortunately is no longer with us. I also take this opportunity to express condolences to his family as they negotiate their way through this period of transition.

Nathan Kehrein was born the same year that I was first elected to public office and that is around the time that I first got to know his parents, Glen and Lonnie.

Nathan grew up in the Austin Community, as a matter of fact a couple of blocks where I and my family live. He had a normal and exciting childhood, actively involved in youth activities organized and provided by the Rock of our Salvation Church and the Circle Urban Ministries both of which his family were founders of and are actively involved with.

Nathan was a good student and a good athlete. He attended Lane Technical High School and was an All City Football Player. After high school Nathan enlisted in the Armed Services and after a tour of duty, was honorably discharged from the United States Air force.

After Nathan returned home from his military experience he became ill and suffered from bouts with depression; but continued to live as normal a life as he could.

Nathan's life was a journey of experiences; his family lived comprehensively and was intimately associated with many different kinds of people. Nathan's life was a reflection of this upbringing; therefore, one could say that he was an ambassador of goodwill.

I salute Nathan for being the man that he was, thank him for the service he gave to our community and to his country and may his soul rest in peace.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. SPRATT. Mr. Chairman, I support the provisions in this bill that support a second engine for the F–35.

The Air Force will soon shift its air-to-ground, air-to-air, and air-supremacy roles to the F–35, and the F–35 will eventually number more than a thousand jet fighters, or 95 percent of the fighter force structure.

To power these aircraft, the Air Force will require some 2500–3000 engines at a cost of more than $100 billion.

We are fortunate to have two excellent engine manufacturers, Pratt Whitney and GE. Both started out as candidates for the F–35 engine.

The question now comes: Do we need and want a second engine, produced by GE?

More specifically—

Do we want to sole source, run this program out 25 years or more, without price competition?

In addition to price competition, do we want competition on innovation, reliability, and durability?

Do we want to run the operational risk of having no back-up if problems show up in one engine?

Do we want to keep competition in the defense production base?

A second engine for the F–35 makes sense and saves money.

I urge the House to leave intact the second engine provisions in the defense authorization bill before us today.

AZERBAIJAN REPUBLIC DAY

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. McMAHON. Madam Speaker, I rise today to honor the people of the Republic of Azerbaijan—as they prepare to celebrate Republic Day on May 28.

Republic Day commemorates the day Azerbaijan first declared independence from the Russian Empire on May 28, 1918. Though the Azerbaijan Republic later succumbed to Soviet forces in 1920, in its 2 years of independence Azerbaijan achieved a number of measures on state-building, armed forces, education, economy, and universal suffrage, from which it benefits today.

Azerbaijan's second opportunity for freedom and independence began in 1990 as Azerbaijanis began gathering in protest against Soviet rule. Following the collapse of the Soviet Union, Azerbaijan declared anew their independence.

On August 30, 1991, Azerbaijan's Parliament adopted the Declaration on the Restoration of the State of Independence of the Republic of Azerbaijan, and on October 18, 1991, their Constitution was approved.

The last 19 years of independence has not been without challenges. The territorial integrity of Azerbaijan was violated and the Nagorno-Karabakh and seven surrounding regions of Azerbaijan have been occupied by neighboring Armenia. In 1993 the UN Security Council adopted four resolutions demanding complete, unconditional, and immediate withdrawal of Armenian forces from the occupied territories of Azerbaijan. NATO, OSCE, EU and other international organizations also repeatedly called for the restoration of Azerbaijan's territorial integrity, and I support a swift, peaceful resolution to this conflict, as well.

Azerbaijan is a key global security partner for the United States. Azerbaijan was among the first nations to offer our own country with unconditional support in its anti-terrorism efforts, providing use of its airspace, airports, and troops for Operation Enduring Freedom in Afghanistan. Azerbaijan was also the first Muslim nation to send troops to Iraq.

Azerbaijan has extended important overflight clearances for U.S. and NATO flights to support ISAF and has regularly provided landing and refueling operations at its airports for U.S. and NATO forces. Also, Azerbaijan plays an important role in the Northern Distribution Network, a supply route to Afghanistan by making available its ground and Caspian naval transportation facilities.

Azerbaijan has opened Caspian energy resources to development by U.S. companies and has emerged as a key player for global energy security. The Baku-Tbilisi-Ceyhan pipeline project is the most successful project contributing to the development of the South Caucasus region and has become the main artery delivering Caspian Sea hydrocarbons to the U.S. and our partners in Europe. Notably, in 2009 Azerbaijan provided nearly one quarter of all crude oil supplies to Israel and is considered a leading potential natural gas provider for the U.S. supported Nabucco pipeline.

Madam Speaker, as a proud member of Congressional Azerbaijan Caucus, I congratulate the Republic of Azerbaijan on the celebration of Republic Day, and commend President Obama's nomination of Matthew Bryza to serve as the U.S. Ambassador to Azerbaijan. I believe that Mr. Bryza has the knowledge and experience necessary to reassure our Azerbaijani friends that the United States appreciates their support and will continue to work with them to achieve peace and stability in the Caucuses. I look forward to further collaboration between our two nations.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. McINTYRE. Mr. Chair, as a member of the House Armed Services Committee and a strong supporter of the Joint Strike Fighter alternative engine program, I rise today in opposition to the Pingree/Larson Amendment.

This amendment, which would redirect funding for the program, is about terminating jobs, killing competition and giving a $100 billion monopoly to one contractor who is already $2.5 billion (50 percent) over budget.

This amendment would add $20 billion to the deficit by eliminating the savings GAO says will occur with competition.

Supporting this amendment means making the choice to give one company a sole source contract for the next 30 years versus having two companies compete head-to-head every year, resulting in the best price and best engine.

There was no competition for this program. The engines for every major weapons program in history have been competed—except for the Joint Strike Fighter, the largest defense program ever.

Congress is not required to give a rubber stamp to the Defense Department, which has been proven wrong in its opposition to several key programs, including development of the Predator, creation of the U.S. Special Operations Command and funding for the V–22 Osprey.

If this amendment passes, our national security will be put at grave risk, as the U.S. and Allied forces will depend entirely on one engine for 90 percent of their fighter jet fleets.

And, there will be job loss. We must maintain our support of the competitive engine program to sustain the thousands of jobs in the United States that are a result of this program.

I am pleased to join both the Armed Services Committee Chairman and Ranking Member, and the Chairmen and Ranking Members of the Air & Land Forces, the Sea Power & Expeditionary Forces Subcommittees, and the Acquisition Reform Panel in opposing this amendment.

My colleagues on the House Armed Services Committee and I approved funding for the alternative engine program to continue, and the Department of Defense's own analysis states that "the estimated costs of a competitive engine acquisition strategy are projected to be approximately equivalent to a sole-source scenario." If that is the case, I am confident the benefits of a competitive engine strategy warrant continued support.

Therefore, I strongly oppose the Pingree/Larson amendment and I rise in support of keeping jobs, sustaining competition, and our country's national security.

IN HONOR OF MAJOR RONALD WAYNE CULVER, JR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. ROSS. Madam Speaker, I rise today to honor a model citizen, revered husband and father and one of our Nation's great heroes. On May 24, 2010, our State and Nation lost a true patriot when Major Ronald Wayne Culver,

Jr., aged 44, died in Iraq from injuries sustained during combat operations in support of Operation Iraqi Freedom.

Major Culver was raised in Shreveport, LA, by his loving parents, Ronald and Betty Culver, and graduated from Louisiana State University in Shreveport. He lived and worked in El Dorado, AR, for most of his life and has been the commander of the John C. Carroll VFW Post 2413 in El Dorado for the last three years.

He was an active member of the El Dorado community and served on the Union County 4–H Foundation Board, helping to raise funds for the local 4–H program's activities.

Major Culver served in the Army National Guard for 22 years. He carried out his duties with pride in his country and without reservation and each of us owes him our eternal gratitude for his selfless sacrifice.

Major Culver was a highly-decorated combat veteran and received numerous awards and citations during his 22-year career, including the Bronze Star; Purple Heart; Army Commendation Medal;. Army Achievement Medal; Army Reserve Components Achievement Medal; National Defense Service Medal; Iraq Campaign Medal with Bronze Service Star; Global War on Terrorism Expeditionary Medal; Global War on Terrorism Service Medal; Armed Forces Reserve Medal with ''M'' device; Army Service Ribbon; Overseas Service Ribbon; Louisiana War Cross; Louisiana Commendation Medal; Louisiana Longevity Ribbon; Louisiana Emergency Services Ribbon; Louisiana Cross of Merit; Combat Action Badge; and Overseas Service Bar.

Major Culver committed his life to his family; his community and his country. My deepest thoughts and prayers are with his loving wife, Tracey, and two children who live in El Dorado, his parents and the rest of his friends and family during this extraordinarily difficult time.

Our Nation is safer and stronger because of brave heroes like Major Culver. Today, I ask all Members of Congress to join me as we honor the life of Major Wayne Culver and his legacy, as well as each man and woman in our Armed Forces who give the ultimate sacrifice in service to our great country.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. MARIO DIAZ-BALART of Florida. Madam Chair, when the President announced his decision to repeal the current policy, known as ''Don't Ask, Don't Tell,'' earlier this year, the military service chiefs and the Secretary of Defense requested the opportunity to carry out the President's directive in an orderly manner that would assure the maintenance of discipline and morale in the Armed Forces. It was agreed at that time, including by the President, that a survey would be sent to all the troops so that their input would be taken into account regarding how best to implement the new policy, and that a report with such recommendations as to how to best implement the new policy would be issued this December, before any legislative action was taken. I believe that that process, which was agreed to by the President pursuant to the request of the service chiefs and the Secretary of Defense, should be followed.

Breaking the agreement now by having this vote is most unfortunate, and I strongly disagree with the decision of the President, the Speaker, and the majority leadership to break that agreement today.

HONORING THE CHICAGO BLACKHAWKS IN THE STANLEY CUP FINALS

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. QUIGLEY. Madam Speaker, I rise today because the Roar is back on Madison.

My Chicago Blackhawks are Western Conference champions and just a day away from Game 1 of the Stanley Cup finals.

Diehard Hawks fans have been waiting since 1961 for the Cup to come home to the Windy City.

And it's on behalf of every last one of them that I want to thank the brain trust that has made this all possible.

In just three years, Rocky Wirtz, Dale Tallon, John McDonough, Stan Bowman, and Jay Blunk have resurrected a franchise and reminded Chicago that it has always been a hockey town.

Tomorrow night the United Center will be bathed in red and rocking so loud folks might just mistake it for the old Chicago Stadium.

As I've said here before, I look forward to coming back this summer with Lord Stanley's Cup freshly engraved with names like Toews, Kane, Byfuglien, and Niemi.

We're just four wins away.

CONGRATULATING THE PATRIOTS OF PACE HIGH SCHOOL'S BASEBALL TEAM

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. MILLER of Florida. Madam Speaker, it is my pleasure to rise today and congratulate the Patriots of Pace High School on becoming the Region 1 Class 5A Baseball State Champions. The hard work and dedication of all the young men on the team is truly extraordinary. For that reason, Madam Speaker, I am proud to honor and recognize their accomplishments.

Pace High School's baseball team, led by Coach Charlie Warner, finished the season with an impressive 29–2 record. While they were ultimately able to achieve their goal and bring home a State championship, it was not done without countless hours of practice and immeasurable amounts of sacrifice. The time the team spent together on and off the field will not only be remembered for leading them to a second state title in five years, but the forged friendships and lessons learned will never be forgotten. The character, talent and commitment of the young men on Pace High School's baseball team has indeed set the bar high for their classmates and the community.

On behalf of the United States Congress and the entire community of Northwest Florida, I congratulate Pace High School's baseball team for winning their fourth State championship. Madam Speaker, I am extremely proud of these young men. My wife Vicki and I wish them much continued success in the future.

RECOGNIZING MAY AS NATIONAL ARTHRITIS AWARENESS MONTH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mrs. CAPPS. Madam Speaker, May is National Arthritis Awareness Month and I rise to let Americans know how they can prevent and decrease the pain and disability of arthritis. Arthritis is the nation's most common cause of disability in the U.S., affecting 46 million adults and 300,000 children. Arthritis is also a common co-morbidity for most other chronic diseases. For example, 57% of adults with heart disease and 52% of adults with diabetes also have arthritis.

There are over 100 types of arthritis. Osteoarthritis, the most common form, affects 27 million Americans, often causing severe pain and disability, interfering with work productivity, and resulting in joint replacement. The risk of osteoarthritis increases rapidly beginning at age 45, affecting many people in their prime working years. The combination of the aging Baby Boomer population, increased longevity, and the obesity epidemic are creating a ''perfect storm'' for dramatically increasing the prevalence of osteoarthritis, especially in women.

Despite this troubling prediction, there is some good news. Numerous new initiatives are underway to address these issues. The National Public Health Agenda for Osteoarthritis, developed through a partnership of the Arthritis Foundation, the Centers for Disease Control and Prevention and 50 other organizations, a blueprint for actions to stem the tide of osteoarthritis. The Agenda states the need to increase availability of evidence-based intervention strategies; increase public health attention for prevention and disease management; increase research to better understand disease risk factors and other effective disease management strategies.

In addition, a new national public service advertising campaign is being undertaken and the Arthritis Foundation is encouraging adults to take simple steps to prevent or decrease the pain and disability of osteoarthritis. The new multimedia campaign features messages about the important role that physical activity and weight reduction play in preventing and managing osteoarthritis. The related website—www.fightarthritispain.org—includes important information, like an osteoarthritis risk assessment tool for people to find out their risk level and learn how to fight osteoarthritis pain, and

tips, videos and podcasts on how to get moving.

While these are important steps to help individuals cope with arthritis, more needs to be done to research the causes and new interventions for the disease. That is why I am a strong supporter of H.R. 1210, the Arthritis Prevention, Control and Cure Act. This bill, which currently has 173 bipartisan co-sponsors, would invest in needed arthritis research, provider training, and public education efforts. I encourage my colleagues to join me as a cosponsor of this legislation to support all Americans currently living with arthritis, and those who will be diagnosed in the future.

HONORING THE OUTSTANDING SERVICE OF SUSAN TOFT TO THE CARLSBAD HI-NOON ROTARY CLUB

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. BILBRAY. Madam Speaker, I would like to bring to your attention today the many outstanding achievements of Susan Toft, the outgoing president of the Carlsbad Hi-Noon Rotary Club. Susan's leadership during the 2009–2010 Rotary year has contributed significantly to the Hi-Noon Rotary Club, the community of Carlsbad and the mission of Rotary. During her tenure, the Carlsbad Hi-Noon Rotary Club sponsored Interact, a youth service club; RYLA, a youth awareness leadership conference; a Christmas party and provided meals and gifts to needy elementary school children; an Oktoberfest fundraiser that benefited the Carlsbad Women's Resource Center, Carlsbad Boys and Girls Club and other charitable organizations; sponsored a golf tournament which funded scholarships for Carlsbad high school students and provided financial support to needy military personnel and their families; promoted literacy by providing dictionaries for English and Spanish speaking elementary school children; made 1,200 books available to the Jefferson Elementary School students; conducted a business and ethics conference for high school students; participated in a matching funds program with a local college to provide scholarship funds for returning Marines; supported the Boy Scouts of America Food Drive Program; teamed with the Assistance League to provide footwear to needy elementary school students and provided food and support to La Posada, a facility for the homeless.

In addition, under President Susan Toft's leadership the Carlsbad Hi-Noon Rotary and its membership completed a number of other projects. We assisted in the distribution of food, clothing, and toys to over 400 needy Carlsbad families in conjunction with the Carlsbad Christmas Bureau. Through our Gazebo project, a city landmark structure was refurbished and relocated for public enjoyment. In addition, support was provided to the Veteran s Association of North Country.

In the international arena, under Susan Toft's leadership, a team of Carlsbad Hi-Noon Rotarians joined with others to build a house in Mexico for a needy family. Through our support of the Paul Harris Foundation, we cosponsored numerous other humanitarian projects all over the world including the effort to eradicate polio world-wide, and provided funding for the Micro-banking project enabling third world countries to develop entrepreneurial skills and become self sufficient. We also participated in the Shelter Box program to help the needy in Haiti; helped provide computers to students in Belize, collected shoes for Haitian relief and provided support to the needy of Mulege, Mexico as a result of hurricane Jimena. In addition, one of our members made the largest bequest ever to the Rotary International permanent fund so that it may continue to carry out its international humanitarian efforts. I hope my colleagues will join me in recognizing the many fine achievements of Susan Toft. Without question, her leadership and the fine work of the Carlsbad Hi-Noon Rotary Club are worthy of recognition by the House today.

RECOGNIZING THE LIFE AND ACHIEVEMENTS OF THE LATE GEORGE ARNOLD

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognition of the late George Arnold, a founding faculty member of Southern Illinois University Edwardsville, an avid nature lover, and a steadfast supporter of environmental initiatives. George passed away on May 14, 2010 at the age of 93.

George's great love for the environment began in Carbondale, Illinois, on an old family farm where his mother Elizabeth and his father William grew apples and peaches. From those early days, friends and family of George knew him as an environmental trailblazer, a man well ahead of his time, and an early leader in the green movement of the 1970s.

George received his Doctorate in Environmental Science from Washington University in St. Louis in 1964, proudly boasting the university's first doctorate in air pollution. He also received a Master's Degree in physics and a Bachelor's Degree in education, physics, and mathematics at Southern Illinois University Carbondale.

Though George completed his education at Southern Illinois and Washington University in St. Louis, he never left academia. He taught classes at Kemper Military School, and moved on to teach physics, navigation, and meteorology at Glenview Naval Air Station following his enlistment in the U.S. Naval Reserve. George then became a founding member of Southern Illinois University Edwardsville where he returned as a staple of the college faculty and an influential member of the technology and engineering department. Most notably, Arnold was vital in creating a new environmental studies program for the university in the 1960s.

George was also essential to the green movement outside of education. He laid the foundation for a rich Madison County trails system, advocating for bike trails around the area. His hard work and dedication led some to call him ''the grandfather of Illinois bikeways.'' In addition, he spent time lobbying for additional mass transit, determined to create livable and accessible communities.

George Arnold was active in numerous organizations and groups. He was the President of the Lewis and Clark Society, archivist for Marquette-Joliet Tercentennial, co-chair of the Illinois-Missouri Trails Coalition, secretary of the Grassroots Trailnet Committee, chairman of the Piasa Palisades Sierra Group, and president of the Vadalabene Nature Trail Volunteers.

As a celebrated environmental activist and educator, George received several awards and honors. He received the Edwardsville Meritorious Service Award and Southern Illinois University Edwardsville's Distinguished Service Award for his lifetime commitment to the environment. His efforts in securing outstanding bike trails around the region led Madison County Transit to honor him once more.

Madam Speaker, I ask my colleagues to join me to express appreciation and gratitude to Mr. George Arnold for his countless contributions to Madison County and to all of Southwestern Illinois.

HONORING HENRIETTA PLEASANT-LACKS

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. PERRIELLO. Madam Speaker, today I wish to commemorate the Memorial Dedication Service in honor of Henrietta Pleasant-Lacks, which will take place this weekend at St. Matthews Baptist Church in Clover, Virginia. At this ceremony, the descendents of Henrietta Lacks will at last be able to dedicate a headstone for a woman who has for too long been buried in an unmarked grave.

Henrietta Lacks was born Loretta Pleasant on August 1, 1920, in Roanoke Virginia. The granddaughter of slaves, she was raised by her grandfather on a tobacco farm. She married David Lacks in Halifax County, Virginia in 1941, and moved to Baltimore County, Maryland, in search of work. Henrietta and David had five children: Lawrence, Elsie, David, Deborah and Joseph. In February of 1951, Henrietta was diagnosed with cervical cancer. Despite the treatments Henrietta received, she died just eight months later, on October 4, 1951, at the age of thirty-one. She was buried without a tombstone in a family cemetery in Clover, Virginia.

However, the story of Henrietta Lacks was far from over. Without the permission of Lacks, her husband, or any family members, doctors at Johns Hopkins had collected and saved samples of tissue from her cancerous tumor during her hospital stay. These tissue samples were given to George Gey, who had for decades had unsuccessfully attempted to grow cancer cells outside of the body in hopes of studying the causes of and cures for cancer. Lacks's cells finally provided the breakthrough he had been searching for: they doubled in number every 24 hours, and would continue to divide and replenish themselves indefinitely, providing an immortal line of human cells. The line was named ''HeLa,'' and cells were distributed to researchers around the world. These cells are still in use today, and have provided invaluable advances in not only cancer, but also fertility, genetics, and

AIDS research. They also contributed to the invention of the polio vaccine—a fitting end for the cells of a woman who had been a vocal advocate for polio eradication. To date, some twenty tons of these cells have been grown.

The achievements these cells have made possible are undeniably thrilling, but we cannot forget the dark side of this story: that the cells were taken without Henrietta Lacks's consent, that her family was not told for many years what had been done, and that such practices were not uncommon. Lacks was just one of many individuals of that era whose right to consent to procedures performed on her own body was taken away in the name of scientific advancement. Had her cells not been so unusual, her story would likely not be known.

Today we not only honor Henrietta Lacks and her legacy, but we also remember every forgotten individual who because of racial discrimination or poverty was subject to some form of medical injustice. Her story contains at once the greatest heights and most shameful depths of which medicine is capable, and only in acknowledging both can we hope to pursue a world for our future generations that strives for both knowledge and justice.

This more just world requires that we work for access to health care for all, regardless of socioeconomic status. One of the greatest outrages of Henrietta Lacks's story has been that while the medical industry makes millions from advances she made possible, members of her own family have struggled to afford care, and have never been able to benefit from the medical discoveries made. As we fight for solutions to these injustices, I pledge to remember Henrietta's family's words, ''We are asking each of you to be her voice.'' On behalf of the 5th District of Virginia, I thank Dr. Ronald Pattillo of the Morehouse School of Medicine for his support for the tombstone dedication and the Lacks family for their dedicated efforts to telling her story and ensuring that future generations will know that we have Henrietta's immortal cells to thank for countless discoveries made and lives saved.

HONORING HOLY TRINITY GREEK ORTHODOX CHURCH

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. MICHAUD. Madam Speaker, I rise today to congratulate the Holy Trinity Greek Orthodox Church in Lewiston, Maine on its 100 year anniversary and its subsequent consecration.

Holy Trinity Greek Orthodox Church in Lewiston, Maine was founded in 1910. As a small church on Lincoln Street in downtown Lewiston, it was established to serve more than 3,000 Greeks in the community who were drawn to the area by jobs in the Bates and surrounding mills. As the mills began to close in the 1950's, the Greek residents migrated south to the Massachusetts mills, and the population of Holy Trinity reduced significantly. Despite this drop in population, a new church was built in 1977 on Hogan Road, and Holy Trinity continued to be known as a pillar of civic leadership in the area.

On Saturday May 22, 2010, Holy Trinity Greek Orthodox Church celebrated its 100th Anniversary. On the following Sunday, they consecrated their 33-year old church building, marking a commitment to Greek Orthodoxy in Lewiston for generations to come. Greek Orthodox churches are consecrated just once in their lifetime, usually after a milestone has been met to ensure that the building is a permanent part of the parish. Archbishop Metropolitan Methodios chose the Holy Trinity Greek Orthodox Church in Lewiston as one of only two consecrations he would preside over in 2010.

From 2000 to 2008, Holy Trinity, largely under the stewardship of Fr. Ted Toppses, extended its outreach past Lewiston to the surrounding areas and expanded its membership by fifty families. Always a vital part of Lewiston, the Church continues to address the spiritual and social needs of the surrounding communities.

Madam Speaker, please join me in honoring the centennial and consecration of the Holy Trinity Greek Orthodox Church in Lewiston and all of the contributions they make to the communities in the greater Lewiston and Auburn area.

ON INTRODUCING A RESOLUTION RECOGNIZING THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA ON ITS 35TH ANNIVERSARY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution recognizing the Convention on International Trade in Endangered Species of Wild Fauna and Flora on its 35th anniversary.

CITES was created in 1973 to ensure that international trade in wild plants and animals does not threaten their survival. CITES entered into force on July 1, 1975 and thus will celebrate its 35th anniversary on July 1, 2010. Launched with a few signatory nations, CITES has now 175 parties that have an international obligation and responsibility to protect our planets' endangered animals and plants. Nearly 5,000 species of animals and 28,000 species of plants are protected by the Convention against over-exploitation through international trade. Adherence to these protective measures has proven to have benefited the conservation of animals and plants worldwide.

Unfortunately, more and more species are at risk of extinction and international trade, both legal and illegal, has exacerbated the dangers. International wildlife trade is estimated to be worth billions of dollars per year and to include hundreds of millions of live plants and animals and derived products such as food products, leather and fur, ornamentals, medicinal, and timber. Such high levels of exploitation of and trade in wild animals and plants, together with other factors such as habitat loss, are capable of bringing some species close to extinction.

Between 1979 and 1989 more than 600,000 African elephants were killed for their ivory, cutting the continent's population in half. Nevertheless, poaching has continued with an estimated 38,000 elephants killed annually and 23.2 tons of poached ivory seized since 2007. As sea ice declines, polar bears will not be able to adapt to a terrestrial-based life resulting in increased mortality, reduced reproduction, increased human-bear conflicts, and overall drastic decline of populations. Several sharks have been severely depleted with declines as high as 99 percent in some areas as a result of the high demand for their fins and meat. Overfishing, increased consumer demand and inadequate enforcement of infractions have led to historically low populations of bluefin tuna.

Every two to three years the parties of CITES meet at the Conference of the Parties to review the status of species in danger of extinction and establish trade restrictions. The 15th meeting of the Conference of the Parties was held in March 2010. Several proposals were submitted during the summit, some of them ensuring better protections for endangered species, others trying to downlist species and re-open trade. While proposals to downlist elephant populations in Tanzania and Zambia were successfully defeated, several proposals to establish stronger protections for the polar bear, eight sharks, the bluefin tuna and other species were unfortunately rejected. I am saddened to see that economic interests have prevailed over species conservation, risking to bring species close to extinction. This is unacceptable.

My resolution will congratulate the Convention on its 35th anniversary and recognize the important contributions it has made since its establishment in regulating international trade in endangered species and protecting endangered species worldwide. It will also applaud the Convention's recent leadership in protecting elephants in Tanzania and Zambia. Lastly, the resolution will urge all parties to the Convention to collaborate effectively to curb excessive exploitation of species for international trade and, in particular, to adopt stronger protections for the polar bear, sharks, bluefin tuna and other endangered species at the 16th meeting of the Conference of the Parties in 2013.

Madam Speaker, the United States has a moral obligation to protect endangered species and their natural habitat. Wild animals are a very important part of our commonly held natural resources and contribute to the diversity and stability of our environment. We must continue to maintain a balanced and healthy ecosystem that allows for the coexistence of both human beings and the world's most incredible species.

I urge my colleagues to join me in protecting wildlife and environmental conservation across the globe by supporting this important resolution.

TRIBUTE TO ROBERT J. COLLINS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. HUNTER. Madam Speaker, today I rise to pay tribute to Robert J. Collins, Superintendent of the Grossmont Union High School District, which I have the pleasure of representing.

Bob Collins has served the Grossmont Union High School District with distinction for

the past 3 years, and I wish him nothing but the best as a new chapter in his life begins.

Prior to his service in Grossmont, Bob was a 39-year veteran of the Los Angeles Unified School District. Throughout his career Mr. Collins served as a social studies teacher, leadership advisor, assistant principal, principal, assistant superintendent, Superintendent of District One and Chief Instructional Officer for Secondary Schools in the Los Angeles Unified School District.

In November 2007, Bob became superintendent of the Grossmont Union High School District, where he established a singular focus for the district: the academic and personal success of every student. He has excelled in working with local leaders, while creating targeted programs to address the social and emotional needs of students; recognizing that student achievement is not just a classroom issue.

Restoring public confidence in schools has been a continuing theme of his administration that has been marked by significantly increased standardized test scores, greater parent engagement, and strong community and business relations. His efforts and the programs he developed have been recognized at the local, State and national levels and are models in many other schools and districts. His honors include being recognized as Principal of the Year in the State of California in 1989.

Madam Speaker, let us all applaud the 43–year service that Robert Collins has provided to our San Diego and Los Angeles communities. I urge my colleagues to join me in celebrating the many achievements of this great public servant.

BIRTH DEFECTS PREVENTION, RISK REDUCTION AND AWARENESS ACT OF 2010

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Ms. DELAURO. Madam Speaker, I rise today to introduce the Birth Defects Prevention, Risk Reduction, and Awareness Act of 2010 today, which will help provide accurate, evidence-based information to pregnant and breast-feeding women about medications, chemical exposures, foodborne illness and other exposures associated with birth defects or health risks to a breastfed infant.

Women who are pregnant or breast-feeding often have difficult questions, such as if they should continue taking medications for chronic diseases, or whether they should get vaccinated against H1N1 or the seasonal flu. The bill would establish a grant program to revitalize the national network of pregnancy risk information services (PRISs), more than half of which have closed over the last decade due to lack of funding. Over 70,000 women seek information from these essential services each year.

The legislation, which has been endorsed by the American Academy of Pediatrics, March of Dimes, the Organization of Teratology Information Specialists, Spina Bifida Association, American Academy of Allergy, Asthma and Immunology, and Allergy and Asthma Network/Mothers of Asthmatics, would also call for a national information campaign to help increase public awareness among health providers and at-risk populations. I hereby submit for the RECORD letters of support from these organizations.

There is nothing more important than protecting our children, and this legislation will help expectant and breast-feeding mothers to obtain clear, accurate information about the potential risks of medications, illnesses, and other exposures during pregnancy and breastfeeding, helping them to both avoid risks and improve healthy behaviors like taking folic acid. Unfortunately, research shows that up to half of pregnant women are not counseled by their health care providers about the potential risks of medications they may be taking, and programs to provide this information have been closing due to state and local budget cuts. This legislation will finally help mothers and health care professionals access critical information to help them ensure their babies are healthy, and I urge my colleagues to support our efforts.

AMERICAN ACADEMY OF PEDIATRICS,
May 18, 2010.

Hon. ROSA DELAURO,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE DELAURO: On behalf of the American Academy of Pediatrics (AAP), a non-profit professional organization of 60,000 primary care pediatricians, pediatric medical sub-specialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults, I would like to share our support for the Birth Defects Prevention, Risk Reduction, and Awareness Act.

Each year, about one in every 33 babies in our nation is born with a birth defect. Birth defects can be caused by genetic factors, environmental exposures, or a combination of the two. For the vast majority of birth defects, however, the cause remains unknown. Research continues to reveal important new information about the causes and prevention of birth defects.

The Birth Defects Prevention, Risk Reduction, and Awareness Act seeks to provide a resource for pregnant women who have questions about whether certain medications, infections, or chemical or environmental exposures might cause or increase the risk of a birth defect, or pose a risk to a breastfeeding baby. The bill would support the provision of pregnancy and breastfeeding information services to women and health care providers seeking information about known or suspected risks. Breastfeeding mothers will receive information about how potential risks should be weighed against the significant benefits of breastfeeding. These services will address an important need as our understanding of birth defects and their prevention continues to evolve.

The AAP deeply appreciates your commitment to preventing birth defects and educating the public about potential risks. We are pleased to support the Birth Defects Prevention, Risk Reduction, and Awareness Act, and we look forward to continuing to work with you to improve the health of all our nation's children.

Sincerely,

JUDITH S. PALFREY,
President.

MARCH OF DIMES FOUNDATION,
OFFICE OF GOVERNMENT AFFAIRS,
Washington, DC, March 30, 2010.

Hon. ROSA DELAURO,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE DELAURO: On behalf of more than 3 million volunteers and 1,400 staff of the March of Dimes Foundation, I am writing to express support for the ''Birth Defects Prevention, Risk Reduction and Awareness Act of 2010.'' As currently drafted, this bill authorizes funding to conduct a national media campaign, enhance surveillance and research on exposures that may lead to adverse birth outcomes such as birth defects or prematurity. It also authorizes funding to develop best practice guidelines to improve infant health.

Each year, an estimated 120,000 infants are born with major structural birth defects and one in five infant deaths is due to birth defects, which are a leading cause of infant mortality. It is important to ensure that the public—especially women of childbearing age—and health care professionals have access to clinical and evidence based information about exposures during pregnancy and the period of breastfeeding, because it is an important way of helping to decrease the incidence of birth defects and improve infant health. Unfortunately, studies show that up to half of pregnant women are not counseled by their health care providers about the potential teratogenic effects of prescription drugs that they are taking. Pregnancy risk information services can help to address the problem by making available to women information about the potential impact of exposure to medication, illnesses of others, and environmental agents that can affect the developing fetus and infant.

Thank you for your leadership on this very important issue, Representative DeLauro, we look forward to working with you on this and other issues central to the health and wellbeing of children in communities across the nation and around the world.

Sincerely,

DR. MARINA L. WEISS,
Senior Vice President.

UNIVERSITY OF CONNECTICUT
HEALTH CENTER,
West Hartford, Connecticut.

Hon. ROSA DELAURO,
Washington, DC.

DEAR MS. DELAURO: As the coordinator of the Connecticut Pregnancy Exposure Information Service, I want to express my deep appreciation for your willingness to introduce legislation that would establish a program to fund pregnancy risk information services such as ours. As you know, over the past decade, more than half of the state services across the country have closed due to state budget constraints, and those remaining have experienced severe cuts. We simply are not able to reach all the women who need counseling on exposures that may pose a risk to healthy pregnancies. Without a Federal program to support pregnancy risk information services, it is unclear if we can continue to operate. Pregnant women and their health care providers NEED INFORMATION about exposures that pose a risk to pregnancy or breastfeeding infants. Thank you for recognizing this need and for introducing legislation to assure that we can continue to serve the public.

I am an officer of the Organization of Teratology Information Specialists and would welcome the opportunity to meet with you briefly in New Haven and take a photo with you for our newsletter.

Again, thank you so very much for your leadership on this important issue.

Sincerely,

SHARON VOYER LAVIGNE.

SPINA BIFIDA ASSOCIATION,
May 3, 2010.

Hon. ROSA DELAURO,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE DELAURO: On behalf of the Spina Bifida Association (SBA), the only national voluntary health organization working on behalf of the estimated 166,000 individuals who live with all forms of Spina Bifida and their families, I am writing to express our appreciation to you for introducing the Birth Defects Prevention, Risk Reduction and Awareness Act of 2010. This legislation will provide much-needed support to pregnancy risk information services, which play a crucial role in educating women on how to reduce the risk of preventable birth defects, including Spina Bifida.

One of the primary goals of SBA is to increase awareness of the importance of folic acid consumption among the 65 million women in the United States of child-bearing age. The risk of Spina Bifida and other serious birth defects can be reduced by up to 70%, if women of childbearing age consume 400 micrograms (400 mcg) of folic acid (a B-vitamin) every day. Grants funded under the Birth Defects Prevention, Risk Reduction and Awareness Act of 2010 will help ensure that women who are considering becoming pregnant have access to information on the importance of folic acid supplementation, as well as other key steps they can take to ensure a healthy pregnancy.

SBA thanks you for recognizing the importance of pregnancy risk information services. If we can be of any assistance, please feel free to contact me.

Sincerely,

CINDY BROWNSTEIN,
President and Chief Executive Officer.

AMERICAN ACADEMY OF ALLERGY,
ASTHMA & IMMUNOLOGY,

Hon. ROSA DELAURO,
Hon. MICHAEL BURGESS,
Washington, DC.

DEAR MS. DELAURO AND MR. BURGESS: On behalf of the American Academy of Allergy, Asthma, and Immunology, I write to express strong support for legislation you will introduce to fund the national network of pregnancy risk information services that are currently severely underfunded. These services counsel pregnant and breast-feeding women on exposures to medications, chemicals, infections, and other risks to healthy pregnancy and healthy infants.

A pregnant or breast-feeding woman lives in fear of any exposure that might pose a risk to her pregnancy or her baby. This is because of the paucity of information on the impact of exposures to medications, chemicals, infections and illnesses during pregnancy and nursing. Some exposures can be avoided, but for women with chronic diseases such as asthma, epilepsy, hypertension, or depression, continued use of medication may be essential to the health of both the woman and her infant. Asthma affects about 8% of pregnant women—over 300,000 women per year. Some women simply discontinue their asthma medications during pregnancy out of fear of a potential birth defect. However, uncontrolled asthma may pose a greater risk of complicating the pregnancy. Our organization has initiated a major study of asthma drugs in pregnancy in collaboration with the nation's pregnancy risk information services. This study simply could not be done without the resources available through these services. Unfortunately, more than half of the pregnancy risk information services in the country have closed over the past decade, and those that remain have sustained severe funding cuts. The legislation you are introducing will increase support for these important programs and assure that the vitally important counseling and research services they provide can be reinvigorated.

The American Academy of Allergy, Asthma, and Immunology is the largest professional medical specialty organization in the United States representing allergists, asthma specialists, clinical immunologists, allied health professionals, and others dedicated to improving the treatment of allergic diseases through research and education. We thank you for your leadership in support of prevention and research related to birth defects and are pleased to offer the Academy's support for your legislation.

Sincerely,

MARK BALLOW, M.D.,
President.

MENTAL HEALTH MONTH

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 1258, "Expressing support for designation of May 2010 as Mental Health Month."

Mental health issues pose a serious problem for the people of this nation. Roughly 57 million people in the U.S. suffer from some form of mental illness. These illnesses affect not only the quality of life of the individual, but also the health of our communities, families, and our economic stability. Untreated mental illness is the leading cause of lost productivity and absenteeism in the workplace, resulting in an estimated $193 billion per year in lost earnings.

In addition to lost time and productivity, untreated mental illnesses far too frequently result in lost lives. In recent years, the suicide rate has been double the homicide rate; suicide is the third leading cause of death for people between 15 and 24. While the problem of mental illness and depression knows no demographic boundaries, suicide rates are particularly high among the elderly and Native Americans.

The challenges of mental illness impact our military as well. Roughly a quarter of our service members suffer either psychological or neurological disorders, including depression and PTSD.

I support the designation of May as Mental Health Month, and urge my colleagues to join me. We need to recognize that mental well-being is as important as physical well-being for our citizens, families, and communities, and that our failure, as a nation, to prioritize mental health care is a tragedy. We need to remove the stigma from mental illness and encourage people to seek assistance, promote public awareness of the problem, and improve access to appropriate services for our citizens.

HONORING HANDSON NASHVILLE

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. COOPER. Madam Speaker, I rise today to recognize the extraordinary efforts by the citizens of Nashville in response to the recent floods, and the critical role that HandsOn Nashville played in coordinating those efforts.

As my colleagues know, earlier this month water levels in Nashville reached 32 feet above normal and 12 feet above flood level, causing devastating damage. Eighteen people died, hundreds were rescued, and many of our city's most beloved and famous attractions were partially submerged. Entire homes were destroyed, and many families have been displaced. Property damage in Davidson County is now estimated at almost $2 billion.

Most remarkable about Nashville's story, though, is the spirit of giving and volunteering shown in abundance by the people in Nashville during and after this crisis. With very little fanfare or media attention, people from all across Middle Tennessee got to work to help their neighbors in need.

In particular, I want to salute the team at HandsOn Nashville, led by Executive Director Brian Williams. Between May 2 and May 19, over 60,000 volunteer hours were donated to flood recovery by HandsOn Nashville volunteers. During that same period, 14,200 Nashville citizens came forward to serve in flood-related programming coordinated by HandsOn Nashville, serving in over 760 separate projects to aid flood victims.

Madam Speaker, I ask you and our colleagues to join me in honoring HandsOn Nashville for their crucial contributions to the Nashville community.

VOTING AGAINST THE FY 2011 NATIONAL DEFENSE AUTHORIZATION ACT

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. TAYLOR. Madam Speaker, I supported the version of the Fiscal Year 2011 National Defense Authorization Act that my colleagues and I on the House Armed Services Committee passed through Committee on May 19, 2010 by a unanimous vote of 59–0. The "Don't Ask, Don't Tell" issue was never debated or considered by the House Armed Services Committee at all this year during consideration of the National Defense Authorization Act.

I associate myself with the remarks of Ranking Member BUCK MCKEON who stated that "The Secretary of Defense and the Chairman of the Joint Chiefs of Staff asked Congress to respect the process they developed to study the ramifications of repealing Don't Ask, Don't Tell." He further stated that "we have a duty to honor that request and hear directly from our military personnel—and their families—before making a decision on a sensitive issue that directly affects them." I also agree with Chairman SKELTON's statement on this issue: "In testimony before the House Armed Services Committee this spring and in a recent letter, Secretary Gates and Admiral Mullen asked Congress to defer any legislative action regarding 'Don't Ask, Don't Tell' until after the Department of Defense completes its comprehensive review later this year. In a statement today, the Pentagon indicated that ideally, Secretary Gates continues to prefer that the Department complete this review before

Congress considers legislation. This is a reasonable and responsible request that I respect.'' He went on to say that ''My position on this issue has been clear—I support the current policy and I will oppose any amendment to repeal 'Don't Ask, Don't Tell.' I hope my colleagues will avoid jumping the gun and wait for DOD to complete its work on this issue.'' I consider it an insult to our military leaders and service members for Congress to legislate change before the military's comprehensive study is complete.

Unfortunately, last night, during floor consideration, the House voted to attach an amendment to National Defense Authorization Act repealing the military's current ''Don't Ask, Don't Tell'' policy.

I voted against this amendment and I can no longer support the FY 2011 National Defense Authorization Act if the repeal of ''Don't Ask, Don't Tell'' is included in the final bill. For the first time in my 20 years in Congress, I will be voting against the House approved version of the National Defense Authorization Act.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. PENCE. Madam Speaker, on Thursday, May 13, 2010, I was absent from the House floor during rollcall vote No. 268 on the Halvorson of Illinois Amendment No. 38 to H.R. 5116, the America COMPETES Reauthorization Act. Had I been present, I would have voted ''aye.''

HONORING ELIZABETH A. ''BETSY'' MOLER

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. BOUCHER. Madam Speaker, I rise today to recognize the achievements of Elizabeth A. ''Betsy'' Moler and congratulate her on her upcoming retirement. Betsy has been a preeminent voice on energy policy throughout her career and her knowledge, thoughtfulness, and kindness will be sorely missed.

Betsy began her career of public service in the office of Senator Mike Gravel of Alaska where she started out as a staff assistant. She went on to serve on the staff of the Senate Energy and Natural Resources Committee as Counsel for both Chairman Henry M. ''Scoop'' Jackson of Washington and Chairman J. Bennett Johnston of Louisiana. During her time on the Committee, she was the principal staff member responsible for all natural gas issues and helped craft the Natural Gas Policy Act of 1978. While on the Committee, Betsy became a resource not only to the Chairmen, but also to the other members of the Committee.

In 1988, at the urging of all nineteen members of the Committee, President Ronald W. Reagan nominated her to serve as a Commissioner on the Federal Energy Regulatory Commission, FERC. She was reappointed to the Commission by Presidents George H.W. Bush and William Jefferson Clinton. President Clinton designated her to serve as the Commission's Chair in 1993. Betsy is the longest serving member of FERC and the only member appointed by three different Presidents. During her tenure as Chair of FERC, Moler led the effort that resulted in the successful restructuring of both the interstate natural gas industry under Order No. 636 and the wholesale electricity industry under Order Nos. 888 and 889. These latter landmark orders required utilities to open their transmission lines on an equal access basis to their competitors, which ushered in a new era of robust competition in wholesale electricity markets. This achievement is perhaps Betsy's greatest professional legacy.

President Clinton again turned to Betsy to serve, this time nominating her to be Deputy Secretary of the U.S. Department of Energy, DOE. While at DOE, she was the principal architect of the Clinton Administration's Comprehensive Electricity Competition Act, which was presented to the Congress in June 1998.

In 2000, Betsy joined Exelon Corporation, formerly Unicom, to head the Washington, DC office where she served as Executive Vice President, Government & Environmental Affairs and Public Policy. In this last position, Betsy remained a vital resource to those concerned about energy policy, testifying before Congress and FERC on numerous occasions. Most importantly, Betsy remained available to share her wise counsel with those seeking to improve our nation's energy and environmental laws. We thank her for her service and many contributions.

RECOGNITION OF AMBASSADOR OLEH SHAMSHUR

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Ms. KAPTUR. Madam Speaker, on behalf of the people of the United States, please let me express appreciation to Ukraine's Ambassador to the United States, his Excellency Oleh Shamshur.

Since his appointment in December of 2005, he has worked tirelessly to strengthen ties between our two countries. As a co-chair of the Congressional Ukrainian Caucus, I have had the distinct pleasure of working closely with the Ambassador.

Ambassador Shamshur was integral in the re-establishment of normal trade relations between our countries and the signing of the Trade and Investment Cooperation Agreement. With his help the United States and Ukraine signed an Agreement on Strategic Cooperation in December 2008, which has fostered democratic growth, transparency, and freedom in Ukraine. In addition, it has established goals to cooperate on concrete issues such as military, energy, and scientific cooperation. During the Ambassador's tenure great steps were taken to strengthen Ukraine's energy security and ensure its progress towards European integration.

Ambassador Shamshur worked with the Ukrainian-American community to ensure that the victims of the 1932–33 famine-genocide were given the honor they deserve. He understands that history demands truth. Properly securing a nation's past positions it forward to the future—an important undertaking often undervalued by diplomats and leaders. In addition, he has taken steps to grow Ukrainian-American exchange programs in order to promote democratic values and strengthen the bond between our two nations.

We wish him, his wife Tetiana, and his daughter Tetiana all the best as their journey continues. I know Dr. Shamshur will continue to help Ukraine achieve the democratic freedoms she has fought for since achieving her independence from the Soviet Union in 1991. He is a wonderful representative of Ukraine and her people, a good friend, and a true statesman. Thank you, Ambassador Shamshur, for your service.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. PASCRELL. Madam Speaker, I want to state for the record that yesterday I missed the first four rollcall votes of the day. Unfortunately I missed these votes because I was detained in my district.

Had I been present I would have voted ''yea'' on rollcall vote No. 306, on Agreeing to the Resolution—H Con. Res. 282—Providing for an adjournment or recess of the two Houses.

I would have voted ''yea'' on rollcall vote No. 307, on Agreeing to the Resolution—H. Res. 1404—Providing for consideration of the bill H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011.

I would have voted ''yea'' on rollcall vote No. 308 on Motion to Suspend the Rules and Agree—H. Res. 1161—Honoring the Centennial Celebration of Women at Marquette University, the first Catholic university in the world to offer co-education as part of its regular undergraduate program.

Lastly, had I been present I would have voted ''yea'' on rollcall vote No. 309, on Motion to Suspend the Rules and Agree—H. Res. 1372—Honoring the University of Georgia Graduate School on the occasion of its centennial.

AADITH MOORTHY OF PALM HARBOR, FLORIDA WINS NATIONAL GEOGRAPHIC BEE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. YOUNG of Florida. Madam Speaker, Aadith Moorthy, a 13-year-old eighth grader from Palm Harbor Middle School, which I have the privilege to represent, won the National Geographic Bee in our Nation's capital this week.

This is quite an accomplishment for this Pinellas County teenager, as this is one of our Nation's most difficult academic competitions. It took hours of studying and preparation time. Aadith says one of his keys to success was his writing down 20 facts at a time and memorizing them. As he got closer to the national competition, he upped his daily routine to writing and memorizing 50 facts a day.

While others were out enjoying our great weather in Florida, Aadith was inside studying 10 hours a day on weekends. His hard work and dedication paid off with this national honor, along with winning a $25,000 college scholarship and a trip to the Galapagos Islands.

Aadith brought with him to Washington his personal cheering section that included his father Subramaniam, his mother Suguna, and Michelle Anderson, his teacher from Palm Harbor Middle School.

Madam Speaker, following my remarks I will include for the benefit of my colleagues a report from the St. Petersburg Times by Theodora Aggeles that describes in detail the tense competition that led to Aadith's title. It also talks about the pride his principal Victoria Hawkins and all of his classmates and teachers at Palm Harbor Middle School have in Aadith and the national acclaim he has brought their school.

Please join me in honoring and congratulating Aadith Moorthy as the 2010 National Geographic Bee champion and for months of hard work and study that resulted in a job well done.

PALM HARBOR STUDENT WINS NATIONAL GEOGRAPHIC BEE

(By Theodora Aggeles)

Aadith Moorthy will get the star treatment in New York City today, a day after winning the 22nd annual National Geographic Bee in Washington, D.C.

''I'm going to be interviewed on The Early Show, Fox 13, CNN and MSN tomorrow,'' he said Wednesday in a telephone interview while en route to the airport for his flight to New York. ''I'm happy. I feel relieved that I don't have to study anymore.''

The 13-year-old eighth-grader from Palm Harbor Middle School beat out nine other boys in a battle of world knowledge. He wins a $25,000 college scholarship and a trip to the Galapagos Islands in the Pacific west of Ecuador.

''I can take a break and get back to my singing,'' said Aadith, who gives local performances of Carnatic music, the classical music of southern India. ''I haven't had much time to practice, and I've missed that.''

Interestingly enough, he was put on the spot during introductions when host Alex Trebek asked him to sing a Carnatic tune.

The final question asked for the largest city in northern Haiti, which was renamed following Haiti's independence from France. The answer was Cap-Haitien. Aadith had it and gave a small fist pump.

''I feel great,'' Aadith said with a big smile shortly afterward. ''The mission is accomplished.''

His father, Subramaniam Satyamoorthy, gave him a hug and bowed slightly before his geography whiz son.

When writing 20 new facts a day helped him win the state championship, Aadith boosted his fact writing to 50 a day studying for the national bee. That preparation helped him advance to the final 10 Tuesday and win it all Wednesday.

By now, ''he has enough (knowledge) for a couple of books,'' his father said.

Aadith spent most of the bee, though, on the edge of defeat. He was the only contestant to answer incorrectly in the first round of Wednesday's finals and would have been eliminated if he was wrong again. He acknowledged he was scared, but nerves didn't throw the aspiring physicist.

''We were worried when he missed that question in the first round,'' said Aadith's mother, Suguna Moorthy. ''Now we are so happy there are no words to express how we feel.

''He spent so many hours preparing. On school days, he studied geography before he completed his homework. On weekends he studied 10 hours a day.''

His teacher, Michelle Anderson, who also traveled to Washington to watch Aadith compete, said that misstep didn't shake his confidence.

''His first question was really tough,'' Anderson said. ''It was something about which city had 71/2 million people within its city limits. He had three choices.

''Aadith knew it wasn't Kiev. When he chose Kuala Lumpur, Malaysia, and it was Kinshasa, he didn't lose his concentration. He stayed focused, which says a lot for his control, his stamina and endurance. And he took the whole competition.''

Aadith clinched the victory with knowledge of Botswana, Argentina and Sweden in the best-of-five final round, as his final opponent, 13-year-old Oliver Lucier of Wakefield, R.I., stumbled.

''They were hard. They were really hard,'' Oliver said of the final questions.

Still, Oliver, a soccer player, will take home a $15,000 scholarship for second place. Karthik Mouli, 12, of Boise, Idaho, came in third to win a $10,000 scholarship. Both runners-up also represented their states at the national bee last year.

Right after the victory, Aadith and his proud entourage were giving nonstop interviews to television crews, newspaper reporters and radio show hosts. A few hours later, he was off to New York.

Aadith knows he will get a break on Friday when he comes home, but when he was asked what he's looking forward to, he said, ''Sleeping in my own bed.''

Principal Victoria Hawkins of Palm Harbor Middle School is thrilled for Aadith, the school and the school district.

''We are so proud of him,'' she said. ''He is an unbelievable student with a huge thirst for knowledge.''

His teacher, Anderson, said she ''felt a sense of immense joy and pride when he answered the winning question.''

''I'm proud to have had a small role in helping him. This was a once-in-a-lifetime experience.''

Fast facts

Questions asked in the final round

1. Tswana is a Bantu language spoken by the largest ethnic group in what land-locked country? Answer: Botswana.

2. The Oresund Bridge opened in 2000; it connects Copenhagen, Denmark, with what Swedish city? Answer: Malmo.

3. Cam Ranh Bay has served as a naval base for Japan, France, U.S. and the former Soviet Union. This bay is located in which country. Answer: Vietnam.

HAMMOND ROTARY CLUB HONORS BILL BEATTY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great respect and admiration that I stand before you today to honor Mr. William Beatty, who has been recognized by the Hammond Rotary Club as an outstanding club member who has demonstrated consistent achievement in mentoring young men and women in the community of Hammond and throughout Northwest Indiana. His devotion to teaching young people the importance of community service is to be commended. For his outstanding efforts, he will be presented with the Robert V. Heinze Vocational Service Award by the Hammond Rotary Club on Tuesday, June 1, 2010.

The Hammond Rotary Club was established in 1920, adhering to the principles of Rotary International: ''World Peace through Understanding'' and ''Service above Self.'' These values are vigorously upheld by the Hammond Rotary Club members, who passionately serve their community. Each year, the club recognizes an individual or organization who enthusiastically reaches out to the youth of the community by honoring the recipient with the Robert V. Heinze Vocational Service Award, and this year's recipient is William ''Bill'' Beatty.

Bill Beatty grew up in Hammond, Indiana and is a proud graduate of Hammond High School. He went on to attend Purdue University where he studied mechanical engineering. After college, Bill joined the family business, which at the time was called Beatty Machine, and is now known as Beatty International. In 1975, Bill succeeded his father and became the company's leader. In addition to his amazing career, Bill has been involved with the Hammond Rotary for many years and is recognized for his work with the youth of the community as well as his positive attitude and contagious laugh. He has been the inspiration behind the Hammond Robotics Team, a science and technology competitive team, and has led these students to many State, regional, and national championships. In addition, he has assisted other school districts in forming their own robotics teams. His willingness to encourage and guide the youth of the community is constant and unwavering, and it is because of his efforts that he is the recipient of the 2010 Robert V. Heinze Vocational Service Award.

Bill's dedication to the community and his career is exceeded only by his devotion to his amazing family. Bill and his wonderful wife, Lisa, have two beloved sons, Brian and Jeff.

Madam Speaker, I ask that you and my other distinguished colleagues join me in congratulating Bill Beatty on receiving the Robert V. Heinze Vocational Service Award, and in honoring the Hammond Rotary for their outstanding contributions to the community of Hammond and all of Northwest Indiana. Their constant commitment to improving the quality of life for countless individuals in Northwest Indiana is truly inspirational, and they are worthy of the highest praise.

PERSONAL EXPLANATION

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Ms. JACKSON LEE of Texas. Madam Speaker, I rise to address the Chair regarding my absence from rollcall votes 246–248 on Wednesday, May 5, 2010.

Madam Speaker, I was not able to cast my votes during rollcall 246–248 on May 5, 2010 because I was on official business. I would like to state for the record how I would have voted had I been present.

For rollcall vote 246, on motion to suspend the rules and agree as amended to H. Res.

1320, ''Expressing support for the vigilance and prompt response of the citizens and law enforcement agencies in New York and Connecticut to the attempted terrorist attack in Times Square, May 1, 2010,'' I would have voted aye;

For rollcall vote 247, on motion to suspend the rules and agree as to H. Res. 1272, ''Commemorating the 40th anniversary of the May 4, 1970, Kent State University shootings,'' I would have voted aye;

For rollcall vote 248, on motion to suspend the rules and agree as amended, H. Res. 1301, ''Supporting the goals and ideals of National Train Day,'' I would have voted aye.

ON MEMORIAL DAY AND EVERY DAY, LET US REMEMBER ALL THOSE WHO HAVE SERVED OUR NATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. MICA. Madam Speaker, as we recognize Memorial Day 2010, I wanted to remember each of the American Service Members from Florida's 7th Congressional District who have lost their life to hostile actions since 1996 as reported to me by the U.S. Department of Defense.

Let us remember all those who have fallen in service to our Nation. Let us never forget those who have served and paid the ultimate price so that we can live in this great land.

We must forever keep these heroes in our thoughts and prayers. Let us today, on Memorial Day and every day, thank the good Lord for their incredible sacrifice.

They have made it possible for all Americans to live in freedom. Let us also remember and pay tribute to the families and loved ones whose loss is immeasurable.

On Memorial Day and every day, let us continue in our hearts and minds to hold dearly all those who have served and are serving this Nation.

May God continue to bless the United States of America.

1. Patrick Fennig, Air Force, Palm Coast—June 25, 1996, Khobar Towers.
2. Michael Heiser, Air Force, Palm Coast—June 25, 1996, Khobar Towers.
3. Brian McVeigh, Air Force, DeBary—June 25, 1996, Khobar Towers.
4. Kenneth Conde, Marines, Orlando—July 1, 2004, Iraq.
5. Jason Dwelley, Navy, Apopka—April 30, 2004, Iraq.
6. Bradley Fox, Army, Orlando—April 20, 2004, Iraq.
7. Arthur Mastrapa, Army, Apopka—June 16, 2004, Iraq.
8. Antoine Smith, Marines, Orlando—November 15, 2004, Iraq.
9. Theodore Bowling, Marines, Casselberry—November 11, 2004, Iraq.
10. Patrick Rapicault, Marines, St. Augustine—November 15, 2004, Iraq.
11. Arthur Williams, Army, Edgewater—December 8, 2004, Iraq.
12. Carlos Gil, Army, Orlando—February 18, 2005, Iraq.
13. Alwyn Cashe, Army, Oviedo—November 8, 2005, Iraq.
14. Gene Hawkins, Army, Orlando—October 12, 2006, Iraq.
15. Sean Tharp, Army, Orlando—March 28, 2006, Iraq.
16. Marco Miller, Army, Longwood—December 5, 2006, Iraq.
17. Nicholas Rogers, Army, Deltona—October 22, 2006, Iraq.
18. Angelo Vaccaro, Army, Deltona—October 3, 2006, Afghanistan.
19. John Mete, Army, Bunnell—September 14, 2007, Iraq.
20. Brandon Bobb, Army, Orlando—July 17, 2007, Iraq.
21. Sandy Britt, Army, Apopka—August 21, 2007, Iraq.
22. Alexander Rosa, Army, Orlando—May 25, 2007, Iraq.
23. Bryan Tutten, Army, St. Augustine—December 25, 2007, Iraq.
24. Adam Quinn, Army, Orange City—October 6, 2007, Afghanistan.
25. Robert Miller, Army, Oviedo—January 25, 2008, Afghanistan.
26. Jason Dahlke, Army, Orlando—August 29, 2009, Afghanistan.
27. Randy Haney, Army, Orlando—September 6, 2009, Afghanistan.
28. Anthony Davis, Army, Daytona Beach—January 6, 2009, Iraq.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. PENCE. Madam Speaker, on Wednesday, May 19, 2010, I was absent from the House floor, during rollcall vote No. 277 on H.R. 5325, the America COMPETES Reauthorization Act. Had I been present, I would have voted ''no.''

CONGRATULATING MALAYSIA IN ITS 50TH YEAR OF INDEPENDENCE

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. MEEKS of New York. Madam Speaker, I would like to take this opportunity to recognize Malaysia's 50th anniversary of Independence. Since Malaysia gained its independence from the United Kingdom on August 31, 1957, Malaysia has made tremendous progress toward democracy and economic growth. The road to democracy and economic stability has not been easy, with a number of bumps along the way; however, I believe it is important to recognize Malaysia's perseverance in moving its democracy and economy forward.

Today, Malaysia is a middle-income country with a multi-sector economy based on services and manufacturing. It is now our 10th largest trading partner and we are Malaysia's largest foreign investor. Since its independence, Malaysia has had one of the best economic records in Asia. Malaysia's GDP has grown by an average of 6.5 percent per year since 1957. The Malaysian government has taken an active role in ensuring that its economic development also benefits marginalized groups, such as the ethnic Malays and other indigenous groups. Through economic programs, such as the New Economic Policy of 1971, the National Development policy, and the National Vision Policy, Malaysia has demonstrated its commitment to eradicate poverty, enhance the economic standing of ethnic and indigenous groups, promote education, and its intent to focus on higher-technology production. I believe it is also commendable that Malaysia has set a national goal to become a fully developed economy by the year 2020. With its historical progress, I believe it is feasible and I look forward to witnessing their progress and deepening our bilateral relations in the years to come.

In addition to our robust economic ties with Malaysia, I would also like to highlight our joint efforts to combat international terrorism. Malaysia has been a key ally to the U.S. and a leader in counter-terrorism and counter-narcotics in Southeast Asia. Through intelligence sharing, close cooperation in law enforcement, participation in joint exercises and trainings, Malaysia has been a tremendous partner in security cooperation. In May 2002, Malaysia signed a Memorandum of Understanding with the U.S. on counterterrorism and we made a joint declaration that provides a framework for counterterrorism cooperation. As a progressive and moderate Muslim nation, Malaysia is a good example of a modern, prosperous, multiracial, and multi-religious society.

Since coming to power in 2003, Malaysian Prime Minister Abdullah Badawi has provided opportunities for the U.S. to improve diplomatic and political relations with Southeast Asian nations. As a moderate secular Islamic nation, Malaysia's experiences and cooperation could play a key role in coping with religious extremism, countering terrorism, and exerting a moderate influence on the Islamic community in Southeast Asia. Under Prime Minister Badawi's leadership, Malaysia is adopting an ''Islam Hadhari'' approach, which encourages and emphasizes a view of Islam that is focused on development, social justice, and tolerance. Malaysia's progressiveness is highly commendable and has the potential to have great influence internationally.

Malaysia has come a long way and, as a key ally to the United States, I would like to commend Malaysia for its continued progress and remarkable achievements and congratulate the people of Malaysia in their celebration of 50 years of independence.

HONORING ARCHBISHOP HOVNAN DERDERIAN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. SCHIFF. Madam Speaker, I rise to commend Archbishop Hovnan Derderian on the 30th anniversary of his ordination into the Priesthood and the 20th anniversary of his elevation to the rank of Bishop. Archbishop Derderian is Primate of the Western Diocese of the Armenian Apostolic Church of North America. The Western Diocese covers the Western United States.

Archbishop Derderian was born in 1957 in Beirut, Lebanon. In 1980, he was ordained as a priest in the Armenian Apostolic Church. In

1987 Archbishop Derderian received his Master's Degree in Theology from Oxford University, and was raised to the rank of "Dzairakuyn Vartabed." In 1990 he was elected Primate of the Diocese of the Armenian Church in Canada, and later in 1990, was ordained as a Bishop by His Holiness Vazken I. On February 18, 1993 he was made an Archbishop. In 2003, Archbishop Derderian was elected Primate of the Western Diocese of the Armenian Church of North America by the 76th Annual Assembly.

Since being elevated to the rank of Archbishop, he has led many projects of great importance to the Church and the community. He created the Christian Youth Mission to Armenia in 2003 which builds ties between youths living in America to Armenia through travel and internship programs. Under his leadership, the Church is nearing completion of the first ever Cathedral of the Armenian Apostolic Church on the West Coast, located in Burbank, California. Additionally, since his appointment as Primate he has ordained five new priests to serve the Western Diocese.

Archbishop Derderian's commitment to serving the faithful and the community are admirable. I congratulate him on his 30 years of service in the Priesthood and thank him for his leadership.

SPECIAL AGENT SAMUEL HICKS FAMILIES OF FALLEN HEROES ACT

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in support of H.R. 2711, the Special Agent Samuel Hicks Families of Fallen Heroes Act. I also want to thank my colleague, Mr. ROGERS, for introducing this important legislation.

This legislation aims to authorize the FBI to pay the relocation and moving expenses for families of FBI agents who are killed in the line of duty. At present, the law only provides for the FBI to cover these expenses if an FBI agent or an employee is killed overseas. However, payment for the relocation of a decedent's immediate family if the death occurs in the U.S. falls outside the ambit of the current statutory provision.

Special Agent Hicks, the man after whom this legislation is named, was a former police officer with the Baltimore police department. Upon receiving an assignment as an FBI agent, Hicks and his family relocated to Pittsburgh, Pennsylvania. Special Agent Hicks regrettably lost his life when he was fatally shot on November 19, 2008 at the age of 33 while executing a Federal search warrant associated with a drug distribution ring. He is survived by his wife and their 2-year-old son. The Bureau was unable to assist the Hicks family in moving back to Baltimore because of restrictive construction of the statute providing only for the financial assistance to families of agents perishing overseas.

This instance of a family of a federal law enforcement officer being denied the financial assistance they required to relocate is indicative of the error in the construction of the initial remedial statute. Allowing for domestic family members of fallen federal agents or employees to receive the same assistance that foreign families receive will widen the scope of the statute and provide much needed relief to those persons touched by such tragedy.

FBI employees take on tremendous responsibilities to ensure the safety and the security of these United States. As such, agents and their families are moved throughout the country, dispersed to its very corners, in pursuit of this nation's protection. In the event of an untimely and tragic death, we would like to bring help to the fallen hero's family within the perimeter of this new legislation—regardless of whether the tragedy strikes abroad or here at home.

Unfortunately, in the recent past there have been instances in which such authority was needed to support the families of agents or employees who gave their lives for this country, and received no assistance at all. This legislation seeks to remedy this wrong, and hopefully with its passage the immediate family of FBI agents or employees will receive the help they deserve.

The foregoing reasons outline the importance of our attention this legislation seeks to afford those families of federal agents or employees that the initial statutes did not cover. We must provide financial assistance to the families of domestic fallen heroes.

I urge my colleagues to support this bill.

RECOGNIZING AND HONORING MEMBERS OF ARMED FORCES AND VETERANS

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 1385, which recognizes the courage and sacrifice of our veterans and members of the Armed Forces, and urges all Americans to honor their brave service. This important resolution expresses our national gratitude for the willingness of our men and women in uniform, past and present, to risk their lives on our behalf.

I thank Chairman SKELTON for his leadership in bringing this resolution to the floor. I also thank the Congressman for sponsoring this legislation and for his dedication to ensuring that this Nation does everything it can to repay our veterans and members of the Armed Services for the sacrifices they have made to protect us and the values that we cherish as American citizens.

Mr. Speaker, throughout our history, the members of our Armed Forces have endured hardship and suffering—many of them making the ultimate sacrifice—on behalf of our Nation. Time and again, they have answered the call to serve the United States, leaving their homes, their families, and American soil, in times of war and peace. From World Wars I and II to the Vietnam War and Operation Desert Storm, our men and women in uniform have fought valiantly to protect American citizens and promote global security.

Since the tragic attacks of September 11, 2001, the Armed Forces have served with an inspirational sense of duty and country. Since 2001, more than 1,000 Americans have lost their lives and more than 5,500 Americans have been wounded in the Operation Enduring Freedom. Since 2003, over 4,300 servicemen and servicewomen have sacrificed their lives in Operation Iraqi Freedom. More than 31,000 Americans have returned from this conflict wounded or with disabilities. California has lost nearly 600 servicemen and servicewomen in Operations Enduring Freedom and Iraqi Freedom; two of these brave individuals came from my district. Almost 4,000 men and women from California have been wounded in these conflicts. I am forever grateful for these sacrifices and for the dedication of our Armed Forces to ensure the safety of the American people at a time when our Nation faces challenging new threats from abroad.

These brave men and women have assumed the responsibility of protecting us; we, then, have a solemn obligation to them. We must always provide the members of our Armed Forces with the resources, supplies, and equipment they need to carry out their mission as safely and successfully as possible. We must work hard to support our veterans who return home from overseas, serving their needs with the same vigor and sense of duty that they displayed in serving our country. As the representative of a district that is home to over 24,000 veterans and the VA Medical Center of Long Beach, I know how important it is to ensure that our veterans have access to affordable health care, housing, and job opportunities.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 1385.

CONGRATULATING ISRAEL ON OECD MEMBERSHIP

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. KUCINICH. Mr. Speaker, I rise in support of H. Res. 1391, a resolution congratulating Israel on its accession to membership in the Organization for Economic Co-operation and Development (OECD). Membership in the OECD, which includes the United States and most of the nations in the European Union, will yield greater stability and security for Israel. However, like many Israelis, I believe that true long-term stability and security for Israel depends upon a peaceful relationship with its Palestinian neighbors.

The OECD stated values include "a commitment to pluralist democracy based on the rule of law and the respect of human rights." As such, the body has a responsibility to ensure its members uphold and comply with those values. Absent from the debate on this resolution was the revelation that the economic data submitted to the OECD for membership included Israeli citizens living in the West Bank and East Jerusalem, in violation of OECD's own values and international law.

The submission of this data did not thwart Israel's acceptance into the OECD; however, continued illegal settlement building in the Occupied Territories and the debilitating blockade of Gaza does thwart Israel's long-term security. The acceptance into the OECD despite this data sends a signal to members of the

international community that they can violate international law and be rewarded for it. Furthermore, it threatens to undermine the fragile proximity talks facilitated by U.S. Special Envoy George Mitchell, as settlement building continues to be a main obstacle to progress.

Stability is not secured solely through economic growth. Anyone truly supportive of Israel must work with the Israeli government to bring it closer to a just and peaceful resolution with its Palestinian neighbors. I support a strong Israel. I believe that Israel's position in the international community can be strengthened by a demonstrated commitment to human rights and international law.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4563–S4585

Measures Introduced: One bill and two resolutions were introduced, as follows: S. 3453, S.J. Res. 31, and S. Res. 546. **Pages S4572–73**

Authority for Committees—Agreement: A unanimous-consent agreement was reached providing that during the recess/adjournment of the Senate, that Senate committees may file committee-reported Legislative and Executive Calendar business on Friday, June 4, 2010, during the hours of 12 noon until 2 p.m. **Page S4584**

Nominations—Agreement: A unanimous-consent agreement was reached providing that at 4:30 p.m., on Monday, June 7, 2010, Senate begin consideration of the following nominations on the executive calendar; that they be debated concurrently until 5:30 p.m., with the time equally divided and controlled between Senators Leahy and Sessions, or their designees: Audrey Goldstein Fleissig, of Missouri, to be United States District Judge for the Eastern District of Missouri, Lucy Haeran Koh, of California, to be United States District Judge for the Northern District of California, and Jane E. Magnus-Stinson, of Indiana, to be United States District Judge for the Southern District of Indiana; provided that at 5:30 p.m., Senate vote on confirmation of the nominations in the order listed; that after the first vote, there be 2 minutes of debate, equally divided as described above, and after the first vote, the succeeding votes be limited to 10 minutes each; that upon disposition of the nominations, Senate resume Legislative Session. **Page S4583**

Nominations Confirmed: Senate confirmed the following nominations:

Stephanie A. Finley, of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years.

Gervin Kazumi Miyamoto, of Hawaii, to be United States Marshal for the District of Hawaii for the term of four years.

Scott Jerome Parker, of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

Laura E. Duffy, of California, to be United States Attorney for the Southern District of California for a term of four years.

Darryl Keith McPherson, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

6 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

19 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Foreign Service, Marine Corps, and Navy.

Pages S4583–84, S4585

Messages from the House: **Page S4572**

Additional Cosponsors: **Page S4573**

Statements on Introduced Bills/Resolutions: **Page S4573**

Additional Statements: **Page S4573**

Text of H.R. 4899 as Previously Passed: **Pages S4573–83**

Adjournment: Senate convened at 10 a.m. and adjourned, pursuant to the provisions of H. Con. Res. 282, at 12:11 p.m., until 2 p.m. on Monday, June 7, 2010. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4585.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 25 public bills, H.R. 5453–5477; and 10 resolutions, H. Res. 1414–1423 were introduced. **Pages H4213–15**

Additional Cosponsors: **Page H4215**

Reports Filed: Reports were filed today as follows:

H.R. 2889, to modify the boundary of the Oregon Caves National Monument, with an amendment (H. Rept. 111–500);

H.R. 4438, to authorize the Secretary of the Interior to enter into an agreement to lease space from a nonprofit group or other government entity for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, and to conduct a study of potential land acquisitions, with amendments (H. Rept. 111–501); and H.R. 4349, to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, with an amendment (H. Rept. 111–502). **Page H4213**

Speaker: Read a letter from the Speaker wherein she appointed Representative Obey to act as Speaker pro tempore for today. **Page H4087**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 230 yeas to 182 nays with 1 voting "present", Roll No. 319. **Page H4098**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Wednesday, May 26th:

Congratulating Israel for its accession to membership in the Organization for Economic Co-operation and Development: H. Res. 1391, amended, to congratulate Israel for its accession to membership in the Organization for Economic Co-operation and Development, by a ⅔ yea-and-nay vote of 418 yeas with none voting "nay", Roll No. 320. **Pages H4098–99**

Committee Election: The House agreed to H. Res. 1415, electing minority members to certain standing committees of the House of Representatives: Committee on Armed Services: Representative Djou. Committee on the Budget: Representative Djou. Committee on Oversight and Government Reform: Representative Shuster. **Page H4101**

Question of Consideration: The House agreed to consider the Senate amendment to H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, by voice vote. **Page H4089**

American Workers, State, and Business Relief Act of 2010: The House agreed to the Senate amendment to H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, with the amendment printed in part A of H. Rept. 111–497, as modified by the amendment printed in part B of H. Rept. 111–497 and the further amendment in section 2 of H. Res. 1403. **Pages H4089–97, H4099–H4187**

On concurring in the Senate amendment with amendment (except the portion comprising section 523), agreed to by a yea-and-nay vote of 215 yeas to 204 nays, Roll No. 324. **Page H4186**

On concurring in the Senate amendment with portion of amendment comprising section 523, agreed to by a recorded vote of 245 ayes to 171 noes, Roll No. 325. **Page H4187**

H. Res. 1403, the rule providing for consideration of the Senate amendment, was agreed to by a recorded vote of 221 ayes to 199 noes, Roll No. 323. **Pages H4100–01**

Agreed to the Slaughter amendment to the rule by a recorded vote of 215 ayes to 206 noes, Roll No. 322, after the previous question was ordered by a yea-and-nay vote of 235 yeas to 182 nays, Roll No. 321. **Pages H4097, H4099–H4100**

Pursuant to the provisions of H. Res. 1403, H. Res. 1392 is laid on the table.

America COMPETES Reauthorization Act of 2010: The House passed H.R. 5116, to invest in innovation through research and development and to improve the competitiveness of the United States, by a recorded vote of 262 ayes to 150 noes, Roll No. 332. Consideration of the measure began on May 12th and continued on May 13th. **Pages H4187–94**

When proceedings were postponed on May 13th, the motion to recommit with instructions had been adopted and pursuant to the instructions contained in the motion, the amendment required to be reported back to the House had not yet been submitted. Representative Gordon offered the amendment, and demanded the question of adoption on the amendment be divided into each of its nine components. **Page H4189**

On agreeing to the first portion of the divided question, proposing to strike section 228, failed by a recorded vote of 175 ayes to 243 noes, Roll No. 326. **Pages H4189–90**

On agreeing to the second portion of the divided question, proposing to strike sections 406(b) and (c), failed by a recorded vote of 163 ayes to 244 noes, Roll No. 327. **Pages H4190–91**

On agreeing to the third portion of the divided question, proposing to strike section 502, failed by voice vote. **Page H4191**

On agreeing to the fourth portion of the divided question, proposing to strike section 503, failed by voice vote. **Page H4191**

On agreeing to the fifth portion of the divided question, proposing to strike subtitle C of title VI, failed by voice vote. **Page H4191**

On agreeing to the sixth portion of the divided question, proposing to amend section 702 , failed by a recorded vote of 197 ayes to 215 noes, Roll No. 328. **Page H4191**

On agreeing to the seventh portion of the divided question, proposing to add a section 704, agreed to by a recorded vote of 409 ayes with none voting "no", Roll No. 329. **Pages H4191–92**

On agreeing to the eighth portion of the divided question, proposing to add a section 705, agreed to by a recorded vote of 348 ayes to 68 noes, Roll No. 330. **Pages H4192–93**

On agreeing to the ninth portion of the divided question, proposing to add a section 706, failed by a recorded vote of 181 ayes to 234 noes, Roll No. 331. **Page H4193**

H. Res. 1344, the rule providing for consideration of the bill, was agreed to on Wednesday, May 12th.

National Defense Authorization Act for Fiscal Year 2011: The House passed H.R. 5136, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense and to prescribe military personnel strengths for such fiscal year, by a recorded vote of 229 ayes to 186 noes, Roll No. 336. Consideration of the measure began on May 27th. **Pages H4194–99**

Agreed to table the appeal of the ruling of the chair on a point of order sustained against the Bachmann motion to recommit the bill to the Committee on Armed Services with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 227 ayes to 183 noes, Roll No. 334. **Pages H4196–97**

Agreed to the Forbes motion to recommit the bill to the Committee on Armed Services with instructions to report the same back to the House forthwith with an amendment by a recorded vote of 282 ayes to 131 noes, Roll No. 335. Subsequently, Representative Skelton reported the bill back to the House with the amendment and the amendment was agreed to. **Pages H4197–98**

Agreed to:

Shea-Porter amendment (No. 81 printed in H. Rept. 111–498) that was debated on May 27th and that seeks to require a penalty for prime contractors that do not provide information to databases on contracts in Iraq and Afghanistan, and it adds a reporting requirement (agreed by unanimous consent to withdraw the demand for a recorded vote made on May 27th) and **Page H4194**

Skelton en bloc amendment No. 9 that was debated on May 27th and that consists of the following amendments printed in H. Rept. 111–498: Courtney amendment (No. 8) that transfers the Troops to Teachers program from the Department of Education to the Department of Defense; Hastings (FL) amendment (No. 15) that requires the Department of Defense, in consultation with the Secretary of State, Attorney General, Secretary of Homeland Security, Administrator of the United States Agency for International Development, and heads of other appropriate Federal agencies to produce a needs assessment of U.S. affiliated Iraqis and their status; Shadegg amendment (No. 30) that prohibits members of the Armed Forces or veterans from receiving burial benefits if they are convicted of certain sexual offenses requiring them to register as "Tier III" sex offenders; Holt amendment (No. 32), as modified, that requires that the Secretary of Defense ensure that each member of the Individual Ready Reserve or those designated as Individual Mobilization Augmentees who have served at least one tour in Iraq or Afghanistan receive at least quarterly counseling and health and welfare calls from personnel properly trained to provide such services; Luetkemeyer amendment (No. 55) that directs the Secretary of each military department to review the service records of eligible Jewish American veterans from World War I to determine whether such veterans should be awarded the Medal of Honor; Markey (CO) amendment (No. 61) that creates the Department of Veterans Affairs HONOR Scholarship Program for veterans' pursuit of graduate and postgraduate degrees in behavioral health sciences; Minnick amendment (No. 64) that authorizes the Secretary of Education to provide support to help cover operating costs of new state programs under the National Guard Youth Challenge Program; Schrader amendment (No. 66) that requires the Secretary of Defense to ensure that each member of a reserve component of the Armed Forces who is mobilized or demobilized is provided a clear and comprehensive statement of the medical care and treatment to which such member is entitled under Federal law by reason of being so mobilized or demobilized; Schrader amendment (No. 67) that instructs the DoD Inspector General to conduct a study assessing the medical processing of National Guard and Reserve soldiers mobilizing and demobilizing under Title X; Klein (FL) amendment (No. 74) that requires companies that are applying for Department of Defense contracts to certify that they do not conduct business in Iran, as defined by Section 5 of the

Iran Sanctions Act; and Pingree (ME) amendment (No. 77) that requires the Department of Defense to continue commissary and exchange stores at Naval Air Station Brunswick through September 30, 2011 (by a recorded vote of 416 ayes to 1 no, Roll No. 333). **Pages H4194–95**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H4200**

H. Res. 1404, the rule providing for consideration of the bill, was agreed to on May 27th.

Pursuant to section 7 of the rule, in the engrossment of H.R. 5136, the Clerk shall (a) add the text of H.R. 5013, as passed by the House, as new matter at the end of H.R. 5136; (b) assign appropriate designations to provisions within the engrossment; and (c) conform provisions for short titles within the engrossment.

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Tuesday, May 25th:

Expressing support for designation of May as "National Asthma and Allergy Awareness Month": H. Res. 407, amended, to express support for designation of May as ''National Asthma and Allergy Awareness Month''. **Page H4200**

Senate Message: Message received from the Senate today appears on page H4200.

Quorum Calls—Votes: Four yea-and-nay votes and 14 recorded votes developed during the proceedings of today and appear on pages H4098, H4098–99, H4099, H4100, H4100–01, H4186, H4187, H4189–90, H4190–91, H4191, H4191–92, H4191–93, H4193, H4193–94, H4194–95, H4196–97, H4198 and H4199. There were no quorum calls.

Adjournment: The House met at 9 a.m. and at 5:58 p.m., pursuant to the provisions of H. Con. Res. 282, the House stands adjourned until 2 p.m. on Tuesday, June 8, 2010.

Committee Meetings

No committee meetings were held.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D598)*

H.R. 5014, to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage. Signed on May 27, 2010. (Public Law 111–173)

S. 1782, to provide improvements for the operations of the Federal courts. Signed on May 27, 2010. (Public Law 111–174)

S. 3333, to extend the statutory license for secondary transmissions under title 17, United States Code. Signed on May 27, 2010. (Public Law 111–175)

Next Meeting of the SENATE

2 p.m., Monday, June 7

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, June 8

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 4:30 p.m.), Senate will begin consideration of the nominations of Audrey Goldstein Fleissig, to be United States District Judge for the Eastern District of Missouri, Lucy Haeran Koh, to be United States District Judge for the Northern District of California, and Jane E. Magnus-Stinson, to be United States District Judge for the Southern District of Indiana, and vote on confirmation of the nominations at 5:30 p.m.

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

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