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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 23, 2010.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Reverend Steven Boes, National Executive Director, Boys Town, Nebraska, offered the following prayer:

Creator God, we ask Your blessings upon these men and women of the United States House of Representatives. Give them the wisdom of Father Edward Flanagan, the founder of Boys Town, who once said, ''Any enterprise that does not have God at the heart of it is bound to fail.''

Help them to clearly see the needs of America's children, families, and communities. Father Flanagan taught America, ''There are no bad boys; only bad environment, bad training, bad example.'' Help them to understand that there are no bad families either. Every family has at least one member who loves their children and wants them to succeed.

Please inspire these Members to work together to strengthen our families and communities so that our children can become stronger in body, mind, and spirit.

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.

PLEDGE OF ALLEGIANCE

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

Mr. WELCH 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.

WELCOMING REVEREND STEVEN BOES

The SPEAKER pro tempore. Without objection, the gentleman from Nebraska, Congressman TERRY, is recognized for 1 minute.

There was no objection.

Mr. TERRY. Mr. Speaker, I rise today to recognize our guest chaplain, a constituent of the Second District of Nebraska, Father Steven Boes. On July 1, Father Boes will celebrate 5 years as the national executive director of Boys Town, one of the largest nonprofit, nonsectarian child care organizations in the United States. He is the fourth priest to succeed Father Edward Flanagan who founded Boys Town in 1917.

A native of Carroll, Iowa, Father Boes holds a bachelor's degree in sociology and master's degree in theology and divinity from the University of St. Thomas in St. Paul, Minnesota. He also holds a master's degree in counseling from Creighton University in Omaha.

A priest of the Omaha archdiocese, Father Boes previously served as the director of St. Augustine Indian Mission in Winnebago, Nebraska, before coming to Boys Town. He has over 20 years of experience in nonprofit administration and youth advocacy and will be a great leader in carrying out Boys Town's mission in the 21st century.

For 93 years, Boys Town has helped at-risk youth and families through a variety of services, and the organization has now expanded to 12 locations nationally. Last year, the organization served nearly 370,000 children and adults across the U.S., Canada and the U.S. territories, as well as in several foreign countries.

Boys Town has grown significantly since Father Flanagan's era. In 1977, the Boys Town National Research Hospital opened its doors and has become a national treatment center for children with hearing and speech problems and other communication disorders. Boys Town also opened its national hotline in 1989. Currently, Boys Town is implementing its Integrated Continuum of Care, which allows each child or family to make progress within the same treatment model while still getting individualized care.

Today, I honor Father Steven Boes. He is dedicated to the children and families throughout our Nation, representing the true spirit and tradition of Boys Town.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

WHERE'S THE MONEY?

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, this past Monday the Wall Street Journal ran an excellent article on the challenges facing small businesses. It began with a question that small businesses all across America are asking: Where is the money?

The Journal article cites a survey by the National Federation of Independent

Business that found that half of the small businesses that tried to get the loans last year were either denied the loans or they were not given the money that they needed.

We found that small businesses in the Joint Economic Committee report have been badly hurt by the tighter lending standards that resulted from the financial crisis. That is why passing the Small Business Lending Fund Act last week was such an important step forward and sending it to the Senate.

Where is the money is an important question to ask, and the answer is, it is on the way. We hope that the Senate will act quickly and pass this important legislation.

IN RECOGNITION OF JOHN BRUTON

(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, it is an honor for me to thank John Bruton for serving the 2nd Congressional District with distinction. For the past 2 years, John has ensured South Carolina residents receive timely and accurate updates about the happenings in Congress. John has also been a key adviser on issues of science and technology, postal issues, and welfare. John's dedication and creativity will certainly be hard to replace as he heads off to law school at the University of South Carolina.

John Bruton is the son of Jean and John Bruton of Columbia, South Carolina, two parents who have been instrumental in their son's success. He is the grandson of the late judge J. Bratton Davis, a legend of integrity and competence for the legal profession.

I am confident that John's education at my alma mater, Washington and Lee University, his experiences as a Sigma Alpha Epsilon, and his dedication as a congressional staffer have made John prepared for success in the field of law. He is a credit to the people of South Carolina. I wish him Godspeed.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism. Congratulations to primary victors Nikki Haley, Ken Ard, Alan Wilson and Mick Zais.

KEEP THE DURBIN AMENDMENT IN THE WALL STREET REFORM BILL

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

Mr. WELCH. Mr. Speaker, the gentleman from Pennsylvania (Mr. SHUSTER) and I are speaking to you today about credit card relief for small businesses and merchants, and as we are, credit card lobbyists are roaming the halls trying to water down a very key provision in the Wall Street reform legislation. They know that if the conferees keep the Durbin swipe fee amendment in the bill, small business and consumers will gain, and the monopoly pricing of the credit card industry will lose.

Just yesterday, several Vermont small business owners told me how much the credit card and debit swipe fees are hurting their business. Katy Lesser, who owns Healthy Living Market in Burlington, told me her business paid $250,000 in fees last year. This year it will be $350,000. And Sheryl Trainor, who runs a Mobil station in Queechee, told me she could plow the money she spends on swipe fees into better wages and more jobs.

I call on my colleagues in the conference committee to put small businesses before the credit card industry and maintain the Durbin amendment in the final package.

SUPPORT THE DURBIN AMENDMENT

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

Mr. SHUSTER. Mr. Speaker, I want to associate myself with the gentleman from Vermont's remarks and urge my colleagues not to be swayed by the lobbyists from the credit card companies that are trying to eliminate the Durbin amendment from this important legislation.

Let me make this point clear. The compromise reached in the conference committee does not eliminate the interchange fee or allow the Federal Government to set the interchange fee. The amendment simply creates a level playing field for banks and small businesses to negotiate interchange fees like any other business contract.

The Sheetz Corporation, which has 363 stores in 6 States, is headquartered in my district, and last year, the Sheetz Corporation paid twice as much in interchange fees as they took in in net income after tax. Their second largest expense after payroll is the interchange fee. That means that for Sheetz, the interchange fee eclipsed the company's cost in rent for their 363 stores, and they are paying 1½ times the cost of providing health care to their nearly 13,000 employees.

The compromise reached by the conference committee benefits merchants, retains flexibility of small community banks and credit unions, and ultimately benefits the American consumer.

I urge the conference committee and my colleagues to support the Durbin amendment.

□ 1010

CAPPING CARBON DIOXIDE

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

Mr. INSLEE. Mr. Speaker, we now are at a critical juncture to determine whether or not we will respond to a terrible problem in the oceans, and that is not just the oil spill in the gulf; it is the acidification of the oceans now caused by carbon dioxide that comes from the oil and gas industry and some other fossil fuel industries.

I would suggest Members may want to take a look at a new report. It was in Science magazine, published 2 days ago by the American Association for the Advancement of Science. This is their conclusion: ''The world's oceans are virtually choking on rising greenhouse gases, destroying marine ecosystems and breaking down the food chain, irreversible changes that have not occurred for several million years.''

We have a chance to restrict and restrain this pollutant, carbon dioxide, in a bill now pending in the U.S. Senate. We hope that in conversations with the President next week we come out with a firm, clear cap on carbon dioxide so we can stop what will otherwise be irreversible changes in our oceans.

PROMOTING SAFE AMERICAN ENERGY PRODUCTION

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

Mr. BOUSTANY. Mr. Speaker, I rise to applaud the Federal District Court ruling yesterday overturning the administration's job-killing moratorium on American energy production in the deep water of the Gulf of Mexico. This moratorium on drilling will ship thousands of good-paying jobs overseas. It will also make us more dependent on foreign oil. And finally, it's contrary to and in fact distorts the recommendations by a panel of independent scientists and engineers that the administration put together. It distorts their whole view that this industry-wide moratorium will in fact hurt safety by pushing the most experienced workers overseas and actually shipping all of our most advanced drilling rig technology overseas. It will hurt safety.

I urge the administration to back down from this ill-conceived, job-killing, arbitrary moratorium on American energy production.

HONORING THE SISTERS OF ST. JOSEPH

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

Mrs. DAHLKEMPER. Mr. Speaker, I rise today to honor the Sisters of St. Joseph of Northwestern Pennsylvania.

This year marks the 150th anniversary of service to the Diocese of Erie by the Sisters of St. Joseph. Since 1860, the Sisters of St. Joseph have cared for the people of Erie. They have provided quality education for our children, including establishing schools like my

alma mater, Villa Maria Academy. To care for the sick and elderly, the sisters founded St. Vincent Hospital in Erie and the St. Vincent School of Nursing.

The dedication of the Sisters of St. Joseph has no bounds. They serve as nurses, teachers, social workers, ministers, and community leaders. As a former student of the sisters, I am eternally grateful for their love and guidance.

Mr. Speaker, it is my privilege to honor the Sisters of St. Joseph of Northwestern Pennsylvania today, and I thank them for 150 years of service to our community.

VAT TAX IS ONE TAX AMERICA CAN'T AFFORD

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

Mr. PITTS. Mr. Speaker, we've heard a lot lately about the need for a European-style value-added tax in the U.S. to solve our budget problem. And just yesterday, the ruling coalition in Britain announced that it wants to raise their nation's value-added tax from 17.5 percent to 20 percent. It's estimated that this increase would cost 163,000 jobs and reduce consumer spending by $5.3 billion in the United Kingdom.

It's not a surprise that the VAT tax is creeping up in Britain. The average rate in Europe is now around 20 percent, and Greece raised their VAT rate to 21 percent as part of their bailout agreement. This is yet more evidence that the VAT taxes are easy for countries to raise during times of fiscal crisis.

With so much discussion about an American VAT, we have to be aware of what the true cost of such a tax would be to our own job growth and consumer spending. Early proposals might call for a 5 percent VAT tax, but in truth, the seemingly easy revenue would make it all too easy for the U.S. Government to quickly raise taxes to European levels. This seemingly easy tax revenue would have a great cost—American jobs. The VAT tax is one tax we can't afford in America.

HONORING MARNA DAVIDSON

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

Mr. KLEIN of Florida. Mr. Speaker, today I rise to honor Marna Davidson, a great educator and leader in our community. Marna has worked in the south Florida office of the United Federation of Teachers for many years and has helped to run an extraordinary program for retired teachers in our community. After a total career of 45 years, Marna has decided to retire this year, and I would personally like to thank her for her service and wish her a wonderful retirement.

People like Marna are what make south Florida the best place to live in the country. Her lifelong dedication to teachers and her tireless dedication and commitment have had a real and lasting impact in our community. Of her decision to retire this year, Marna said she wants to ''leave while I'm still in love.'' That sentiment truly captures Marna's spirit. And while the Boca Raton-based UFT office will surely be sad to see her go, we all respect her wise decision and wish her the very best in the next phase of her life.

Thank you, Marna.

AMERICA SPEAKING OUT

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

Mr. FLEMING. Mr. Speaker, from the bailouts to the failed stimulus bills to the government takeover of health care to the failure to prevent and respond timely to the BP spill disaster, Americans are sick and tired of being ignored by their government. Republicans have heard this outcry and believe it is time to let Americans lead the way, so we've launched a new initiative aimed at giving every American a voice in Washington.

America Speaking Out was created as a platform for Americans to share their priorities and ideas for a national policy agenda. In addition to open forum town halls held across the country, we've launched Americaspeakingout.com, an online tool where Americans can go and express their opinion about what issues they believe government should be addressing regardless of party affiliation.

Through initiatives like America Speaking Out, Americans can make their voices heard in Washington. Now is your time to speak out, America.

JOB CREATION

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to discuss a very important matter, job creation.

2010 has shown that America is slowly getting back to its feet in terms of recovery. The newest job numbers indicate that over 419,000 jobs were created last month. According to a recent Associated Press release, Texas has the greatest amount of job creation in 2010.

Texas employers expanded payrolls by 43,600 during the month of May, making it the State's largest monthly gain in more than 3 years. Companies like American Airlines, AT&T, and Texas Instruments are creating jobs in my district because north Texas is a good place to do business.

As a country, we are getting stronger and stronger, but we still have a long ways to go. We must continue to invest in American businesses and in the American people. I urge my colleagues both in the House and Senate to come together to enact policies that create and encourage job creation.

□ 1020

WHY DOES THE ADMINISTRATION WANT TO PURPOSELY AND PUNITIVELY DESTROY JOBS?

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

Mr. POE of Texas. Mr. Speaker, a Federal judge stated yesterday the administration's ban on deepwater drilling was improper and illegal. The government imposed a 6-month moratorium after the BP disaster. Non-BP oil-related industries sued, saying the ban would put them out of business and cost thousands of jobs.

The government tried to justify the ban, but the judge said, ''The government's explanation abuses reason and common sense.'' The government claimed its engineers supported the ban, but that's just not true.

The judge granted the injunction, stating the ban was ''arbitrary'', ''capricious'' and ''punitive''. In other words, the administration had no scientific basis for this absurd moratorium. The judge stated the oil-related industries ''would suffer irreparable harm'' by the moratorium. Of course, the administration doesn't care. Determined to stop deepwater drilling, the administration is going to appeal and issue another moratorium.

Mr. Speaker, why does the administration hate the energy industry in the gulf? Why does the administration want to purposely destroy American jobs? President Reagan was right: ''The government is the problem.''

And that's just the way it is.

DISCLOSE ACT

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

Ms. EDWARDS of Maryland. Mr. Speaker, I rise with regret today to express my concern about proposed changes to the DISCLOSE Act that I cosponsored. One particular change is deeply troubling—both on the politics and the policy. Having worked on campaign finance and ethics reform for many years, I didn't come to this conclusion lightly or uninformed. I was among the first to say that the Supreme Court decision in Citizens United was both wrong and shouldn't have given corporations a blank check in our elections.

As an early cosponsor of DISCLOSE, I am dismayed that, in order to gain passage, we have fallen prey to bullying and threats from one of the most powerful special interest lobbying organizations in the country. Carving out an exception on behalf of one big group like this is just not the way to do reform. Shame on us.

I proposed an amendment that would treat all of these organizations the

same and guard against unfair, undisclosed contributions. Corporations would be required to disclose if they had receive more than 15 percent from any corporation or from donors who had contributed more than $100,000 regardless of the number of members or whether they are on the right or the left. We shouldn't draw these arbitrary lines. We should be looking at the corrupting influence.

The question is ''Who owns our elections?'' Yet, before we answer that, we need to know who owns us—the NRA or the American people. You decide.

BUDGET

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

Mr. WITTMAN. Mr. Speaker, yesterday, we heard Washington won't have a budget blueprint this year. For the first time in modern history, Congress will not perform one of its primary responsibilities.

I believe it is simply not acceptable to pass the buck at a time when families are feeling uncertain about what comes next in this economy. All across this Nation, families are making tough choices. Is this decision to forgo a budget simply to pass on making tough choices? Without a budget, Congress is avoiding the tough choices American families and small businesses must make every day.

This failure to govern and to lead is especially alarming as spending deficits and debt continue to spiral out of control. The Treasury Department reported recently that the Federal Government is now $13 trillion in the red, marking the first time the government has sunk that far into debt.

The United States simply cannot continue on an unchecked spending spree that will put the future of our economic strength in jeopardy in the short term and for the next generation. We have to control spending in Washington. It must start now. American individuals and families are looking for leadership.

I ask leaders of this House today to reconsider this decision and to perform the duties we are elected to do.

ENERGY REFORM

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

Mr. YARMUTH. Mr. Speaker, I understand the Republican party's love affair with fossil fuels. After all, the fossil industry has dominated the direction of energy policy in this country for the last generation, but the American people know that our future is not with fossil fuels, that it is not with oil and that it is not with coal. It is with alternative and renewable energy. They know also that this is the way we will help create new jobs in the economy.

In a recent poll, almost 70 percent of the people said they thought an emphasis on alternative renewable fuels, just like we have done in our ACES Act, will create jobs for the American economy—in one estimate, up to 2 million jobs. In my own district, General Electric is bringing back 800 jobs to build energy-efficient appliances—400 of them coming back from China.

Energy reform is a job creator. The American people know it. I hope the Republican Party will join us in bringing the energy situation in this country into the 21st century and will join us in creating new jobs for a new American economy.

BP OIL SPILL

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

Mr. TONKO. Mr. Speaker, the difference could not be any clearer. As tar balls continue to roll onto the beaches of the gulf coast States, my colleagues on the other side of the aisle are apologizing to BP for the government's holding them accountable. While they continue to chant ''drill, baby, drill'' and to put forward ideas that benefit Big Oil, Democrats are moving America in a new direction.

I rise today to stand with the families, the small businesses, the communities, and the economy of the gulf coast and our country to say that we can no longer be held hostage by our gluttonous dependence on dirty oil, most of which is imported from our enemies around the world. Instead, we must change our priorities and stand up to special interests by continuing to promote a clean energy economy and to create good-paying American jobs for American families. In fact, 87 percent of Americans support requiring utilities to produce more energy from renewable sources, sources that cannot be outsourced or imported.

A clean energy economy will make our country safer, more energy independent and will create jobs. In the meantime, let's be strong and steadfast and hold BP accountable.

DUMPSTER DIVE

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

Mr. MCDERMOTT. Mr. Speaker, I rise today out of disgust over recent comments by Rush Limbaugh about child hunger.

A few days ago, I was sent Mr. Limbaugh's response to the news that more than 16 million children will face ''a summer of hunger'' because they won't have access to free or discounted meals they usually get at school.

Mr. Limbaugh ultimately recommended these children dumpster dive—dumpster dive to find food until school starts back up. In the midst of a deep recession that has forced millions of Americans to face the daily fear of losing their homes and of failing to provide food for their kids, all Mr. Limbaugh can contribute is another awful example of shameless and callous commentary.

Ask yourselves: When is the last time that Rush Limbaugh missed a meal? Take a look. You judge for yourselves.

FELLOW AMERICANS, LET US REMEMBER OUR OWN BASIC DECENCY AS A PEOPLE

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

Ms. WATSON. Mr. Speaker, I want to put something on our minds.

When President Obama, head of the executive branch of our Federal Government and as an invited guest speaker of the House of Representatives, has his remarks interrupted in defiance of the rules of the House by a Member of this House, shouting ''you lie''—and no amount of apology can remove the scar on this House's dignity—when the commander of the United States forces in Afghanistan—General McChrystal—and his subordinates feel free to make mocking criticisms of their Commander in Chief, Barack Obama, to the national media and when these acts of disrespect and insubordination are openly directed at President Obama, our Nation has entered into an era of negativity and cynicism unprecedented in this Republic's history.

Only one question comes immediately and painfully to mind with these outrageous words and accusations, which would once have been universally deplored and which would have been far beyond and beneath the pale of what Americans and America are all about.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

REQUIRING CERTIFICATION FOR SMALL BUSINESS LENDING FUND

Ms. KOSMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5551) to require the Secretary of the Treasury to make a certification when making purchases under the Small Business Lending Fund Program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5551

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

SECTION 1. CERTIFICATION UNDER THE SMALL BUSINESS LENDING FUND PROGRAM.

Before the Secretary of the Treasury makes the first purchase (including a commitment to purchase) under the Small Business Lending Fund Program under the Small Business Jobs and Credit Act of 2010, the Secretary shall certify, under oath, to the Inspector General of the Department of the Treasury, with a copy to the Comptroller General of the United States, that the purchase-decision process has been designed so that each purchase decision is made solely on the basis of economic fundamentals and not because of any political considerations.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. KOSMAS) and the gentleman from Texas (Mr. NEUGEBAUER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

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

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

There was no objection.

Ms. KOSMAS. I yield myself 3 minutes.

Mr. Speaker, last Friday, the House approved H.R. 5297, the Small Business Lending Fund Act, which creates important programs designed to increase access to capital for small businesses and which allows them to create new jobs.

□ 1030

I would like to thank Chairman FRANK, Congressman GARY PETERS, Congresswoman MELISSA BEAN, and Chairwoman NYDIA VELÁZQUEZ for their hard work and effort on this legislation. The bill will encourage new lending by financial institutions, and this will help small businesses access the capital they need to continue innovating, growing, and creating jobs in our communities.

During the debate on this bill, the minority offered a good suggestion for the oversight of the Small Business Lending Fund, specifically regarding the disbursement of the funds provided for under the program. Today, we are here to take action on their suggestion to enhance this oversight.

I am pleased to sponsor, along with Mr. DRIEHAUS, H.R. 5551, which will require the Secretary of the Treasury to certify, under oath, to the Inspector General that determinations on the disbursements from the Small Business Lending Fund are based on economic need and not political considerations. We believe this enhanced oversight to be a good addition to the already existing oversight for the program, and we believe that it will go further to make sure that the necessary funds are made available to the small businesses in the areas of the country and of the economy that need it the most. H.R. 5551, together with H.R. 5297, will provide much-needed assistance to small businesses across the Nation. I urge my colleagues to support this effort.

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

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

Last week I did offer a motion to recommit that would have required Treasury to certify that every transaction made from the $30 billion TARP Jr lending fun be made on the basis of economics and not politics. As we pointed out during our debate last week, there are several examples of lending to banks out of the first TARP fund that raise questions of whether political considerations were involved in deciding which banks received this money.

When we voted on the issue last week, 237 Members of the other side of the aisle voted against having Treasury certify that each transaction using the taxpayers' $30 billion is based on economics and not politics. Those same Members all voted against putting an experienced and effective regulator over the new program, simply because the regulator has TARP in his title. When the Treasury Department lends $30 billion more of taxpayers' money out to banks, the taxpayers deserve better protection than they are getting.

The majority last week exposed the taxpayers to greater likelihood of waste, fraud, and abuse and added to the cost of setting up a new regulator when we already had one. Today, the majority is back on the floor trying to make amends for their vote against the taxpayers.

During the debate last week, Chairman FRANK said, We'll go you one better in this effort. Let me repeat that. We'll go you one better. If the bill on the floor today is ''one better'' than our proposal, I would hate to see what happened if the majority tried to go ''one less.''

The bill today does not require a certificate for each investment transaction, as our motion to recommit would have required. Instead, this bill only asks Treasury to certify that the purchase decision process has been designed to ensure decisions are made because of political considerations. Let me repeat that: Certifying that the purchase decision process is designed so that decisions are made based on economics and not political is not going one better than certifying that each actual purchase with the taxpayers' money was made based on economics and not politics.

I'm sure the purchase decision process for the original TARP was not intended to bring any politics into play. While I may not have supported TARP, the purchase decision process was aimed at investing capital in healthy banks to support banks in lending. However, when the individual investment decisions were made with the first TARP, legitimate questions have come up whether political and considerations involving certain banks receiving funds were in fact taken into consideration.

As we recreate this second TARP for smaller banks, we need to make sure that our past problems are not repeated. This bill falls short of a motion to recommit that we offered last week. Last week, Chairman FRANK said, We'll come forward with further reinforcement of the oath-taking—we'll even make it oath-taking. Having Treasury certify under oath that the decision process for this new TARP fund for small banks is based on economics and not political is not further reinforcement. It is not even the same as requiring Treasury to certify that each specific investment decision is based on economics or not politics, and I think the taxpayers are smart enough to see the difference.

Mr. Speaker, let me just make an example here. What this process that our colleagues on the other side have brought is the same promise that every 16-year-old young woman or young man makes to their parents when they get their driver's license and borrow the car: promise me you won't ever get any tickets. And they promise. And so basically what we're going to have is the Treasury is going to take an oath that we promise we won't let politics be involved in this process. But we'll have no certification on whether politics, as these transactions play out, whether politics or influence was used to influence how these investments were made. And so we're going to take an oath up front, but no certification during the process. I don't think that's good policy.

With that, I reserve the balance of my time.

Ms. KOSMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. Mr. Speaker, I thank the cosponsor of this resolution, Ms. KOSMAS, for yielding.

Last week, we passed the Small Business Lending Fund Act. I offered an amendment at that time that would create the Office of Small Business Lending Fund Oversight under the authority of the Treasury Inspector General. This office would strengthen accountability by helping ensure that loans are being put to use where they're most needed and put to use in a way responsible to taxpayers. The bill we're now considering would further improve oversight by requiring the Treasury Secretary to certify to the Treasury Inspector General, under oath, that loan disbursements are based on economic need and not political considerations.

Credit where credit is due, Mr. Speaker. This idea was brought to the floor last week in a Republican motion to recommit. However, that measure would have required a special certification to the Special Inspector General for TARP, which is not the appropriate

oversight body for this bill. The Small Business Lending Fund is not part of TARP, and it isn't reliant upon TARP funds. But it is critically important that these loans are helping small businesses to invest and create jobs.

This legislation will provide greater assurance that the Small Business Lending Fund is most effective in aiding our recovery, and I urge speedy passage. However, I think I would be remiss if I weren't to comment on the gentleman from Texas's comments, and that is this comparison between the oath being taken by the Treasury Secretary and a 16-year-old driver. I do in fact believe an oath taken by the Secretary of the Treasury, just like an oath taken before a committee of Congress, means something, and it means something very serious.

Now, as much as the gentleman from Texas and his colleagues would have us want to talk about the TARP, this is not the TARP. This was never the TARP. And I want to remind the Members about the Inspector General at Treasury because we treat the Inspector General at Treasury as if he hasn't done this before. Several references were made last week to his inability.

So I want to talk just a minute about this. The Small Business Lending Fund will not be a TARP program. It will not be funded with TARP money, and the oversight body should not be TARP either. In fact, we're giving it to the Inspector General at Treasury, Mr. Thorson, who served as the Inspector General for the Small Business Administration from 2006 to 2008. In that short time, Mr. Speaker, his office uncovered what is believed to be the largest government-backed loan fraud scheme in history. He's not an amateur. Roughly $75 million was uncovered in that loan investigation. As a result of their investigation, they arrested 15 people in one day and convicted the executive vice president of one bank and the vice president of another.

Again, this is not TARP money. I realize that doesn't fit with the overall political objective of the opposition to suggest that we are extending yet another TARP. This is not TARP. This is about getting money to small businesses and creating jobs in the United States.

Mr. NEUGEBAUER. Mr. Speaker, I appreciate the Democrats wanting to bring a little bit of additional oversight into this. So I would ask unanimous consent, then, that we take the language from the motion to recommit that says the Secretary shall have to certify every transaction and make that a part of the text of this bill.

The SPEAKER pro tempore. The proponent of the motion would have to withdraw and offer a new form of the motion to achieve that end.

Mr. NEUGEBAUER. So I guess my colleagues are not really serious about making this oversight stronger. We're going to go with the watered-down language, which basically says the Secretary is going to certify that we're going to put together a little process here and we think that, one, it will not be based on politics or influence from outside, but we're not going to make him accountable for each billion-dollar investment or millions of dollars of investment of the taxpayers' money into these banks. And so I wish my colleagues on the other side were actually serious about what we're doing here.

I appreciate the majority's trying to address these shortcomings. However, I've already covered that today's bill falls short of the protections for taxpayers offered in the motion last week. At the same time, the majority said those protections were just another bureaucratic layer in the process. I don't think the taxpayers see it that way. Just like the Capital Purchase Program within TARP, this new $30 billion lending fund will make capital investment in banks with taxpayers' dollars. Unlike the TARP program, however, this new program will lack the strong oversight provided by the Inspector General for TARP or SIGTARP. That same SIGTARP last week announced a $2 billion fraud indictment involving an attempt by a bank to obtain TARP money. The regulator put in charge of this new TARP-like fund, the Treasury Inspector, was not even involved in this fraud case.

□ 1040

According to GAO and the Treasury Inspector General's report, the Treasury Inspector General is currently focused on material loss reviews required for failed banks due to the large number of bank failures. Adding oversight of the $30 billion lending fund will require more resources, creating more bureaucracy when we already have in place an agency that can do this job.

SIGTARP has considerable experience overseeing a program in which government purchases preferred stocks in banks—TARP and TARP 2, both the same program. If we create a new TARP program that will also purchase shares in banks, we should use the same oversight agency that has a proven track record and expertise. Doing less is a disservice to the taxpayers. Merely requiring certification that the process the Treasury intends to use will prevent politics from coming into play is not the same as requiring Treasury to certify that each transaction made was based on economics and not politics.

The majority can't have it both ways. You can't say you are going to go ''one better'' than the protections in our motion to recommit that you called another ''bureaucratic layer'' and then do less, which basically is the bill that they brought before us today.

I reserve the balance of my time.

Ms. KOSMAS. Mr. Speaker, I yield such time as he might consume to the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. I thank the gentlelady for yielding.

Mr. Speaker, again, this is a straightforward amendment. If you want to make sure that politics isn't involved in the Small Business Lending Fund, you want to make sure that the Treasury is sticking to their oath and making sure that these are based on economic decisions, then you vote for this bill. If you believe politics should be part of it, then vote against it.

We keep missing the mark here in terms of the Republicans. The Republicans want to talk about SIGTARP. This isn't about TARP. No more should SIGTARP be overseeing the Department of Defense than should they be overseeing small business lending. This is about Treasury and making sure that politics aren't part of the decisions being made at Treasury. Again, if the Republicans think politics should be part of the decision, they can vote ''no,'' but we took them at their word that they didn't think politics should be part of the Treasury function. We've taken it away through the Inspector General. The Inspector General has an incredible track record. We respect that track record. And if the Republicans don't respect it, they can, with all due respect, vote against this. But again, this is not TARP money. As much as they would like to have us believe that this is, again, another TARP, it is not. And I realize that doesn't fit into the political rhetoric that is so often used around here, but it is the reality.

Mr. NEUGEBAUER. I will remind the gentleman that the original TARP program was the Federal Government investing taxpayer dollars into the preferred stock of banks. I would encourage the gentleman to read the text of this bill that we passed last Friday. And what does that say? It says the Federal Government will tax the taxpayers' money and provide preferred stock. Now you can try to call it something else, but it's a TARP program.

I want to go back to something that happened last week. During that debate, the gentlewoman from New York (Ms. VELÁZQUEZ) said that those of us on this side of the aisle wanted to keep TARP going. Let's go back to the record here. I didn't get a chance to respond then, so I want to set the record straight.

TARP was supposed to expire on December 31, 2009, and there was strong support for allowing TARP to expire. In fact, more than 100 of us on this side of the aisle sent a letter to Treasury Secretary Geithner that urged him to let TARP expire. In fact, we introduced legislation to force the expiration of TARP. We voted against the majority's legislation to divert TARP funds for other spending. But the Treasury Secretary extended TARP through this October, and the majority did nothing to stop it.

Just as we are, again, getting close to having TARP expire, the majority brings up a bill that creates what is essentially a second TARP program, and it will last for years. So who wants to keep TARP going? Rather than doing something that creates more certainty

for small businesses to grow and add jobs to this economy, the majority is repeating the same failed initiatives that have helped grow our national debt to over $13 trillion in the past 2 years.

We've had record bank failures, including four banks that were TARP recipients. When those TARP recipient banks failed, the taxpayers' investment of $2.6 billion was essentially wiped out. More than 100 banks that have received TARP funds have missed their dividend payments. These missed dividend payments have cost the American taxpayers more than $200 million. The sad thing is that there are things Congress could do that actually help small businesses. Instead, the majority has chosen to pass a bill that will cost taxpayers billions of dollars and do nothing, really, to help small businesses. And today the majority has chosen to provide fewer taxpayer protections than we offered last week.

Mr. Speaker, I appreciate the fact that the majority thought we had a good idea. I just wish they would have used our idea. So the vote today is, Do you want to make sure that the taxpayers have a strong oversight, or do you want a watered-down version?

I yield back the balance of my time.

Ms. KOSMAS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. KOSMAS) that the House suspend the rules and pass the bill, H.R. 5551, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH

Ms. KOSMAS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1434) recognizing National Homeownership Month and the importance of homeownership in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1434

Whereas the month of June is recognized as National Homeownership Month;

Whereas the people of the United States are one of the best-housed populations in the world;

Whereas owning a home is a fundamental part of the American dream and is the largest personal investment many families will ever make;

Whereas homeownership provides economic security for homeowners by aiding them in building wealth over time and strengthens communities through a greater stake among homeowners in local schools, civic organizations, and churches;

Whereas creating affordable homeownership opportunities requires the commitment and cooperation of the private, public, and nonprofit sectors, including the Federal Government and State and local governments;

Whereas homeownership can be sustained through appropriate homeownership education and informed borrowers; and

Whereas affordable homeownership will play a vital role in resolving the crisis in the United States housing market: Now, therefore, be it

Resolved, That the House of Representatives—

(1) fully supports the goals and ideals of National Homeownership Month;

(2) recognizes the importance of homeownership in building strong communities and families; and

(3) reaffirms the importance of homeownership in the Nation's economy and its central role in our national economic recovery.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. KOSMAS) and the gentleman from California (Mr. GARY G. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

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

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

There was no objection.

Ms. KOSMAS. Mr. Speaker, I yield myself 2 minutes.

This bipartisan resolution supports the goals and ideals of National Homeownership Month and reaffirms Congress' commitment to helping working families fulfill a fundamental part of the American Dream. Importantly, this resolution recognizes the vital role that homeownership plays, together with safe and affordable rental housing, and building strong communities and families, and it affirms the central role that responsible homeownership plays in our economic recovery.

I hope my colleagues will join in support of this resolution that will send an important signal to the American people that creating fair and responsible homeownership opportunities requires commitment and cooperation, and that Washington is up to the challenge.

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

Mr. GARY G. MILLER of California. I yield myself such time as I may consume.

Today I rise in support of House Resolution 1434, recognizing the significance of homeownership in America. Every year, this body comes together to designate June as National Homeownership Month. To continue this long record of recognition, H.R. 1434 provides congressional recognition of National Homeownership Month and the importance of homeownership in the United States.

Owning a home is a fundamental part of the American Dream and is the largest personal investment most families will ever make. For millions of families across this country, a home is more than just the symbol of the American Dream. It's the backbone of the American way of life. Moreover, in addition to providing financial benefits to individuals, homeownership helps strengthen communities. Since homeowners are investing not only in themselves, but in the community, they have a greater stake in the success of their local schools, civic organizations, and churches.

For the past several years, this country has experienced significant upheaval in the United States housing market. The turmoil being experienced by homeowners has been devastating and swift moving, and Americans are looking to their leaders in government to end the terrible housing situation without placing an additional burden on the taxpayers.

□ 1050

My home State of California, in particular, has been heavily impacted by the mortgage crisis, with thousands of families losing their homes. Thirty-four percent of homeowners in my State currently have negative equity in their home. It is crucial that the body recognize the impact of the problems facing the housing market so it can take steps to ensure that equity and liquidity return to the marketplace.

Despite all that is occurring in the current housing market, we need to remember that home ownership has historically been the single largest creator of wealth for most Americans. As someone who has been involved in the industry for over 35 years as a developer, I have seen my fair share of the housing market downturns.

From these experiences, I have learned at times of stress it is important to ensure that liquidity continues to flow to the housing market in order to keep the market functioning. Accordingly, the loan limit increases passed by this body are finally providing affordable, safe mortgages for homeowners in the high cost areas who were previously forced to resort to risky loans and impaired their ability to keep their home.

Additionally, to bring stability to the housing market and encourage responsible home ownership, I have sponsored legislation to allow homeowners going through foreclosure to stay in their homes and have the option of buying them back in the future. During these economically challenging times, it is more important than ever to provide relief to hardworking Americans.

In conclusion, in the first quarter of 2010 the national home ownership rate decreased to 67.1 percent. This is the lowest home ownership rate since the first quarter of 2000. Additionally, in

the first-time buyer age group of under 35 years old, the home ownership rate fell to 38.9 percent, which is the lowest level since 1997.

Assisting home buyers and homeowners by permanently increasing the loan limits, enabling borrowers in financially distressed homes to stay in their homes, must be a priority for this body. These efforts will help maintain the Nation's home ownership level and speed up the overall recovery of the housing market.

I reserve the balance of my time.

Ms. KOSMAS. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of House Resolution 1434, recognizing June 2010 as National Homeownership Month. I am proud to be an original cosponsor of this important resolution, and I commend my good friend and colleague, Congressman GARY MILLER from California, for its introduction.

This year's theme is Protecting the American Dream. American families deserve the opportunity to achieve and sustain the dream of home ownership. This administration and Congress have been taking the necessary measures to help existing homeowners stay in their homes, to offer a second chance to millions of responsible families, to encourage wise and affordable home purchases, and to stabilize our households, neighborhoods, and communities.

The House of Representatives passed the Federal Housing Administration Reform Act of 2010. Sponsored by Chairwoman MAXINE WATERS of California, the bill also helps families realize the American Dream of home ownership, protects Americans from mortgage fraud, and saves taxpayers money. The legislation ensures that the Federal Housing Administration remains viable and continues to provide qualified borrowers with access to prime credit.

FHA insurance has been particularly important for minority communities, for low-income families, and for first-time home buyers, and will continue to help my congressional district, which is 80 percent Hispanic and poor.

The Homebuyer Tax Credit the House has extended several times has increased home sales and helped stabilize the housing market. Estimates suggest that this credit and several extensions will have resulted in 1 million additional home purchases and saved an average of $21,000 in equity for American homeowners who indirectly benefited from the stabilization of house values.

In my capacity as chairman of the Congressional Rural Housing Caucus, I have managed to collaborate with my colleagues in obtaining a substantial amount of money for the USDA Section 502 Single Family Direct Loan program. Recently, I worked closely with the USDA's Department of Rural Housing Service on additional commitment authority for the Section 502 Single Family Guaranteed Loan program. The House of Representatives and USDA's Rural Housing Service have done our jobs. It's my sincere hope that the Senate will act quickly on the 502 Single Family Guaranteed Loan program so that banks can close on loans.

The House has passed antipredatory lending legislation and is now in conference with the Senate on legislation that will increase consumer protection by reforming our financial services regulations and legislation. Moreover, the House of Representatives has passed legislation reauthorizing the National Flood Insurance Program that will help Americans in their times of need. Hundreds of thousands of first time home buyers will be unable to close on their homes if they are located in floodplains and require flood insurance. I humbly ask that the Senate reauthorize the National Flood Insurance Program as quickly as possible.

Mr. Speaker, dozens of communities across the Nation have planned events and activities throughout June to highlight the benefits of home ownership and share information on ways families can remain successful homeowners.

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

Ms. KOSMAS. I yield an additional 10 seconds to the gentleman.

Mr. HINOJOSA. I am glad that we are in Congress acknowledging their efforts through this resolution.

I urge all my colleagues to support this important resolution.

CONGRESS OF THE
UNITED STATES,
Washington, DC, June 17, 2010.

Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives, Washington, DC.

Hon. JOHN BOEHNER,
Minority Leader, U.S. House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: The homebuyer tax credit has been extremely successful in increasing home sales and stabilizing the housing market. Early estimates suggest that when complete the credit will have created 1 million additional home purchases, and saved an average of $21,000 in equity for American homeowners who indirectly benefited from the stabilizing of house values.

However, many relatively new challenges to the industry have delayed the closing for too many homebuyers who made every effort available to sign for a house by April 30, 2010 and close by the June 30, 2010 deadline. Lenders involved with short sales and foreclosures have not been able to respond fast enough to allow homebuyers to close. Federal programs, such as FHA, VA loans and USDA Rural Development have not always kept up with demand. USDA's single family home loan guarantee program ran out of funds in early May, thus eliminating a lending source for qualified homeowners and builders who had planned on the government program as early as last year. All of these delays were not foreseen by homebuyers or even Congress who set 60 additional days as an appropriate window of time to complete a closing.

We ask that the June 30, 2010 deadline be extended for those homeowners who entered into a binding contract by April 30, 2010. The Nationals Association of Realtors estimated that up to 180,000 eligible homebuyers who signed contracts will be unable to close before the June 30, 2010 deadline. We support the bipartisan effort in the Senate to include an extension of the deadline in legislation making its way to the President and would also support an extension as a standalone bill. The housing market remains fragile and vulnerable to the uncertainty created by thousands of potential homebuyers not knowing if they will receive their tax credit. Passing an extension sooner rather than later will help avoid the inertia and bottleneck in home sales created by the unknown outcome of so many pending closings.

Extending the deadline is the fair thing to do, and so Congressional action would be both appropriate and beneficial to thousands of our constituents. H.R. 3548 which extended the homebuyer tax credit was supported by both sides of the isle on November 5, 2009 by a vote of 403–12. This provision was pushed by both Republicans and Democrats who wanted it extended to April. Therefore, ensuring the tax credit can he administered efficiently and fairly is shared by both parties. As you consider additional measures to strengthen the economy and support job growth we urge to support a fix to the homebuyer tax credit.

Sincerely,

Joe Courtney; Shelley Berkley; Bob Filner; Solomon P. Ortiz; Maurice D. Hinchey; Rosa DeLauro; Ike Skelton; Carol Shea-Porter; Kathy Dahlkemper; John Boozman; John J. Duncan, Jr.; Jerry Moran; Sanford D. Bishop, Jr.; Paul Tonko; Gene Taylor; Lincoln Davis; Ileana Ros-Lehtinen; Kathy Castor; Eddie Bernice Johnson; Nick Rahall; Madeleine Z. Bordallo; Jim Costa; Frank Pallone, Jr.; Timothy Bishop; Dean Heller; Chris Van Hollen; John Boccieri; Ron Paul; Larry Kissell; Dan Burton; Dina Titus; Thomas S.P. Perriello; Michael E. McMahon; John Adler; Baron P. Hill; Dennis Cardoza; Marcy Kaptur; Vernon J. Ehlers; Mike McIntyre; Lloyd Doggett; John Spratt; Brad Ellsworth; Alcee L. Hastings; Daniel Maffei; Betty Sutton; Bobby Bright; Leonard L. Boswell; Donald A. Manzullo; Bruce L. Braley; Steve Israel; Jerry McNerney; Rubén Hinojosa; Thomas Rooney; Phil Hare; Timothy J. Walz; Harry E. Mitchell; Suzanne M. Kosmas; Ander Crenshaw; Deborah L. Halvorson; Bill Foster; Paul E. Kanjorski; Henry E. Brown, Jr.; Patrick J. Murphy; Nita M. Lowey; Edolphus Towns; Howard L. Berman; John Barrow; Brad Sherman; Steve Kagen; Russ Carnahan; Joe Wilson; Henry Cuellar; Gerald E. Connolly; Dave Loebsack; Walter B. Jones; Pete Stark.

Mr. GARY G. MILLER of California. I yield myself the balance of my time.

As I said, owning a home is a fundamental part of the American Dream, and I have been honored to introduce this resolution, I think, for the past 12 years. It is a fundamental part, but that doesn't mean that everybody necessarily is in a position to own a home at a given time. And that's something people need to strive for in their lives and look for in the future.

And if you look at the situation—and my colleague was talking about FHA—FHA, Freddie, and Fannie are providing about 92 percent of all the loans in this country. If it were not for that, people in this country could not buy or sell a home basically because there is not liquidity in the marketplace to deal with it other than the GSEs.

But at the same time, we need to understand that underwriting standards for FHA, Freddie, and Fannie need to be very solid, thereby not putting any of the agencies or the taxpayers at risk. I think FHA has done a good job recently increasing their underwriting standards, requiring people to be in a better position to be able to repay their mortgages, and this is essential.

The National Association of Realtors is strongly behind this resolution. Although this is a statement that Congress is making, it doesn't require any action, it's a significant statement. It's being made on behalf of the American people who believe they want to own a home, they have a right to own a home, and if they are in a position to do that, we are encouraging that.

The Realtors say that 5½ million taxpayers depend on the NFIP to protect them from flooding. We are going to deal with that in the next bill. They also came and supported the resolution we are putting before us today. So there are two resolutions in a row that are very important to home ownership in this debate today. The one we have before us is the concept that people should have a right to own a home.

With that, I yield back the balance of my time, and I ask for an ''aye'' vote on this resolution.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in support of H. Res. 1434 to recognize National Homeownership Month and the importance of homeownership in America. As you know, homeownership is an important portion of our economy and a central piece of American culture that lies within the idea of the ''American Dream''.

The idea of homeownership being central to the ''American Dream'' has a long history. Some believe that its roots date all the way back to 1776, where in the Declaration of Independence, Jefferson stated that all men have the right to ''life, liberty, and the pursuit of happiness.'' In American culture, home ownership is often used as a proxy for the promised prosperity that was to be included in the interpretation of ''liberty'' and ''happiness.'' In 1931, James Truslow Adams invented the term ''American Dream'' and used it to exemplify the idea that with enough hard work, anyone can achieve what they desire in life. For many Americans, homeownership is a central aspiration and the key to happiness and prosperity.

Our great nation has long supported this theme in American culture. In response to the Great Depression and a failing housing industry, the U.S. government created the Federal Housing Administration in 1934. The FHA then became a part of the Department of Housing and Urban Development office in 1965. Together, the mission of these organizations is to create strong, sustainable, inclusive communities and quality affordable homes for all. Since its inception in 1934, the FHA and HUD have insured over 34 million home mortgages and 47,205 multifamily project mortgages. In the 1920s only about 4 out of 10 homes were owned. Thanks to the work of the FHA the homeownership rate in America is now upwards of 66%. FHA insurance has been especially important for minority communities, low-income families, and first-time homebuyers.

Mr. Speaker, homeownership does not only serve as a centralized American idea, but also as a fundamental source of growing capital and investment for the American people and economy. The purchase of a home is one of the biggest investments one can make. It strengthens both a homeowner's individual economic growth as well as the local communities as the effects of a growing housing market will trickle down in the form of jobs, building suppliers, tax bases, schools, and other 3 forms of revenue. Until recently, the U.S. gross domestic product has always been very closely tied to the total American housing valuation. Housing is a form of wealth that increases American consumption and the growth of the economy.

With consideration to the significance of homeownership in America, the House recently passed H.R. 5072, the FHA Reform Act of 2010. This act will serve to crack down on fraud and misrepresentation from lenders, improve the FHA's internal controls and risk management, and provide more transparency and information to the public. This act is crucial to the future growth of the American housing industry, and it signifies the congressional recognition of the extreme importance of homeownership in our economy.

For these reasons, Mr. Speaker, I rise in support of H. Res. 1434 to recognize National Homeownership month and give praise to home owners in America.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in strong support of National Homeownership Month. This month marks the 42nd anniversary of the landmark 1968 Fair Housing Act which opened the dialogue of equal homeowner opportunities and growth. National Homeownership Month continues its same principles by promoting the very core of American values of fairness, opportunity, and growth.

National Homeownership Month reflects the importance of homeownership and the American dream. For most Americans, owning their own home will be their largest and most significant financial investment. It represents security, builds neighborhood pride, and is essential in creating positive productive communities.

National Homeownership Month reaffirms the importance of homeownership in the Nation's economy and its central role in our national economic recovery. Home affordability and financial education is the key to overcoming the housing crisis and promote good housing practices and policies. Financial education not only directly benefits American families, but, in turn, helps to ensure a robust and strong economy.

Mr. Speaker, it is vital that we continue to empower people of all races, economic status, and backgrounds who desire to own their own home. It is a valuable stabilizer for both families and communities.

Ms. KOSMAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. KOSMAS) that the House suspend the rules and agree to the resolution, H. Res. 1434.

The question was taken.

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

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

The yeas and nays were ordered.

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

NATIONAL FLOOD INSURANCE PROGRAM EXTENSION ACT of 2010

Ms. KOSMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5569) to extend the National Flood Insurance Program until September 30, 2010.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5569

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Flood Insurance Program Extension Act of 2010''.

SEC. 2. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2010''.

(b) FINANCING.—Section 1309(a) of such Act (42 U.S.C. 4016(a)) is amended—

(1) by striking ''September 30, 2008'' and inserting ''September 30, 2010''; and

(2) by striking ''$20,775,000,000'' and inserting ''$20,725,000,000''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall be considered to have taken effect on May 31, 2010.

SEC. 3. BUDGET COMPLIANCE.

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 House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. KOSMAS) and the gentleman from California (Mr. GARY G. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

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

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

There was no objection.

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

I thank the gentleman from Texas who earlier spoke on this particular issue.

Mr. Speaker, I rise today to speak about this crucial bill, H.R. 5569, the National Flood Insurance Program Extension Act of 2010, which would extend

the National Flood Insurance Program through the end of September this year.

The flood insurance program provides valuable protection for approximately 5.5 million homeowners. Unfortunately, the lack of a long-term authorization has placed this program at risk. The program has lapsed three times now since the beginning of this year: for 2 days in March, for 18 days in April, and again since June 1.

□ 1100

These lapses meant that FEMA was not able to write new policies, renew expiring policies, or increase coverage limits. This also means that each day 1,400 home buyers who wanted to purchase homes located in flood plains are unable to close on their homes. Given the current crisis in the housing market, this instability in the flood insurance program is hampering the market's recovery, and it must be addressed.

This bill would simply extend the current program through September 30, 2010, to address the immediate issue of individuals being able to close on their homes.

Soon I will be able to support Ms. WATERS in bringing comprehensive flood insurance reform to the floor. This bill passed out of the Financial Services Committee on a simple voice vote in April. Ms. WATERS' bill would restore stability to the flood insurance program by reauthorizing the program for 5 years and would address the impact of new flood maps by delaying the mandatory purchase requirement for 5 years and then phasing in actuarial rates for another 5 years.

Ms. WATERS' bill also makes other improvements to the program by phasing in actuarial rates for pre-FIRM properties, raising maximum coverage limits, providing notice to renters about contents insurance, and establishing a flood insurance advocate similar to the taxpayer advocate at the Internal Revenue Service.

In the meantime, we must extend the current National Flood Insurance Program. This country is reeling from major floods in Tennessee, Arkansas, and Oklahoma. And we are now officially in hurricane season. I urge my colleagues to stand with me in support of this important extension, and I thank Ms. WATERS and Chairman FRANK, and urge my colleagues to vote in favor of this bill.

I reserve the balance of my time.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak on another temporary short-term extension of the National Flood Insurance Program, NFIP, which expired more than 3 weeks ago on May 31, 2010. This is the third time this year that the flood insurance program has expired, causing disruption in the housing market in cases where individuals are trying to purchase a home located in a floodplain which requires them to buy flood insurance to close on a federally backed mortgage.

It is unfortunate that the fate of the National Flood Insurance Program has to be authorized on a temporary basis because of other unrelated issues. The result has created uncertainty and instability in the market at a time when this country can least afford it. Immediate action is needed to support homeowners and small businesses owners who depend on flood insurance for an important measure of financial security, especially during the June to November storm season.

This bill provides for a temporary extension through the end of the current fiscal year, September 30, 2010. The bill would also make the reauthorization retroactive to May 31, 2010, and offset the cost by reducing the NFIP's borrowing authority by $50 million from $20.775 billion to $20.725 billion. As a result, according to consultations with CBO, this bill would have no net impact on the Federal budget.

Congress also needs to move forward this year with serious long-term reforms of the flood insurance program. The NFIP carries a debt of more than $18 billion and continues to subsidize premium rates of nearly 25 percent of all insured properties. The program cannot continue on this path with a built-in shortfall.

On April 27, 2010, the Financial Services Committee reported this bill, the Flood Insurance Reform Priority Act, to reauthorize and reform the NFIP for 5 years. This bill includes several important provisions that represent a good first step toward repairing the financial soundness of the NFIP, but more reforms are urgently needed. I support the extension of the NFIP program and encourage my colleagues to vote for it today.

I reserve the balance of my time.

Ms. KOSMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of H.R. 5569, extending the National Flood Insurance Program until September 30, 2010, making it retroactive to May 31, 2010.

I commend Chairwoman MAXINE WATERS for introducing this timely bill. Congress must extend authority for the National Flood Insurance Program to write or renew flood insurance policies which are required in order to obtain a mortgage in a 100-year floodplain.

Now that the National Flood Insurance Program authorization has lapsed, property owners in federally designated areas across nearly 20,000 communities nationwide are unable to obtain a mortgage or flood insurance to protect their properties. We are well into hurricane season. Congress must pass this legislation. Congress must reauthorize as soon as possible the National Flood Insurance Program to provide my constituents in Texas and all other constituents across the United States access to a program they will need should they become victims of a hurricane. I encourage my colleagues to support this important legislation.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank my good friend for the time.

Mr. Speaker, I rise in strong support of this bill to extend the National Flood Insurance Program, as administered by FEMA, until September 30, 2010. About 90 percent of all flood insurance policies nationwide are provided through the National Flood Insurance Program, and nearly half of those policies are held in my home State of Florida.

Flood insurance in a hurricane-prone State is not merely a necessity; it is a requirement for those homeowners with mortgages. For nearly 1 month, prospective homeowners in my congressional district of south Florida have been in limbo. Unable to secure the required flood insurance, these individuals and families have been unable to close on their homes. Their frustration is palpable. New buyers in the housing market are needed to help my congressional district recover from this economic downturn.

At a time when the Federal Government is increasing incentives for homeownership, it is utterly bizarre that Congress would fail to extend a program that is required for many mortgages to be finalized. The National Flood Insurance Program is a necessity, and its extension should not be subject to partisan politics.

This bill extends the program until the end of September, but it must be extended for several years so that homeowners can buy and sell their properties without worries. This uncertainty produced by Band-Aid extensions of the flood insurance program is hurting an already ailing housing market.

I am a cosponsor of Congressman CAO's bill, which extends the program for 3 years; and I encourage my colleagues to cosponsor the bill of the gentleman from Louisiana, H.R. 5553, and I will also be introducing a bill to further extend this popular flood insurance program.

Mr. Speaker, we have extended this program three times since it has expired. Let's get this right. Flood insurance is critically important for homeowners. Also, let's reform it so it does not face continual financial shortfalls.

I urge my colleagues to join me in voting ''yes'' for this much-needed, way overdue, important extension.

Ms. KOSMAS. Mr. Speaker, I yield myself 1 minute to make a comment.

I want to suggest how important I think this legislation is and to also say as a member of the National Association of Realtors myself for over 30 years, and having been an active member of the realty community assisting friends and neighbors in my community to achieve the American Dream of

homeownership, I am pleased to offer a letter of support from the NAR and include it for the RECORD.

NATIONAL ASSOCIATION OF REALTORS®,
Washington, DC, June 23, 2010.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The National Association of REALTORS® strongly supports H.R. 5569. The bill would extend authority for the National Flood Insurance Program (NFIP) until September 30, 2010.

Five and a half million taxpayers depend on the NFIP as their main source of protection against flooding, the most common natural disaster in the United States. Since May 31, the NFIP has not had the statutory authority to issue new or renewal policies. By law, flood insurance is required to obtain federally related mortgage loans in nearly 20,000 communities nationwide. This has resulted in the delay, if not cancellation, of thousands of real estate transactions during one of the worst down-turns in residential and commercial real estate markets since the Great Depression.

We urge immediate approval of H.R. 5569 to extend NFIP authority and avoid exacerbating the uncertainty for taxpayers who rely on the program, particularly in a recovering real estate market.

Sincerely,

VICKI COX GOLDER, CRB,
2010 President, National Association of REALTORS®.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana (Mr. CAO).

Mr. CAO. I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise today in support of H.R. 5569 to focus attention on an important issue that has left our constituents financially and economically vulnerable. The National Flood Insurance Program, NFIP, has lapsed for the third time this year, meaning that life decisions have to be put on hold, leaving our constituents to wait out congressional action.

When I was in New Orleans over the weekend, a constituent came up to me and sadly stated: I could not sell my home because the buyer could not purchase flood insurance.

□ 1110

Today, I also read in the U.S. News and World Report that home sales have slipped 2 percent in May, even though Federal stimulus efforts kept real estate transactions artificially elevated. One of the contributing elements is the lapse in the NFIP. Many potential sales are being delayed by an interruption in the National Flood Insurance Program, according to the National Association of Realtors.

Mr. Speaker, the most recent NFIP lapse couldn't have come at a worse time. As we deal with the worst oil spill in history, we are facing what is predicted to be an active hurricane season along the gulf coast. Now, more than ever, we need to be supporting our constituents during these difficult times.

Many of the fishermen and others who have had their livelihoods turned upside down because of the oil spill also live in flood-prone areas. Therefore, we must act not only to extend this program in the short term but ensure that in the future communities devastated by the oilspill will have affordable access to insurance.

That is why on Thursday I introduced H.R. 5553 that would extend the NFIP for 3 years and would include a sense of Congress that the program should not expire again. This extension would remove uncertainty and would show our desire to see real reform to an inefficient program.

I appreciate the gentlelady from California's, MAXINE WATERS, attention to this important issue, and I hope that we can work together in reforming this critical program for both of our people in the future.

I urge my colleagues to support H.R. 5569.

Ms. KOSMAS. Mr. Speaker, I have no further requests for time, and I continue to reserve the balance of my time.

Mr. GARY G. MILLER of California. I yield 3 minutes to the gentlelady from Michigan, Mrs. CANDICE MILLER.

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Speaker, I rise today to express my very serious concerns about this program and to remind my colleagues that this program is actually a very bad deal for my constituents in the State of Michigan and many other States in the Great Lakes Basin as well.

For the past few years, FEMA has been engaged doing what Congress did direct them to do, and that is updating and modernizing our flood maps across the entire Nation. We all recognize that with technology we can and we should update the maps to reflect our best science and to convert our existing outdated maps into user-friendly digital format. Let me just make clear, I totally support that effort and those objectives.

However, property owners in the Great Lakes are being treated very unfairly by these new maps which have taken effect in my district and all through the basin during the past several years, and the net effect is that we can show how these property owners whose properties very rarely flood, nor have the potential to flood, are being treated badly because, in fact, they are being abused by the National Flood Insurance Program.

My constituents, many of them on the water, are paying very, very high flood insurance premiums, and yet we very rarely even claim on this or receive any money for our claims. Essentially, Michigan and other States in the Great Lakes Basin are being forced to subsidize those in other States who are prone to severe weather events. If that's what we are going to do, we should just call it what it is and have a national catastrophic fund as opposed to this national flood insurance fund. In other words, let everybody pay. Why should the people in the Great Lakes Basin have to subsidize this particular program?

A GAO report on this program that was published in April found that nearly one in four property owners pay subsidized rates for their flood insurance that do not reflect the full risk of flooding. You have to ask, no wonder this program is $19 billion in debt, and to add insult to injury, this program keeps paying claims year after year so some Americans can continue to live in flood-prone areas. That's fine if they want to live there, but I don't know why those people in the Great Lakes have to keep paying for these repetitive claims year after year. It's only 1 percent of the policy, but it is 25 percent of all of the claims.

I think it is well past time that this program either be scrapped entirely or reformed. My constituents in Michigan, with little risk of flooding, again who have experienced little or no flooding, are funding the National Flood Insurance Program at astronomical rates. States that we see flooded year after year and, again, allow people to keep building and rebuilding in a floodplain, or who keep experiencing hurricanes, are essentially using this FEMA fund as an ATM machine, and I don't think it's fair. Really, if we're going to have a National Flood Insurance Program, I think everybody should be paying fairly. Again, I think a national catastrophic fund would be the most fair approach to this.

I think, if this situation continues, that Michigan and other States should consider opting out of this national plan and self-insuring. I've written a letter to our Governor, and I hope that she considers that.

In Michigan, I would say this: We look down at the water.

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

Mr. GARY G. MILLER of California. I yield the gentlewoman an additional 30 seconds.

Mrs. MILLER of Michigan. I thank the gentleman for yielding me another 30 seconds.

In Michigan, we look down at the water. We don't look up at the water, and we just think it is very unfair that we have to keep subsidizing all of the other areas just because we live on the water as well. I think this program needs to be revamped, and I would say again, we should have a national catastrophic fund.

We have great empathy and sympathy for those who want to live in a flood-prone area, but I don't know why those of us on the shores of the Great Lakes have to be the only ones in the Nation to subsidize this. I think it is very unfair.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 3, 2008.

Hon. JENNIFER GRANHOLM,
Lansing, MI.

DEAR GOVERNOR GRANHOLM: I write to bring to your attention an issue of great importance to the economic health and well-being of the State of Michigan.

The Federal Emergency Management Agency (FEMA) is in the process of updating

and modernizing flood maps across the entire nation. This process is necessary to account for property development and growth over the past several decades as well as changes in topography. If done properly, this process would bring more fairness for those who live in flood plains and are required to purchase flood insurance.

Unfortunately, property owners in Michigan are being treated unfairly by these new maps, which have recently taken effect in my district and other parts of the state. These property owners, whose properties very rarely flood —nor have the potential to flood—are paying very high flood insurance premiums and yet they very rarely receive claims.

In regards to FEMA's proposal for remapping in the Great Lakes region, they are raising the base flood elevation an additional 14 inches—they say to accurately reflect the risk of flooding. This is predicated on data from 1988, 2 years after the absolute highest recorded levels for the Great Lakes. However, in Lake St. Clair alone, the lake levels have dropped over 3 feet since then and are now 5½ feet below the old base flood elevation. In spite of this, FEMA's new base flood elevation is now 6½ feet above the current lake level.

I have been trying to stop FEMA from implementing their new flood maps until the International Joint Commission's Upper Great Lakes study has been completed. This study will be the most comprehensive study of this region ever undertaken. Nevertheless, my constituents are currently paying much higher premiums for an insurance plan that they will likely not ever file a claim on. These new maps will cost my constituents literally millions of dollars at a time when lake levels are at historic all time lows. This means that they are not going to be making claims, but they will be subsidizing other parts of the country through the National Flood Insurance Program.

What is happening is that many states and their property owners, with little risk of flooding, who have experienced little or no flooding, are funding the National Flood Insurance Program at astronomical rates. Between 1978, the year the National Flood Insurance Program began, and 2002, there were 10 states that received more in claims than what they paid in policies. In fact over $1.5 billion dollars more—and the average premium for policyholders in those states was only $223.

Michigan, on the other hand, paid almost $120 million more into the program than it received back in claims, yet the average premium for Michigan policyholders was $257 dollars. As you can see, this program is draining millions of dollars from Michigan and dispensing it throughout other areas of the country.

As you know, the residents of our state are already experiencing tremendous economic strain due to rising gasoline costs, the high unemployment rate, and the housing crisis. They do not need to spend an additional several hundred dollars each year on insurance they will likely never need. And they should not be mandated to sacrifice for residents of other states much more prone to severe weather events.

One of the potential solutions to this disparity is for the State of Michigan to take action to opt out of the National Flood Insurance Program and self insure. While I realize that some will consider this a rather drastic measure, this problem is having such a negative impact on our constituents that I believe it must be considered,

If Michigan were to opt out of this program, it would undoubtedly save our constituents millions of dollars each year which could then be used to further stimulate our state's economy. I urge you to work with the state legislature and the Commissioner of Financial and Insurance Services to explore this option to see if it could result in significant savings to Michigan taxpayers.

Thank you for your attention to this issue. I look forward to working with you on this important matter.

Sincerely,

CANDICE S. MILLER,
Member of Congress.

Mr. GARY G. MILLER of California. I yield myself the balance of my time.

It is very unfortunate that the fate of the National Flood Insurance Program has to be authorized on a temporary basis because of unrelated issues. What the marketplace needs today is certainty and stability, and we should do whatever we can to create that.

I ask for an ''aye'' vote.

Mr. BRADY of Texas. Mr. Speaker, I rise in support of H.R. 5569—To extend the National Flood Insurance Program until September 30, 2010. It's Hurricane Season—we cannot put off the reauthorization of this program. We can no longer wait on the extenders package—we must pass an extension now.

I have constituents in Southeast Texas both in flood-prone and hurricane-prone areas that are unable to access flood insurance. This is a major problem for potential homeowners, if their lender requires flood insurance before closing.

Though I am supportive of this measure, I am advocating for a longer term extension of the National Flood Insurance Program through May 31, 2011. I hope my colleagues will join me in advancing such a measure.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in support of keeping promises to the American people. To speak plainly about it, I do not support the federal government's growing role in the private sector.

But for reasons known to all of my colleagues, the federal government has, for some time, been the primary provider of flood insurance to America's homeowners. Because of Congress' inaction, that insurance is no longer available.

Simply put, as a matter of principle and responsible public policy, when the government makes commitments to the American people, and families and businesses come to rely on the fulfillment of those commitments, it is flat out wrong to fail to live up to them. That is where we are right now.

Mr. Speaker, the Democrats have control over every lever of government and your majorities in both chambers are significant. So to allow the National Flood Insurance Program, the ''SGR'', the state sales tax deduction, and others to expire demonstrates a complete lack of responsibility and an inability to govern.

This is hurting my constituents. My district, like many in Florida, has been pummeled by the housing crisis. And while the President may believe that press conferences touting his foreclosure initiatives are sufficient to addressing the problem, my constituents know that the only thing that will turn their situation around is a recovery in demand.

I am sure that Members on both sides of the aisle can understand my frustration when I get calls from realtors in my district explaining that three of their clients can't close on houses because the Flood Insurance program has lapsed.

There is nothing they can do about it and they want answers. They want to know when the government is going to get the situation fixed. And frankly, I don't know what to tell them. To me, the idea that a single-party government can't pass must-pass legislation is incomprehensible.

So I would like to thank the gentlelady from California, Ms. WATERS, for stepping up to the plate and bringing this legislation to the floor. And while I support the bill and will be the first of my colleagues to vote for it, my constituents also want assurances from the Speaker and Majority Leader that this isn't just ''pat ourselves on the back'' legislation—that it isn't just ''pass it to say we did'' legislation. My constituents want real results and that means actually getting the Flood Insurance program, the tax cuts, and other commitments that this government have made extended quickly. It is simply the right thing to do.

Mr. GARY G. MILLER of California. I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. KOSMAS) that the House suspend the rules and pass the bill, H.R. 5569.

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

A motion to reconsider was laid on the table.

CONGRESSIONAL AWARD PROGRAM REAUTHORIZATION ACT OF 2009

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2865) to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2865

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Congressional Award Program Reauthorization Act of 2009''.

SEC. 2. CONGRESSIONAL AWARD PROGRAM.

(a) IMPLEMENTATION AND PRESENTATION.—Section 102 of the Congressional Award Act (2 U.S.C. 802) is amended—

(1) in the matter following subsection (b)(5), by striking ''under paragraph (3)''; and

(2) in subsection (c), in the second sentence, by striking ''during'' and inserting ''in connection with''.

(b) TERMS OF APPOINTMENT AND REAPPOINTMENTS.—Section 103 of the Congressional Award Act (2 U.S.C. 803) is amended by striking subsection (b) and inserting the following:

''(b) TERMS OF APPOINTED MEMBERS; REAPPOINTMENT.—

''(1) Appointed members of the Board shall continue to serve at the pleasure of the officer by whom they are appointed, and (unless reappointed under paragraph (2)) shall serve for a term of 4 years.

''(2)(A) Subject to the limitations in subparagraph (B), members of the Board may be reappointed, except that no member may

serve more than 2 full consecutive terms. Members may be reappointed to 2 full consecutive terms after being appointed to fill a vacancy on the Board.

''(B) Members of the Board shall not be subject to the limitation on reappointment in subparagraph (A) during their period of service as Chairman of the Board and may be reappointed to an additional full term after termination of such Chairmanship.

''(3)(A) Notwithstanding paragraph (1) or (2), the term of each member of the Board shall begin on October 1 of the even numbered year which would otherwise apply with one-half of the Board positions having terms which begin in each even numbered year.

''(B) Subparagraph (A) shall apply to appointments made to the Board on or after the date of enactment of the Congressional Award Program Reauthorization Act of 2009.''.

(c) REQUIREMENTS REGARDING FINANCIAL OPERATIONS.—Section 104(c) of the Congressional Award Act (2 U.S.C. 804(c)) is amended—

(1) in paragraph (1), in the third sentence, by striking '', in any calendar year,'' and inserting ''in any fiscal year''; and

(2) by striking paragraph (2) and inserting the following:

''(2)(A) The Comptroller General of the United States shall determine for each fiscal year whether the Director has substantially complied with paragraph (1). The findings made by the Comptroller General under the preceding sentence shall be included in the reports submitted under section 107(b).

''(B) If the Director fails to substantially comply with paragraph (1), the Board shall instruct the Director to take such actions as may be necessary to correct such deficiencies, and shall remove and replace the Director if such deficiencies are not promptly corrected.''.

(d) FUNDING AND EXPENDITURES.—Section 106(a) of the Congressional Award Act (2 U.S.C. 806(a)) is amended by striking paragraph (1) and inserting the following:

''(1) the Board shall carry out its functions and make expenditures with—

''(A) such resources as are available to the Board from sources other than the Federal Government; and

''(B) funds awarded in any grant program administered by a Federal agency in accordance with the law establishing that grant program.''.

(e) STATEWIDE CONGRESSIONAL AWARD COUNCILS.—Section 106(c) of the Congressional Award Act (2 U.S.C. 806(c)) is amended by striking paragraph (4) and inserting the following:

''(4) Each Statewide Council established under this section may receive contributions, and use such contributions for the purposes of the Program. The Board shall adopt appropriate financial management methods in order to ensure the proper accounting of these funds. Each Statewide Council shall comply with subsections (a), (d), (e), and (h) governing the Board.''.

(f) CONTRACTING AND USE OF FUNDS FOR SCHOLARSHIPS.—Section 106 of the Congressional Award Act (2 U.S.C. 806) is amended—

(1) in subsection (d), by inserting ''to be'' after ''expenditure is''; and

(2) in subsection (e)(1)(A), by inserting ''or for scholarships'' after ''local program''.

(g) NONPROFIT CORPORATION.—Section 106 of the Congressional Award Act (2 U.S.C. 806) is amended by striking subsection (i) and inserting the following:

''(i)(1) The Board shall provide for the incorporation of a nonprofit corporation to be known as the Congressional Award Foundation (together with any subsidiary nonprofit corporations determined desirable by the Board, collectively referred to in this title as the 'Corporation') for the sole purpose of assisting the Board to carry out the Congressional Award Program, and shall delegate to the Corporation such duties as it considers appropriate, including the employment of personnel, expenditure of funds, and the incurrence of financial or other contractual obligations.

''(2) The articles of incorporation of the Congressional Award Foundation shall provide that—

''(A) the members of the Board of Directors of the Foundation shall be the members of the Board, with up to 24 additional voting members appointed by the Board, and the Director who shall serve as a nonvoting member; and

''(B) the extent of the authority of the Foundation shall be the same as that of the Board.

''(3) No director, officer, or employee of any corporation established under this subsection may receive compensation, travel expenses, or benefits from both the Corporation and the Board.''.

(h) TERMINATION.—

(1) IN GENERAL.—Section 108 of the Congressional Award Act (2 U.S.C. 808) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2013''.

(2) EFFECTIVE DATE.—This subsection shall take effect as of October 1, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on S. 2865 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise in support of S. 2865, which reauthorizes the Congressional Award Program. The Congressional Award is a public-private partnership created by Congress in 1979 that works to recognize the initiative, achievement, and service of America's youth, ages 14 to 23. Participants earn recognition and bronze, silver, and gold Congressional Award certificates or medals based on their involvement in four key areas: volunteer service, personal development, physical fitness, and exploration.

Participants in the Congressional Award Program set and achieve personally challenging goals based on their individual interests, needs, and abilities. Because these participants set their own goals, the program is open and inclusive of youth of all ability levels.

S. 2865 provides for the reauthorization of the Congressional Award Program until October 2013. It will allow the Congressional Awards Foundation to confer awards to the many youth who have completed their goals and service. We recognize the outstanding contributions of over 27,700 individuals who have participated in the Congressional Award Program since its inception, and over 1,500 youth from 45 States earned certificates or medals at one of the six award levels this current year. We congratulate them on their achievement and thank them for an outstanding 2.5 million hours of combined volunteer service.

□ 1120

In fact, this morning, Members of Congress and community leaders will join together to honor 252 recipients of the Congressional Award Gold Medal. These recipients will represent the best of the best of the young people working to meet their goals. They will be congratulated by NFL star Michael Oher and Deputy Secretary of Education Anthony Miller. We wish these young people continued success in their personal, professional and educational goals.

We also thank Congresswoman SHEILA JACKSON LEE and Congressman GUS BILIRAKIS, who serve on the Congressional Award board of directors. Their contributions to the program are an important part of this Congress' support of the outstanding youth who participate in the Congressional Award Program.

Mr. Speaker, once again I express my support for Senate bill 2865 and the reauthorization of the Congressional Award Program. I urge my colleagues to join me in support of this bill.

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

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

Mr. Speaker, I rise in support of S. 2865, the Congressional Award Program Reauthorization Act of 2009. This bill reauthorizes the Congressional Award Program and the board that administers the program, which is a public-private partnership created by Congress to promote and recognize excellence in America's youth ages 14 to 23. Applicants excel in service, personal development, physical fitness, expedition, and exploration, and receive various levels of the award, including bronze, silver, and gold certificates and medals. The Congressional Award Program also provides scholarships to select winners for participation in the People to People Program and the Presidential Classroom, and for select incoming freshmen to Drexel University.

The Congressional Award Program was founded in 1979 and has recognized outstanding youth since that time. To earn the award, youth are encouraged to set their own goals in one of four areas of volunteer service, personal development, physical fitness, and expedition and exploration. The award recognizes youth that complete their goals in these areas. It encourages adolescents and young adults to set and achieve their own challenging goals and recognizes them for doing such.

I urge my colleagues to support S. 2865.

Ms. JACKSON LEE OF Texas. Mr. Speaker, I rise in support of S. 2865, an act that seeks the reauthorization of the Congressional Award Program. I also want to thank my colleague, Senator LIEBERMAN, for introducing this important legislation.

Today we acknowledge the continued success of the Congressional Award Program and seek its reauthorization contingent with a few amendments. This program enriches America's youth by instilling four principle areas in the contestant's life. The four program areas include voluntary community service, personal development, physical fitness, and expedition and exploration. Performance of these activities strengthens the mind, body, and soul of the youth. By providing service to others and the greater community at large, developing personal interests, social or employment skills, improving quality of life through physical fitness activities, and by undertaking an outdoor, wilderness or venture experience (historical, cultural or environmental), the participating youth are well rounded.

I have relentlessly sought better education and jobs for our youth in this great nation, because they fuel the future of the country. As a member of the board of the Congressional Award Program I also believe that in order to truly produce a well rounded society, we should be supporting all aspects of life. Education is a very important factor in a youth's life, and the four program areas of the Congressional Award Program also work to shape the knowledge acquired through that education to mold successful youths.

This reauthorization act will strengthen the program's leadership amending the appointments provisions such as to revise requirements for appointment and reappointment of members of the Congressional Award Board, especially the limitation of service on the Board to two consecutive terms. This act exempts a member from the two-term limit during a period of service as Board Chairman, permits reappointment of such individual to an additional full term after termination of such Chairmanship, requires a Board member's term to begin on October 1 of the even numbered year, with one-half of the Board positions having terms which begin in each even numbered year, and changes from calendar to fiscal year the annual period for which the Director is required to ensure that the Board's liabilities do not exceed its assets.

For the foregoing reasons, I stand with Senator LIEBERMAN in support of this act to reauthorize the Congressional Award Program.

I urge my colleagues to support this bill.

Mrs. MCMORRIS RODGERS. I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield back the balance of my time and urge the support of Senate bill 2865, the Congressional Award Program Reauthorization Act, to the full body.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and pass the bill, S. 2865.

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

A motion to reconsider was laid on the table.

SUPPORTING DESIGNATION OF YEAR OF THE FATHER

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 285) recognizing the important role that fathers play in the lives of their children and families and supporting the goals and ideals of designating 2010 as the Year of the Father.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 285

Whereas Father's Day was founded in 1910 by Mrs. John B. Dodd after attending a Mother's Day celebration in 1909 and believing that fathers should receive the same recognition;

Whereas Mrs. John B. Dodd, Sonora Smart Dodd, founded the day in celebration of her father, William Smart;

Whereas William Smart, a Civil War veteran, raised six children on his own after the death of his wife;

Whereas Spokane, Washington, recognized and hosted the first celebration of Father's Day on June 19, 1910;

Whereas in 1924, President Calvin Coolidge recognized Father's Day and urged States to follow suit;

Whereas in 1966, President Lyndon B. Johnson signed a proclamation calling for the third Sunday in June to be recognized as Father's Day and requested that flags be flown that day on all government buildings;

Whereas President Richard Nixon signed a proclamation in 1972 permanently observing Father's Day on the third Sunday in June;

Whereas Father's Day is celebrated in over 50 countries around the world;

Whereas there are an estimated 64.3 million fathers around the Nation today;

Whereas it is well documented that children involved with loving fathers are significantly more likely to have healthy self-esteems, exhibit empathy and prosocial behavior, avoid high risk behaviors, have reduced antisocial behavior and delinquency in boys, have better peer relationships, and have higher occupational mobility relative to parents;

Whereas fathers who live with their children are more likely to have a close, enduring relationship with their children than those who do not; and

Whereas the 100th anniversary of Father's Day will be celebrated in Spokane, Washington, on June 20, 2010: Now, therefore, be it

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

(1) recognizes the important role that fathers play in the lives of their children and families; and

(2) supports the goals and ideals of the Year of the Father.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Concurrent Resolution 285 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Concurrent Resolution 285, which honors and celebrates the observance of the centennial anniversary of Father's Day this past Sunday, and to recognize the importance of fatherhood. This resolution highlights the long history of Father's Day, first celebrated on June 19, 1910, to honor the love and commitment that fathers give our children and their families.

Every year on the third Sunday in June, families across this Nation stop to thank fathers for the hard work and dedication it takes to be a supportive and involved parent. The tradition of Father's Day began 100 years ago in Spokane, Washington. The day was first recognized nationally by President Coolidge in 1924, who urged States to follow suit. President Nixon signed the proclamation in 1972 permanently observing Father's Day as the third Sunday in June.

Supportive fathers play a significant and influential role in their child's development. Children with loving fathers generally have healthier self-esteem, better peer relationships, more pro-social behavior, and an enjoyment of learning new skills. A positive environment at home also helps children thrive academically and get involved in extracurricular activities.

By commending the hard work and dedication of fathers during the centennial celebration of Father's Day, we encourage responsible fatherhood and happy, successful, and stronger families and communities.

I want to thank Representative MCMORRIS RODGERS for bringing this resolution to the floor and urge my colleagues to pass this resolution.

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

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

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 285, recognizing the important role that fathers play in the lives of their children and family, and recognizing this year, 2010, as the ''year of the father.''

Unbeknownst to many, Father's Day has an especially significant meaning to the people of Spokane, Washington. This past Sunday, the city of Spokane celebrated the 100th anniversary of the founding of Father's Day, a national tradition that began in 1909 by a local Spokane woman, Sonora Smart Dodd. Looking for a way to recognize her father and those like him, Sonora Dodd publicly recognized her father in 1909, a Civil War veteran who raised six children on his own after the death of his wife. From there, the city of Spokane established the first celebration of Father's Day at the local YMCA in 1910, and in the years following the celebration spread around the Nation. The resolution that we are considering today

is a way to demonstrate our appreciation to fathers everywhere and to recognize the critical role they play in our lives.

Research in the field confirms that children whose fathers play a significant role in their lives are much more likely to lead productive and healthy lives. Moreover, children with involved fathers are much more likely to have close, enduring relationships.

I would like to congratulate Spokane on its 100th anniversary and recognize all the fathers out there like my own who have and continue to do so much for their children and families.

I urge my colleagues to support this important resolution.

I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I urge the support of House Concurrent Resolution 285.

As a father of three, grandfather of triplet grandchildren and another—four grandchildren, and one great grandchild, I certainly am here to say that I think that Father's Day is a wonderful day. I was very privileged to have my children take me to a wonderful brunch, as they do every Father's Day.

Mr. Speaker, I ask the House to vote in favor of this resolution.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in order to express my support for H. Con. Res. 285, which recognizes the important role that fathers play in the lives of their children and families and supports the goals and ideals of designating 2010 as the Year of the Father. I would also like to commend Representative MCMORRIS RODGERS for sponsoring this bill and showing her commitment to recognizing the crucial role of fathers.

I grew up with both of my parents in my life. My father worked for the Department of Justice for a large portion of his career. He eventually became the Director of Classifications and Paroles for the Bureau of Prisons and was the highest ranking African-American in the Bureau at that time. I saw my father work hard everyday in an effort to provide for his family. His value system transferred to me, and I make it a point to influence my children in the same way my father positively influenced me. I know without a doubt that my father helped me to develop into the man I am today.

There are numerous studies and statistics that all show fathers are crucial to the development of a child. Children who grow up with the love and care of their fathers are more likely to exhibit strong self-confidence and are more likely to avoid high-risk behaviors.

In honoring fathers with this resolution, I would also like to offer a challenge to all fathers to make an effort to develop healthy, loving relationships with their children. I challenge fathers not to be in the words of the Temptations "rolling stones," but solid rocks on which their families can depend on.

Mr. Speaker, it is with upmost sincerity that I support this solution and I urge my colleagues to do the same. It is my hope that this resolution serves as an inspiration for fathers all across this great Nation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 285.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1130

SUPPORTING THE IMPORTANCE OF BRAILLE IN THE LIVES OF BLIND PEOPLE

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1034) expressing support for designation of July 2010 as ''Braille Literacy Month'', as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1034

Whereas since its invention by Louis Braille (1809–1852), the reading and writing code for the blind that bears his name has become the accepted method of reading and writing for the blind the world over;

Whereas the Braille code is used to represent not only the alphabets of most written languages, but is also used for mathematical and scientific notation and the reproduction of musical scores;

Whereas while technology has improved the lives of blind people by facilitating quick access to information, Braille literacy gives blind people the ability to read and to write and to do the two interactively;

Whereas despite its efficiency, versatility, and universal acceptance by the blind, the rate of Braille literacy in the United States has declined to the point where only 10 percent of blind children are learning the code;

Whereas Braille is an important tool in the independence, productivity, and success for blind people;

Whereas while 70 percent of the blind are unemployed, 85 percent of those who are employed know Braille;

Whereas the United States Congress officially recognized the importance of Braille by passing the Louis Braille Bicentennial-Braille Literacy Commemorative Coin Act authorizing the striking of a United States silver dollar marking the 200th anniversary of the birth of Louis Braille and emphasizing the connection between learning Braille and true independence and opportunity for the blind; and

Whereas the National Federation of the Blind, the Nation's oldest and largest organization of blind people and a leading advocate for Braille literacy in the United States, has launched a national ''Braille Readers are Leaders'' campaign to promote awareness of the importance of Braille and to increase the availability of competent Braille instruction and of Braille reading materials in this country: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the importance of Braille and the role that Braille plays in the lives of blind people;

(2) recognizes the 70th anniversary of the National Federation of the Blind; and

(3) supports the efforts of the National Federation of the Blind and other organizations to promote Braille literacy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1034 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H. Res. 1034, which recognizes the importance of braille in the lives of blind people. We know that education is the key to success and that every American deserves an equal opportunity to a good education. Literacy, or the ability to read and write, is the key to this education.

Braille has been a recognized reading and writing code for the blind since its invention by Louis Braille in 1821. Braille translates to most written languages, and it is even used in converting figures in the areas of math, science, and music. Braille code has improved the lives of blind people by facilitating quick access to information and technology resources. It has even given blind persons the ability to read and write simultaneously.

Despite the freedom that comes from learning braille, fewer than 10 percent of the 1.3 million people who are legally blind in the United States are braille readers. According to the American Printing House for the Blind, there are approximately 58,000 legally blind children in the United States, but only 10 percent of these children are learning the code. This resolution honors, celebrates, and encourages the learning of braille, but it also recognizes the need for more education in the teaching of braille so that America's blind children can learn this important code.

In 2006, Congress recognized the importance of braille by passing the Louis Braille Bicentennial-Braille Literacy Commemorative Coin Act. This act authorizes the striking of a United States silver dollar, marking the 200th anniversary of the birth of Louis Braille, and emphasizes the connection between the learning of braille and the empowerment of blind people everywhere. A portion of the sale of each coin goes towards a braille literacy campaign that will help provide more blind youth and adults with access to this important code.

Mr. Speaker, let us continue to emphasize the importance of learning

braille by supporting House Resolution 1034. I urge my colleagues to support this legislation, which celebrates braille and which pays much needed attention to braille literacy in America.

I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1034, expressing support for the designation of July 2010 as Braille Literacy Month.

The braille language was developed by Louis Braille in 1821. Unbeknownst to many, each braille character is comprised of six raised dots that, when put in various positions, form 64 possible combinations, combinations which allow individuals to communicate in most written languages as well as in mathematics and in musical scores.

Literacy involves the ability to acquire information, to understand it, and to communicate it with others. It is the ability to gain access to written information, information that is stored so that it can be referred to again and again. The braille code gives the blind the gift of literacy—the ability to communicate through reading and writing.

Despite the advantages of learning and knowing braille, only 10 percent of blind children today are learning the braille code. In 1960, 50 percent of legally blind school-aged children were able to read braille. The decline in braille literacy is a cause for concern. According to a 2007 study, there are over 57,000 legally blind children in the United States. Just as television and computers cannot replace the written word, technology cannot replace the benefits of learning the braille code for thousands of blind children and adults.

Supporting the designation of July 2010 as Braille Literacy Month highlights the importance of braille literacy and of the benefits it offers to blind children. I urge all of my colleagues to support House Resolution 1034, expressing support for designating July 2010 as Braille Literacy Month.

I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I am pleased to yield such time as he may consume the sponsor of this resolution, the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the gentleman for yielding.

Mr. Speaker, literacy is a fundamental building block for individuals to thrive in our society and in a constantly changing world. Literacy can have an impact on an individual's ability to be self-sufficient, and it is essential in overcoming social and economic barriers. Low literacy skills, on the other hand, are associated with poor health, lower income levels, and social exclusion.

Braille is an internationally recognized method of reading and writing for the blind community and is the key to literacy. It provides the blind community with the tools they need to succeed and to improve their lives. Yet braille literacy has declined to 10 percent in the United States compared to 50 percent in the 1960s.

House Resolution 1034, which I was proud to introduce and which has cosponsorship among both Republicans and Democrats, recognizes the importance of braille for success and adult independence. Studies show that braille literacy leads to higher educational levels, better employment, and increased financial independence. While 70 percent of blind adults face unemployment, 85 percent of those who are employed are able to read and write braille fluently.

I am pleased to have worked with the National Federation of the Blind in developing this resolution that calls attention to the need for a renewed commitment to braille literacy. The National Federation of the Blind, which is the Nation's largest blind membership organization and is headquartered in my congressional district, helps blind persons achieve self-confidence and self-respect, and it acts as a vehicle for collective self-expression by the blind community. The NFB has been a champion of braille literacy over the years, and I would like to congratulate them on their efforts.

Mr. Speaker, literacy provides individuals with basic life skills that can lead to access to higher educational opportunities and economic success. By promoting literacy within all communities, we can help our Nation and its citizens reach their full potential. I hope my colleagues will join me in supporting this resolution.

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

Mr. PAYNE. Mr. Speaker, I would ask that the House move in favor of H. Res. 1034.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 1034, 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.

The title of the resolution was amended so as to read: ''Expressing support for the importance of Braille in the lives of blind people.''.

A motion to reconsider was laid on the table.

□ 1140

SUPPORTING NATIONAL PHYSICAL EDUCATION AND SPORT WEEK

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1373) expressing support for designation of the week beginning May 2, 2010, as ''National Physical Education and Sport Week''.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1373

Whereas the week beginning May 2, 2010, is observed as National Physical Education and Sport Week;

Whereas a decline in physical activity has contributed to an unprecedented epidemic of childhood obesity in the United States, which has more than tripled since 1980;

Whereas regular physical activity is necessary to support normal and healthy growth in children and is essential to their continued health and well-being;

Whereas, according to the Centers for Disease Control and Prevention, overweight adolescents have a 70 to 80 percent chance of becoming overweight adults, increasing their risk for chronic disease, disability, and death;

Whereas physical activity reduces the risk of heart disease, high blood pressure, diabetes, and certain types of cancers;

Whereas type 2 diabetes can no longer be referred to as ''late in life'' or ''adult onset'' diabetes because it occurs in children as young as 10 years old;

Whereas the Physical Activity Guidelines for Americans, published by the Department of Health and Human Services, recommend that children engage in at least 60 minutes of physical activity on most, and preferably all, days of the week;

Whereas, according to the Centers for Disease Control and Prevention, only 17 percent of high school students meet that goal of 60 minutes of physical activity a day;

Whereas children spend many of their waking hours at school and therefore need to be active during the school day to meet the recommendations of the Physical Activity Guidelines for Americans;

Whereas, according to the Centers for Disease Control and Prevention, 1 in 4 children in the United States does not attend any school physical education classes and fewer than 1 in 4 children in the United States engage in 20 minutes of vigorous physical activity each day;

Whereas teaching children about physical activity and sports not only ensures that they are physically active during the school day, but also educates them on how to be physically active and the importance of being physically active;

Whereas, according to a 2006 survey by the Department of Health and Human Services, 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provide daily physical education classes or the equivalent for the entire school year, and 22 percent of schools do not require students to take any physical education classes at all;

Whereas, according to that survey, 13.7 percent of elementary schools, 15.2 percent of middle schools, and 3.0 percent of high schools provided physical education at least 3 days per week, or the equivalent thereof, for the entire school year for students in all grades in the school;

Whereas research shows that fit and active children are more likely to thrive academically;

Whereas increased time in physical education classes can improve children's attention and concentration and result in higher test scores;

Whereas participation in sports teams and physical activity clubs, which are often organized by schools and run outside the regular school day, can improve students' grade point averages, attachment to schools, educational aspirations, and the likelihood of graduating;

Whereas participation in sports and other physical activities also improves self-esteem and body image in children and adults;

Whereas children and youth who take part in physical activity and sports programs develop improved motor skills, healthy lifestyles, improved social skills, a sense of fair play, strong teamwork skills, and self-discipline and avoid risky behaviors;

Whereas the social and environmental factors affecting children are in the control of the adults and the communities in which children live, and therefore the Nation shares a collective responsibility in reversing the childhood obesity trend;

Whereas efforts to improve the fitness level of children who are not physically fit may also result in improvements in academic performance; and

Whereas the House of Representatives strongly supports efforts to increase physical activity and participation of youth in sports: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''National Physical Education and Sport Week'';

(2) recognizes the central role of physical education and sports in creating healthy lifestyles for all children and youth;

(3) encourages school districts to implement local wellness policies, as described in section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1751 note), that include ambitious goals for physical education, physical activity, and other activities addressing the childhood obesity epidemic and promoting child wellness; and

(4) encourages schools to offer physical education classes to students and to work with community partners to provide opportunities and safe spaces for physical activities before and after school and during the summer months for all children and youth.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1373 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 1373, which recognizes the critical importance of physical education and physical activity for all of our Nation's children and youth by celebrating National Physical Education and Sport Week. Participation in physical education and sports programs not only helps children stay physically fit, but contributes to a range of academic, social, and personal gains. With the observance of this week, coaches, educators, and parents around the country will promote greater youth participation in physical education and help tackle the growing problem of childhood obesity.

Since 1980, the childhood obesity rate in America has more than tripled. The increase in obesity is, in large part, due to a decrease in regular physical exercise. Fewer than one in five adolescents now meet the Center for Disease Control's recommended 60 minutes of physical activity per day. Many children do not have the opportunity to participate in physical education. Only a fraction of the Nation's elementary, middle, and high schools are provided regular physical education classes.

Physical activity reduces the risk of heart attack, heart disease, high blood pressure, diabetes, and certain types of cancer. Research shows that children who have the opportunity to engage in physical activity regularly are more likely to thrive academically and graduate. In addition to improved academic performance, participation in sports teams and other physical activities can improve behavior, increase self-esteem, develop social skills, and help kids lead a healthy lifestyle as an adult. We are responsible for educating our children about physical education and for providing opportunities for fitness. National Physical Education and Sport Week reaffirms the importance of healthy bodies and healthy minds in our communities and schools.

Mr. Speaker, I once again express my support for House Resolution 1373, the National Physical Education and Sport Week. I thank Congressman ALTMIRE for introducing this resolution, and I urge my colleagues to support this fine resolution.

I reserve the balance of my time.

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

I rise today in support of House Resolution 1373, expressing support for designating the week beginning May 2, 2010, as National Physical Education and Sport Week. Today, childhood obesity rates are alarmingly high and continue to increase. Over 33 percent of America's elementary school children are overweight or obese and 13 percent of America's high school children. These increasing rates are associated with increased rates of diseases in children that were only seen in adults until recently. Obese children have been shown to be at an increased risk of coronary heart disease, diabetes, respiratory problems, and numerous other debilitating diseases. In addition childhood obesity can significantly increase the risk that a child will be obese in adulthood.

Physical activity is key to preventing these kinds of illnesses in both children and adults. Regular physical activity substantially reduces the risk of coronary heart disease, strokes, colon cancer, diabetes, and high blood pressure. It's important to treat and address obesity and begin and sustain the weight loss process. Physical activity need not be strenuous to be beneficial, but America's youth are participating at an ever decreasing rate.

Physical education and sports encourage children to participate in physical activity on a regular basis in a group setting that can foster teamwork, competition, and a sense of accomplishments. Participation of children in organizing sports has grown in recent decades. However, the percentage of children participating in daily physical activity has declined. The Centers for Disease Control and Prevention recommends that children engage in 60 minutes of physical activity on most or all days of the week. However, only 17 percent of high school students are meeting this recommendation.

National Physical Education and Sport Week highlights the benefits of physical education and sports in the lives of America's children. Highlighting the importance of such benefits encourages our children to begin healthy physical activity and habits that continue throughout their lives. I ask my colleagues to support this resolution.

I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I am pleased to yield such time as he may consume to the sponsor of H. Res. 1373, the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I thank the gentleman from New Jersey for yielding.

Mr. Speaker, I rise in support of my resolution to honor National Physical Education and Sport Week. More than one-third of America's elementary school children are overweight or obese, and more than 13 percent of America's high school children are overweight or obese. As a result, these children are now developing diseases and vascular conditions that were once thought to affect only the middle-aged, such as type II diabetes, high blood pressure, and high cholesterol. In addition, research has shown that children that participate in physical activity perform better in the classroom. So the Centers for Disease Control and Prevention recommend that children engage in 60 minutes of physical activity 5 or more days per week. However, only 35 percent of our Nation's children regularly meet this recommendation.

This resolution, which I introduced, acknowledges that physical activity and sports play a central role in creating an opportunity for children to build lifelong healthy habits. And it's for this reason, Mr. Speaker, that I introduced this resolution, and I encourage all of my colleagues to support it.

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

Mr. PAYNE. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the gentleman for yielding.

I just wanted to commend my colleague, Congressman ALTMIRE, for introducing this resolution to designate the week beginning May 2 as National Physical Education and Sport Week.

Today, the President is going to be launching at Bell Multicultural High School in Columbia Heights, here in

the District of Columbia, the President's Council on Fitness, Sport, and Nutrition, which expands on the President's Council on Physical Fitness and Sports, which has been in place since the Kennedy administration, the Eisenhower administration. It brings the kind of focus to physical fitness and sports and nutrition that Congressman ALTMIRE has signaled with this resolution.

Again, I commend him for bringing that attention to this issue, and I urge support of this resolution.

Mr. PAYNE. Mr. Speaker, I have no further requests for time but would like to urge that House Resolution 1373 be passed. We also in my district on Saturday will be having a community meeting dealing with obesity, in line with the President and First Lady Obama's initiative to battle obesity. We've been doing this now for the past decade. It's in epidemic proportions in some districts. So we do urge the people to come out to Metropolitan Church on Saturday to participate. But we believe that this is very important. The health of our Nation is at stake. And so I certainly urge support of the National Physical Education and Sport Week, House Resolution 1373, and urge passage.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 1373.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5551, by the yeas and nays;

House Resolution 1434, by the yeas and nays;

House Resolution 1369, de novo.

Remaining postponed proceedings will resume later.

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

REQUIRING CERTIFICATION FOR SMALL BUSINESS LENDING FUND

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5551) to require the Secretary of the Treasury to make a certification when making purchases under the Small Business Lending Fund Program, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. KOSMAS) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 379]

YEAS—411

Ackerman	Chandler	Gerlach
Aderholt	Childers	Giffords
Adler (NJ)	Chu	Gingrey (GA)
Akin	Clarke	Gohmert
Alexander	Clay	Gonzalez
Altmire	Cleaver	Goodlatte
Andrews	Clyburn	Gordon (TN)
Arcuri	Coble	Granger
Austria	Coffman (CO)	Graves (GA)
Baca	Cohen	Graves (MO)
Bachmann	Cole	Grayson
Bachus	Conaway	Green, Al
Baird	Connolly (VA)	Green, Gene
Baldwin	Conyers	Grijalva
Barrow	Cooper	Guthrie
Bartlett	Costa	Gutierrez
Barton (TX)	Costello	Hall (NY)
Bean	Courtney	Hall (TX)
Becerra	Crenshaw	Halvorson
Berkley	Critz	Hare
Berman	Crowley	Harman
Berry	Cuellar	Harper
Biggert	Culberson	Hastings (FL)
Bilbray	Cummings	Hastings (WA)
Bilirakis	Dahlkemper	Heinrich
Bishop (GA)	Davis (CA)	Heller
Bishop (NY)	Davis (IL)	Hensarling
Bishop (UT)	Davis (KY)	Herger
Blackburn	Davis (TN)	Herseth Sandlin
Blumenauer	DeFazio	Higgins
Blunt	DeGette	Himes
Boccieri	Delahunt	Hinchey
Boehner	DeLauro	Hinojosa
Bonner	Dent	Hirono
Bono Mack	Deutch	Holden
Boozman	Diaz-Balart, L.	Holt
Boren	Diaz-Balart, M.	Honda
Boswell	Dicks	Hoyer
Boucher	Dingell	Hunter
Boustany	Djou	Inslee
Boyd	Doggett	Israel
Brady (PA)	Donnelly (IN)	Issa
Brady (TX)	Doyle	Jackson (IL)
Braley (IA)	Dreier	Jackson Lee (TX)
Bright	Driehaus	Jenkins
Broun (GA)	Duncan	Johnson (GA)
Brown, Corrine	Edwards (MD)	Johnson (IL)
Brown-Waite, Ginny	Edwards (TX)	Johnson, E. B.
Buchanan	Ehlers	Johnson, Sam
Burgess	Ellison	Jones
Burton (IN)	Ellsworth	Jordan (OH)
Butterfield	Emerson	Kagen
Calvert	Engel	Kanjorski
Camp	Eshoo	Kaptur
Campbell	Etheridge	Kennedy
Cantor	Farr	Kildee
Cao	Fattah	Kilpatrick (MI)
Capito	Filner	Kilroy
Capps	Flake	Kind
Capuano	Fleming	King (IA)
Cardoza	Forbes	King (NY)
Carnahan	Fortenberry	Kingston
Carney	Foster	Kirkpatrick (AZ)
Carson (IN)	Foxx	Kissell
Carter	Frank (MA)	Klein (FL)
Cassidy	Franks (AZ)	Kline (MN)
Castle	Frelinghuysen	Kosmas
Castor (FL)	Fudge	Kratovil
Chaffetz	Gallegly	Kucinich
Lamborn	Garrett (NJ)	Lance
Langevin	Murphy, Tim	Scott (GA)
Larsen (WA)	Myrick	Scott (VA)
Larson (CT)	Nadler (NY)	Sensenbrenner
Latham	Napolitano	Serrano
LaTourette	Neal (MA)	Sessions
Latta	Neugebauer	Sestak
Lee (CA)	Nunes	Shadegg
Lee (NY)	Nye	Shea-Porter
Levin	Oberstar	Sherman
Lewis (CA)	Obey	Shimkus
Lewis (GA)	Olson	Shuler
Linder	Olver	Shuster
Lipinski	Ortiz	Simpson
LoBiondo	Owens	Sires
Loebsack	Pallone	Skelton
Lofgren, Zoe	Pascrell	Slaughter
Lowey	Pastor (AZ)	Smith (NE)
Lucas	Paul	Smith (NJ)
Luetkemeyer	Paulsen	Smith (TX)
Luján	Payne	Smith (WA)
Lummis	Pence	Snyder
Lungren, Daniel E.	Perlmutter	Space
Lynch	Perriello	Speier
Mack	Peters	Spratt
Maffei	Peterson	Stark
Maloney	Petri	Stearns
Manzullo	Pingree (ME)	Stupak
Marchant	Pitts	Sullivan
Markey (CO)	Poe (TX)	Sutton
Markey (MA)	Polis (CO)	Tanner
Marshall	Pomeroy	Taylor
Matsui	Posey	Teague
McCarthy (CA)	Price (NC)	Terry
McCarthy (NY)	Quigley	Thompson (CA)
McCaul	Radanovich	Thompson (MS)
McClintock	Rahall	Thompson (PA)
McCollum	Rangel	Thornberry
McCotter	Rehberg	Tiahrt
McDermott	Reichert	Tiberi
McGovern	Reyes	Tierney
McHenry	Richardson	Titus
McIntyre	Rodriguez	Tonko
McKeon	Roe (TN)	Towns
McMahon	Rogers (AL)	Tsongas
McMorris Rodgers	Rogers (KY)	Turner
McNerney	Rogers (MI)	Upton
Meek (FL)	Rohrabacher	Van Hollen
Melancon	Rooney	Velázquez
Mica	Ros-Lehtinen	Visclosky
Michaud	Ross	Walden
Miller (FL)	Rothman (NJ)	Walz
Miller (MI)	Roybal-Allard	Wasserman Schultz
Miller (NC)	Royce	Waters
Miller, Gary	Ruppersberger	Watson
Miller, George	Ryan (OH)	Watt
Minnick	Ryan (WI)	Waxman
Mitchell	Salazar	Weiner
Mollohan	Sánchez, Linda T.	Welch
Moore (KS)	Sanchez, Loretta	Westmoreland
Moore (WI)	Sarbanes	Whitfield
Moran (KS)	Scalise	Wilson (OH)
Moran (VA)	Schakowsky	Wilson (SC)
Murphy (CT)	Schauer	Wittman
Murphy (NY)	Schiff	Wolf
Murphy, Patrick	Schmidt	Woolsey
	Schock	Wu
	Schrader	Yarmuth
	Schwartz	Young (AK)

NOT VOTING—21

Barrett (SC)	Hill	Platts
Brown (SC)	Hodes	Price (GA)
Buyer	Hoekstra	Putnam
Davis (AL)	Inglis	Roskam
Fallin	Kirk	Rush
Garamendi	Matheson	Wamp
Griffith	Meeks (NY)	Young (FL)

□ 1217

Mr. CLEAVER changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH

The SPEAKER pro tempore (Ms. MCCOLLUM). The unfinished business is

the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1434) recognizing National Homeownership Month and the importance of homeownership in the United States, 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 Florida (Ms. KOSMAS) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 6, not voting 21, as follows:

[Roll No. 380]

YEAS—405

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
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
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
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 (KY)
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
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
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
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
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)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
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)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
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
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—6

Broun (GA)
Brown-Waite, Ginny
Flake
Graves (GA)
McClintock
Paul

NOT VOTING—21

Baird
Barrett (SC)
Brown (SC)
Buyer
Davis (AL)
Fallin
Garamendi
Griffith
Hill
Hodes
Hoekstra
Inglis
Johnson (GA)
Kirk
Matheson
McCarthy (CA)
Platts
Putnam
Schiff
Wamp
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1227

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1369) recognizing the significance of National Caribbean-American Heritage Month.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution.

The question was taken.

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

Ms. MATSUI. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 22, as follows:

[Roll No. 381]

YEAS—410

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
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
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
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 (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
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
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inslee

Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
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
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
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
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
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)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
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
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—22

Baird
Barrett (SC)
Brown (SC)
Buyer
Davis (AL)
Dicks
Fallin
Griffith
Hodes
Hoekstra
Inglis
Kirk
Matheson
McCarthy (CA)
Olson
Olver
Platts
Putnam
Schiff
Tiahrt
Wamp
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining.

□ 1234

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SCHIFF. Madam Speaker, on rollcall Nos. 380 and 381, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. PUTNAM. Madam Speaker, on Tuesday, June 22, 2010, and Wednesday, June 23, 2010, I was not present for six recorded votes. Had I been present, I would have voted the following way: Roll No. 376—"yea"; roll No. 377—"yea"; roll No. 378—"yea"; roll No. 379—"yea"; roll No. 380—"yea"; roll No. 381—"yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CALLING CARD CONSUMER PROTECTION ACT

Ms. MATSUI. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3993) to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3993

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Calling Card Consumer Protection Act''.

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions apply:

(1) The term ''Commission'' means the Federal Trade Commission.

(2) The term ''prepaid calling card'' has the meaning given the term ''prepaid calling card'' by section 64.5000(a) of the Federal Communications Commission's regulations (47 C.F.R. 64.5000(a)). Such term shall also include calling cards that use VoIP service or a successor protocol. Such term shall also include an electronic or other mechanism that allows users to pay in advance for a specified amount of calling. Such term shall not include—

(A) calling cards or other rights of use that are provided for free or at no additional cost as a promotional item accompanying a product or service purchased by a consumer;

(B) any card, device, or other right of use, the purchase of which establishes a customer-carrier relationship with a provider of wireless telecommunications service or wireless hybrid service, or that provides access to a wireless telecommunications service or wireless hybrid service account wherein the purchaser has a pre-existing relationship with the wireless service provider; or

(C) payphone service, as that term is defined in section 276(d) of the Communications Act of 1934 (47 U.S.C. 276(d)).

(3) The term ''prepaid calling card provider'' has the meaning given the term ''prepaid calling card provider'' by section 64.5000(b) of the Federal Communications Commission's regulations (47 C.F.R. 64.5000(b)). Such term shall also include—

(A) a provider of a prepaid calling card that uses VoIP service or a successor protocol; and

(B) a provider of a prepaid calling card that allows users to pay in advance for a specified amount of minutes through an electronic or other mechanism.

(4) The term ''prepaid calling card distributor'' means any entity or person that purchases prepaid calling cards from a prepaid calling card provider or another prepaid calling card distributor and sells, re-sells, issues, or distributes such cards to one or more distributors of such cards or to one or more retail sellers of such cards. Such term shall not include—

(A) any retail seller whose only activity with respect to the sale of prepaid calling cards is point-of-sale transactions with end-user customers; or

(B) any person whose only activity with respect to the sale of prepaid calling cards is the transport or delivery of such cards.

(5) The term ''wireless hybrid service'' is defined as a service that integrates both commercial mobile radio service (as defined by section 20.3 of the Federal Communications Commission's regulations (47 C.F.R. 20.3)) and VoIP service.

(6) The term ''VoIP service'' has the meaning given the term ''interconnected Voice over Internet protocol service'' by section 9.3 of the Federal Communications Commission's regulations (47 C.F.R. 9.3). Such term shall include any voice calling service that utilizes a voice over Internet protocol or any successor protocol in the transmission of the call.

(7) The term ''fees'' includes all charges, fees, taxes, or surcharges applicable to a prepaid calling card that are—

(A) required by Federal law or regulation or order of the Federal Communications Commission or by the laws and regulations of any State or political subdivision of a State; or

(B) expressly permitted to be assessed under Federal law or regulation or order of the Federal Communications Commission or under the laws and regulations of any State or political subdivision of a State.

(8) The term ''additional charge'' means any charge assessed by a prepaid calling card provider or prepaid calling card distributor for the use of a prepaid calling card, other than a fee or rate.

(9) The term ''international preferred destination'' means one or more specific international destinations named on a prepaid calling card or on the packaging material accompanying a prepaid calling card.

SEC. 3. REQUIRED DISCLOSURES OF PREPAID CALLING CARDS.

(a) REQUIRED DISCLOSURE.—Any prepaid calling card provider or prepaid calling card distributor shall accurately disclose the following information relating to the terms and conditions of the prepaid calling card:

(1) The name of the prepaid calling card provider and such provider's customer service telephone number and hours of service, except that the hours of service may not be

required to be disclosed if the provider's customer service is provided and available 24 hours a day, 7 days per week.

(2)(A) The number of domestic interstate minutes available from the prepaid calling card and the number of available minutes for all international preferred destinations served by the prepaid calling card at the time of purchase; or

(B) the dollar value of the prepaid calling card, the domestic interstate rate per minute provided by such card, and the applicable per minute rates for all international preferred destinations served by the prepaid calling card at the time of purchase.

(3)(A) The applicable per minute rate for all individual international destinations served by the card at the time of purchase; or

(B) a toll-free customer service number and website (if the provider maintains a website) where a consumer may obtain the information described in subparagraph (A) and a statement that such information may be obtained through such toll-free customer service number and website.

(4) The following terms and conditions pertaining to, or associated with, the use of the prepaid calling card:

(A) Any applicable fees associated with the use of the prepaid calling card.

(B) A description of any additional charges associated with the use of the prepaid calling card and the amount of such charges.

(C) Any limitation on the use or period of time for which the promoted or advertised minutes or rates will be available.

(D) A description of the applicable policies relating to refund, recharge, and any predetermined decrease in value of such card over a period of time.

(E) Any expiration date applicable to the prepaid calling card or the minutes available with such calling card.

(b) LOCATION OF DISCLOSURE AND LANGUAGE REQUIREMENT.—

(1) CLEAR AND CONSPICUOUS.—

(A) CARDS.—The disclosures required under subsection (a) shall be printed in plain English language (except as provided in paragraph (2)) in a clear and conspicuous manner and location on the prepaid calling card, except as the Commission may provide under paragraph (3). If the card is enclosed in packaging that obscures the disclosures on the card, such disclosures also shall be printed on the outside packaging of the card.

(B) ONLINE SERVICES.—In addition to the requirements under subparagraph (A), in the case of a prepaid calling card that consumers purchase via the Internet, the disclosures required under subsection (a) shall be displayed in plain English language (except as provided in paragraph (2)) in a clear and conspicuous manner and location on the Internet website that the consumer must access prior to purchasing such card.

(C) ADVERTISING AND OTHER PROMOTIONAL MATERIAL.—Any advertising or other promotional material for a prepaid calling card that contains any representation, expressly or by implication, regarding the dollar value, the per minute rate, or the number of minutes provided by the card shall include in a clear and conspicuous manner and location all the disclosures described in subsection (a), except as the Commission may provide under paragraph (3).

(2) FOREIGN LANGUAGES.—If a language other than English is prominently used on a prepaid calling card, its packaging, or in point-of-sale advertising, Internet advertising, or promotional material for such card, the disclosures required by this section shall be disclosed in that language on such card, packaging, advertisement, or promotional material.

(3) DIFFERENT LOCATION OF CERTAIN INFORMATION AS DETERMINED BY COMMISSION.—Notwithstanding the requirements of paragraph (1), the Commission may determine that some of the information required to be disclosed pursuant to subsection (a) does not need to be disclosed on the prepaid calling card, advertising, or other promotional material, if the Commission by regulation—

(A) requires the information to be otherwise disclosed and available to consumers; and

(B) determines that—

(i) such disclosures provide for easy comprehension and comparison by consumers; and

(ii) the remaining disclosures on the prepaid calling card, advertising, or other promotional material, include sufficient information to allow a consumer to effectively inquire about or seek clarification of the services provided by the calling card.

(c) MINUTES ANNOUNCED, PROMOTED, OR ADVERTISED THROUGH VOICE PROMPTS.—Any information provided to a consumer by any voice prompt given to the consumer at the time the consumer uses the prepaid calling card relating to the remaining value of the calling card or the number of minutes available from the calling card shall be accurate, taking into account the application of the fees and additional charges required to be disclosed under subsection (a).

(d) DISCLOSURES REQUIRED UPON PURCHASE OF ADDITIONAL MINUTES.—If a prepaid calling card permits a consumer to add value to the card or purchase additional minutes after the original purchase of the prepaid calling card, any changes to the rates or additional charges required to be disclosed under subsection (a) shall apply only to the additional minutes to be purchased and shall be disclosed clearly and conspicuously to the consumer before the completion of such purchase.

(e) NO FALSE, MISLEADING, OR DECEPTIVE DISCLOSURES.—No prepaid calling card, packaging, advertisement, or other promotional material containing a disclosure required pursuant to this section shall contain any false, misleading, or deceptive representations relating to the terms and conditions of the prepaid calling card.

SEC. 4. FEDERAL TRADE COMMISSION AUTHORITY.

(a) UNFAIR AND DECEPTIVE ACT OR PRACTICE.—A violation of section 3 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) AUTHORITY OF THE COMMISSION.—The Commission shall enforce this Act in the same manner and by the same means as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act. Notwithstanding any provision of the Federal Trade Commission Act or any other provision of law, common carriers subject to the Communications Act of 1934 (47 U.S.C. 151 et seq.) and any amendment thereto shall be subject to the jurisdiction of the Commission for purposes of this Act.

(c) RULEMAKING AUTHORITY.—Not later than 1 year after the date of enactment of this Act, the Commission shall, in consultation with the Federal Communications Commission and in accordance with section 553 of title 5, United States Code, issue regulations to carry out this Act. In promulgating such regulations, the Commission shall—

(1) take into consideration the need for clear disclosures that provide for easy comprehension and comparison by consumers, taking into account the size of prepaid calling cards; and

(2) give due consideration to the views of the Federal Communications Commission with regard to matters for which that Commission has particular expertise and authority and shall take into consideration the views of States.

In promulgating such regulations, the Commission may prescribe requirements concerning the order, format, presentation, and design of disclosures required by this Act and may establish and require the use of uniform terms, symbols, or categories to describe or disclose fees and additional charges, if the Commission finds that such requirements will assist consumers in making purchasing decisions and effectuate the purposes of this Act. The Commission shall not issue regulations that otherwise specify the rates, terms, and conditions of prepaid calling cards.

(d) SAVINGS PROVISION.—Nothing in this Act shall be construed to limit the authority of the Commission under any other provision of law. Except to the extent expressly provided in this Act, nothing in this Act shall be construed to alter or affect the exemption for common carriers provided by section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)). Nothing in this Act is intended to limit the authority of the Federal Communications Commission.

(e) COORDINATION.—If the Federal Communications Commission initiates a rulemaking proceeding to establish requirements relating to the disclosure of terms and conditions of prepaid calling cards, the Federal Communications Commission shall coordinate with the Federal Trade Commission to ensure that any such requirements are not inconsistent with the requirements of this Act and the regulations issued under subsection (c).

SEC. 5. STATE ENFORCEMENT.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State, a State utility commission, or other consumer protection agency has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this Act, the State utility commission or other consumer protection agency, if authorized by State law, or the State, as parens patriae, may bring a civil action on behalf of the residents of that State in an appropriate district court of the United States or any other court of competent jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with this Act;

(C) obtain damages, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) NOTICE TO THE COMMISSION.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the State shall provide to the Commission—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by a State under this subsection, if the attorney general or other appropriate officer determines that it is not feasible to provide the notice described in that subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the State shall provide notice and a copy of the complaint to the Commission at the same time as the State files the action.

(b) INTERVENTION BY COMMISSION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action;

(B) to remove the action to the appropriate United States District Court; and

(C) to file a petition for appeal.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall be construed to prevent an attorney general of a State, a State utility commission, or other consumer protection agency authorized by State law from exercising the powers conferred on the attorney general or other appropriate official by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations;

(3) compel the attendance of witnesses or the production of documentary and other evidence; or

(4) enforce any State law.

(d) ACTION BY THE COMMISSION MAY PRECLUDE STATE ACTION.—In any case in which an action is instituted by or on behalf of the Commission for violation of this Act, or any regulation issued under this Act, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of this Act or regulation.

SEC. 6. APPLICATION.

This Act shall apply to—

(1) any prepaid calling card issued or placed into the stream of commerce beginning 180 days after the date on which final regulations are promulgated pursuant to section 4(c); and

(2) any advertising, promotion, point-of-sale material or voice prompt regarding a prepaid calling card that is disseminated beginning 180 days after the date on which final regulations are promulgated pursuant to section 4(c).

SEC. 7. EFFECT ON STATE LAWS.

After the date on which final regulations are promulgated pursuant to section 4(c), no State or political subdivision of a State may establish or continue in effect any provision of law that contains requirements regarding disclosures to be printed on prepaid calling cards or packaging unless such requirements are identical to the requirements of section 3.

SEC. 8. STUDIES.

(a) GAO STUDY.—Beginning 2 years after the date on which final regulations are promulgated pursuant to section 4(c), the Comptroller General shall conduct a study of the effectiveness of this Act and the disclosures required under this Act and shall submit a report of such study to Congress not later than 3 years after the date of enactment of this Act.

(b) FTC STUDY.—The Commission shall, in consultation with the Federal Communications Commission, conduct a study of the extent to which the business practices of the prepaid calling card industry intended to be addressed by this Act exist in the prepaid wireless industry and shall submit a report of such study, including recommendations, if any, to Congress not later than 3 years after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. MATSUI) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. MATSUI. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

Ms. MATSUI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 3993, the Calling Card Consumer Protection Act. I want to thank Mr. ENGEL for introducing this important piece of legislation, and Chairmen WAXMAN and RUSH for their leadership in guiding the bill through the committee.

I am pleased that the House is taking up this important bipartisan measure which will prevent fraud and abuse in the prepaid calling card industry. The bill was voice-voted out of the Energy and Commerce Committee.

American consumers spend billions of dollars on prepaid calling cards. These cards are generally marketed to a particular group of consumers, including immigrants, college students, seniors, and military personnel. Unfortunately, the prepaid calling card market is rife with fraudulent and deceptive practices. Many prepaid calling cards fail to deliver the full number of advertised minutes. Cards often contain hidden charges, such as connection fees, maintenance fees, and disconnect fees, as well as inconsistent rates per minute.

In short, consumers often find that because of misleading information, inconsistent claims, and buried disclosures, they are left with an insufficient product with little or no recourse. To address these issues and protect American consumers, H.R. 3993 will require calling card providers and distributors to clearly and conspicuously disclose all relevant information so that consumers can make informed choices.

□ 1240

These disclosures would include critical information such as contact information for the provider, the number of minutes available or the dollar value of the card.

Importantly, H.R. 3993 would mean the end of hidden fees in the prepaid calling card market. Entities would be required to disclose all fees, charges, limitations, changes in value, or other terms that impact the use of the card.

Consumers who purchase prepaid calling cards should get what they pay for. If they don't, consumers should have recourse, and bad actors should face tough enforcement.

I urge my colleagues to support H.R. 3993, and I reserve the balance of my time.

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

Madam Speaker, I rise today in support of H.R. 3993, the Calling Card Consumer Protection Act. We have a lot of students and military personnel around this country who depend on prepaid calling cards. Unfortunately, we have discovered that the majority of prepaid cards only deliver 50 to 60 percent of the minutes advertised. While a private enterprise certainly has the right to shape its business model as it sees fit, it does not have the right to misinform and to mistreat customers with exorbitant hang-up fees and maintenance fees, and as I said, many people who have prepaid cards simply do not know what they actually provide them.

That is why H.R. 3993 is so important. It is going to go a long way toward preventing these occurrences in the future. This legislation will ensure that consumers are better informed by requiring an accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services.

Under the bill, prepaid calling card providers would have to clearly disclose how many minutes they offer and the prices for those minutes. They would also have to clearly disclose any additional fees levied on the consumer as well as the card's expiration date and other relevant information.

I want to especially thank my colleagues on the other side of the aisle—and certainly Mr. ENGEL, who introduced this bill—for working so closely with the minority on this important issue. Because of our working together, we have a bill that, I believe, helps consumers without unduly hampering the industry. This legislation includes commonsense preemption standards, liability exemptions for retailers, which is very important, and, of course, strong protections for the consumer.

I would urge all of my colleagues to support this important legislation, and I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL), the sponsor of this bill.

Mr. ENGEL. I thank the gentlewoman from California, my good friend, Congresswoman MATSUI, and I thank the gentleman, Mr. WHITFIELD, for his kind remarks.

Madam Speaker, I stand here in support of my legislation, H.R. 3993, the Calling Card Consumer Protection Act.

I want to thank my good friends Chairman WAXMAN, who is the chairman of our Energy and Commerce Committee; BOBBY RUSH, who is the chairman of the Consumer Protection Subcommittee; as well as JOE BARTON and GEORGE RADANOVICH, who are the ranking members of the full committee and subcommittee.

As my colleagues have mentioned, calling cards are an invaluable resource for a number of people who make frequent long distance or overseas calls. Students, members of the Armed Forces, and those whose families live outside of the country regularly use these cards to call home. The cards are also popular among people who either choose not to subscribe to long distance telephone services or who cannot afford them. They are a necessary tool for keeping in touch with

friends or with family members. Calling cards that provide the services that the companies advertise can save consumers a great deal of money when they call home.

Unfortunately, as my colleagues have mentioned, as we see all too often, a number of unscrupulous companies are failing to keep their advertised terms. I first learned of this issue about 3 years ago when I heard from a number of constituents who said that their prepaid calling cards were not delivering the number of minutes that they advertised. In fact, many were not even close to delivering the promised number of minutes.

When I heard about these problems, I purchased a calling card to investigate the problem for myself. What shocked me—although, it should come as no surprise to anybody now—is that I found the exact same problems my constituents were having. One of those companies promised me a certain number of minutes, and I found that it was a complete fabrication. I did not receive even close to the number of minutes that the card advertised. This is when I decided to introduce my legislation to ban this practice.

I have read studies conducted by States' attorneys general as well as by independent groups showing that many calling cards provide far fewer minutes than are advertised. One study by the Hispanic Institute found, on average, that the caller only received about 60 percent of the minutes guaranteed by the card. I recently read that the prepaid calling card industry takes in $4 billion a year in revenue. If the cards are only providing 60 percent of the minutes, each one of us can do the math.

This deception is costing consumers and honest companies hundreds of millions of dollars every year. Calling card fraud harms segments of the population which are among the most vulnerable to being victimized by unscrupulous companies only seeking to make quick profits. Companies will target poor, minority, and immigrant populations, and they don't stop there. They have even preyed upon our soldiers in Iraq and Afghanistan. This is unconscionable.

As was mentioned, there are so many ways that they use fraudulent terms. There are different fees. If you call and don't get anyone home, there is a fee. If you call and someone hangs up, there is a fee. There are all kinds of hidden fees in terms of what time you can call and what day you can call. It just gets ridiculous.

In an article in BusinessWeek magazine, the author detailed one example of a company that marketed toward Spanish-speaking consumers. It had packaging with Spanish language information, but the fine print that detailed all the various fees they would charge the user was in English. When confronted about this deception, the company simply said, ''We're in America.'' They had the audacity to claim that, even when they put Spanish language advertisements in markets with Spanish-speaking consumers, they could hide all of their fees in English.

This legislation will put a stop to a number of deceptive practices employed by unscrupulous companies. It would simply require calling cards and advertisements to include the clear disclosure of all terms, conditions, and fees in the language in which the calling card is advertised. Just like the nutrition information on a box of cereal, consumers should be able to quickly and easily compare two products side by side.

I would strongly encourage all Members to support this bipartisan and, as Mr. WHITFIELD pointed out, well-thought-out legislation. I thank everyone for marking up this legislation today.

Mr. WHITFIELD. Madam Speaker, this issue is so important that I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I won't take 2 minutes, Madam Speaker.

I would just like to say that my colleague who just spoke, Mr. ENGEL, and I became aware of this some time ago when one of the people we know, who is in this business, brought to our attention the way some of these companies have been so unscrupulous in bilking the public out of the minutes that they pay for.

I am very happy that Congressman ENGEL has introduced this bill. Though, I only wish I'd known about it because I certainly would have wanted to have been a cosponsor on it. You may rest assured that I will support it, and I hope that all of my colleagues will because it is unconscionable that the American people would buy something like this, especially military personnel, knowing that they are going to be able to call their loved ones, then to find out that they've been shortchanged. It's almost a criminal act. I think we ought to look down the road. If this is being done intentionally by these calling card companies, there possibly ought to be some prosecutions that take place.

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

Ms. MATSUI. Madam Speaker, H.R. 3993 will protect consumers from faulty and deceptive calling cards.

Again, I want to thank my colleague, Representative ENGEL, for his work on this legislation.

This bill is bipartisan, and I urge my colleagues to support this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. MATSUI) that the House suspend the rules and pass the bill, H.R. 3993, as amended.

The question was taken.

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

Ms. MATSUI. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1250

FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS ACT

Ms. MATSUI. Madam Speaker, I move to suspend the rules and pass the bill (S. 1660) to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1660

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Formaldehyde Standards for Composite Wood Products Act''.

SEC. 2. FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS.

(a) AMENDMENT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

''TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS

''SEC. 601. FORMALDEHYDE STANDARDS.

''(a) DEFINITIONS.—In this section:

''(1) FINISHED GOOD.—

''(A) IN GENERAL.—The term 'finished good' means any good or product (other than a panel) containing—

''(i) hardwood plywood;

''(ii) particleboard; or

''(iii) medium-density fiberboard.

''(B) EXCLUSIONS.—The term 'finished good' does not include—

''(i) any component part or other part used in the assembly of a finished good; or

''(ii) any finished good that has previously been sold or supplied to an individual or entity that purchased or acquired the finished good in good faith for purposes other than resale, such as—

''(I) an antique; or

''(II) secondhand furniture.

''(2) HARDBOARD.—The term 'hardboard' has such meaning as the Administrator shall establish, by regulation, pursuant to subsection (d).

''(3) HARDWOOD PLYWOOD.—

''(A) IN GENERAL.—The term 'hardwood plywood' means a hardwood or decorative panel that is—

''(i) intended for interior use; and

''(ii) composed of (as determined under the standard numbered ANSI/HPVA HP–1–2009) an assembly of layers or plies of veneer, joined by an adhesive with—

''(I) lumber core;

''(II) particleboard core;

''(III) medium-density fiberboard core;

''(IV) hardboard core; or

''(V) any other special core or special back material.

''(B) EXCLUSIONS.—The term 'hardwood plywood' does not include—

''(i) military-specified plywood;

''(ii) curved plywood; or

''(iii) any other product specified in—

''(I) the standard entitled 'Voluntary Product Standard—Structural Plywood' and numbered PS 1–07; or

''(II) the standard entitled 'Voluntary Product Standard—Performance Standard

for Wood-Based Structural-Use Panels' and numbered PS 2–04.

''(C) LAMINATED PRODUCTS.—

''(i) RULEMAKING.—

''(I) IN GENERAL.—The Administrator shall conduct a rulemaking process pursuant to subsection (d) that uses all available and relevant information from State authorities, industry, and other available sources of such information, and analyzes that information to determine, at the discretion of the Administrator, whether the definition of the term 'hardwood plywood' should exempt engineered veneer or any laminated product.

''(II) MODIFICATION.—The Administrator may modify any aspect of the definition contained in clause (ii) before including that definition in the regulations promulgated pursuant to subclause (I).

''(ii) LAMINATED PRODUCT.—The term 'laminated product' means a product—

''(I) in which a wood veneer is affixed to—

''(aa) a particleboard platform;

''(bb) a medium-density fiberboard platform; or

''(cc) a veneer-core platform; and

''(II) that is—

''(aa) a component part;

''(bb) used in the construction or assembly of a finished good; and

''(cc) produced by the manufacturer or fabricator of the finished good in which the product is incorporated.

''(4) MANUFACTURED HOME.—The term 'manufactured home' has the meaning given the term in section 3280.2 of title 24, Code of Federal Regulations (as in effect on the date of promulgation of regulations pursuant to subsection (d)).

''(5) MEDIUM-DENSITY FIBERBOARD.—The term 'medium-density fiberboard' means a panel composed of cellulosic fibers made by dry forming and pressing a resinated fiber mat (as determined under the standard numbered ANSI A208.2–2009).

''(6) MODULAR HOME.—The term 'modular home' means a home that is constructed in a factory in 1 or more modules—

''(A) each of which meet applicable State and local building codes of the area in which the home will be located; and

''(B) that are transported to the home building site, installed on foundations, and completed.

''(7) NO-ADDED FORMALDEHYDE-BASED RESIN.—

''(A) IN GENERAL.—(i) The term 'no-added formaldehyde-based resin' means a resin formulated with no added formaldehyde as part of the resin cross-linking structure in a composite wood product that meets the emission standards in subparagraph (C) as measured by—

''(I) one test conducted pursuant to test method ASTM E–1333–96 (2002) or, subject to clause (ii), ASTM D–6007–02; and

''(II) 3 months of routine quality control tests pursuant to ASTM D–6007–02 or ASTM D–5582 or such other routine quality control test methods as may be established by the Administrator through rulemaking.

''(ii) Test results obtained under clause (i)(I) or (II) by any test method other than ASTM E–1333–96 (2002) must include a showing of equivalence by means established by the Administrator through rulemaking.

''(B) INCLUSIONS.—The term 'no-added formaldehyde-based resin' may include any resin made from—

''(i) soy;

''(ii) polyvinyl acetate; or

''(iii) methylene diisocyanate.

''(C) EMISSION STANDARDS.—The following are the emission standards for composite wood products made with no-added formaldehyde-based resins under this paragraph:

''(i) No higher than 0.04 parts per million of formaldehyde for 90 percent of the 3 months of routine quality control testing data required under subparagraph (A)(ii).

''(ii) No test result higher than 0.05 parts per million of formaldehyde for hardwood plywood and 0.06 parts per million for particleboard, medium-density fiberboard, and thin medium-density fiberboard.

''(8) PARTICLEBOARD.—

''(A) IN GENERAL.—The term 'particleboard' means a panel composed of cellulosic material in the form of discrete particles (as distinguished from fibers, flakes, or strands) that are pressed together with resin (as determined under the standard numbered ANSI A208.1–2009).

''(B) EXCLUSIONS.—The term 'particleboard' does not include any product specified in the standard entitled 'Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels' and numbered PS 2–04.

''(9) RECREATIONAL VEHICLE.—The term 'recreational vehicle' has the meaning given the term in section 3282.8 of title 24, Code of Federal Regulations (as in effect on the date of promulgation of regulations pursuant to subsection (d)).

''(10) ULTRA LOW-EMITTING FORMALDEHYDE RESIN.—

''(A) IN GENERAL.—(i) The term 'ultra low-emitting formaldehyde resin' means a resin in a composite wood product that meets the emission standards in subparagraph (C) as measured by—

''(I) 2 quarterly tests conducted pursuant to test method ASTM E–1333–96 (2002) or, subject to clause (ii), ASTM D–6007–02; and

''(II) 6 months of routine quality control tests pursuant to ASTM D–6007–02 or ASTM D–5582 or such other routine quality control test methods as may be established by the Administrator through rulemaking.

''(ii) Test results obtained under clause (i)(I) or (II) by any test method other than ASTM E–1333–96 (2002) must include a showing of equivalence by means established by the Administrator through rulemaking.

''(B) INCLUSIONS.—The term 'ultra low-emitting formaldehyde resin' may include—

''(i) melamine-urea-formaldehyde resin;

''(ii) phenol formaldehyde resin; and

''(iii) resorcinol formaldehyde resin.

''(C) EMISSION STANDARDS.—

''(i) The Administrator may, pursuant to regulations issued under subsection (d), reduce the testing requirements for a manufacturer only if its product made with ultra low-emitting formaldehyde resin meets the following emission standards:

''(I) For hardwood plywood, no higher than 0.05 parts per million of formaldehyde.

''(II) For medium-density fiberboard—

''(aa) no higher than 0.06 parts per million of formaldehyde for 90 percent of 6 months of routine quality control testing data required under subparagraph (A)(ii); and

''(bb) no test result higher than 0.09 parts per million of formaldehyde.

''(III) For particleboard—

''(aa) no higher than 0.05 parts per million of formaldehyde for 90 percent of 6 months of routine quality control testing data required under subparagraph (A)(ii); and

''(bb) no test result higher than 0.08 parts per million of formaldehyde.

''(IV) For thin medium-density fiberboard—

''(aa) no higher than 0.08 parts per million of formaldehyde for 90 percent of 6 months of routine quality control testing data required under subparagraph (A)(ii); and

''(bb) no test result higher than 0.11 parts per million of formaldehyde.

''(ii) The Administrator may not, pursuant to regulations issued under subsection (d), exempt a manufacturer from third party certification requirements unless its product made with ultra low-emitting formaldehyde resin meets the following emission standards:

''(I) No higher than 0.04 parts per million of formaldehyde for 90 percent of 6 months of routine quality control testing data required under subparagraph (A)(ii).

''(II) No test result higher than 0.05 parts per million of formaldehyde for hardwood plywood and 0.06 parts per million for particleboard, medium-density fiberboard, and thin medium-density fiberboard.

''(b) REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in an applicable sell-through regulation promulgated pursuant to subsection (d), effective beginning on the date that is 180 days after the date of promulgation of those regulations, the emission standards described in paragraph (2), shall apply to hardwood plywood, medium-density fiberboard, and particleboard sold, supplied, offered for sale, or manufactured in the United States.

''(2) EMISSION STANDARDS.—The emission standards referred to in paragraph (1), based on test method ASTM E–1333–96 (2002), are as follows:

''(A) For hardwood plywood with a veneer core, 0.05 parts per million of formaldehyde.

''(B) For hardwood plywood with a composite core—

''(i) 0.08 parts per million of formaldehyde for any period after the effective date described in paragraph (1) and before July 1, 2012; and

''(ii) 0.05 parts per million of formaldehyde, effective on the later of the effective date described in paragraph (1) or July 1, 2012.

''(C) For medium-density fiberboard—

''(i) 0.21 parts per million of formaldehyde for any period after the effective date described in paragraph (1) and before July 1, 2011; and

''(ii) 0.11 parts per million of formaldehyde, effective on the later of the effective date described in paragraph (1) or July 1, 2011.

''(D) For thin medium-density fiberboard—

''(i) 0.21 parts per million of formaldehyde for any period after the effective date described in paragraph (1) and before July 1, 2012; and

''(ii) 0.13 parts per million of formaldehyde, effective on the later of the effective date described in paragraph (1) or July 1, 2012.

''(E) For particleboard—

''(i) 0.18 parts per million of formaldehyde for any period after the effective date described in paragraph (1) and before July 1, 2011; and

''(ii) 0.09 parts per million of formaldehyde, effective on the later of the effective date described in paragraph (1) or July 1, 2011.

''(3) COMPLIANCE WITH EMISSION STANDARDS.—(A) Compliance with the emission standards described in paragraph (2) shall be measured by—

''(i) quarterly tests shall be conducted pursuant to test method ASTM E–1333–96 (2002) or, subject to subparagraph (B), ASTM D–6007–02; and

''(ii) quality control tests shall be conducted pursuant to ASTM D–6007–02, ASTM D–5582, or such other test methods as may be established by the Administrator through rulemaking.

''(B) Test results obtained under subparagraph (A)(i) or (ii) by any test method other than ASTM E–1333–96 (2002) must include a showing of equivalence by means established by the Administrator through rulemaking.

''(C) Except where otherwise specified, the Administrator shall establish through rulemaking the number and frequency of tests required to demonstrate compliance with the emission standards.

''(4) APPLICABILITY.—The formaldehyde emission standard referred to in paragraph

(1) shall apply regardless of whether an applicable hardwood plywood, medium-density fiberboard, or particleboard is—

''(A) in the form of an unfinished panel; or

''(B) incorporated into a finished good.

''(c) EXEMPTIONS.—The formaldehyde emission standard referred to in subsection (b)(1) shall not apply to—

''(1) hardboard;

''(2) structural plywood, as specified in the standard entitled 'Voluntary Product Standard—Structural Plywood' and numbered PS 1–07;

''(3) structural panels, as specified in the standard entitled 'Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels' and numbered PS 2–04;

''(4) structural composite lumber, as specified in the standard entitled 'Standard Specification for Evaluation of Structural Composite Lumber Products' and numbered ASTM D 5456–06;

''(5) oriented strand board;

''(6) glued laminated lumber, as specified in the standard entitled 'Structural Glued Laminated Timber' and numbered ANSI A190.1–2002;

''(7) prefabricated wood I-joists, as specified in the standard entitled 'Standard Specification for Establishing and Monitoring Structural Capacities of Prefabricated Wood I-Joists' and numbered ASTM D 5055–05;

''(8) finger-jointed lumber;

''(9) wood packaging (including pallets, crates, spools, and dunnage);

''(10) composite wood products used inside a new—

''(A) vehicle (other than a recreational vehicle) constructed entirely from new parts that has never been—

''(i) the subject of a retail sale; or

''(ii) registered with the appropriate State agency or authority responsible for motor vehicles or with any foreign state, province, or country;

''(B) rail car;

''(C) boat;

''(D) aerospace craft; or

''(E) aircraft;

''(11) windows that contain composite wood products, if the window product contains less than 5 percent by volume of hardwood plywood, particleboard, or medium-density fiberboard, combined, in relation to the total volume of the finished window product; or

''(12) exterior doors and garage doors that contain composite wood products, if—

''(A) the doors are made from composite wood products manufactured with no-added formaldehyde-based resins or ultra low-emitting formaldehyde resins; or

''(B) the doors contain less than 3 percent by volume of hardwood plywood, particleboard, or medium-density fiberboard, combined, in relation to the total volume of the finished exterior door or garage door.

''(d) REGULATIONS.—

''(1) IN GENERAL.—Not later than January 1, 2013, the Administrator shall promulgate regulations to implement the standards required under subsection (b) in a manner that ensures compliance with the emission standards described in subsection (b)(2).

''(2) INCLUSIONS.—The regulations promulgated pursuant to paragraph (1) shall include provisions relating to—

''(A) labeling;

''(B) chain of custody requirements;

''(C) sell-through provisions;

''(D) ultra low-emitting formaldehyde resins;

''(E) no-added formaldehyde-based resins;

''(F) finished goods;

''(G) third-party testing and certification;

''(H) auditing and reporting of third-party certifiers;

''(I) recordkeeping;

''(J) enforcement;

''(K) laminated products; and

''(L) exceptions from the requirements of regulations promulgated pursuant to this subsection for products and components containing de minimis amounts of composite wood products.

The Administrator shall not provide under subparagraph (L) exceptions to the formaldehyde emission standard requirements in subsection (b).

''(3) SELL-THROUGH PROVISIONS.—

''(A) IN GENERAL.—Sell-through provisions established by the Administrator under this subsection, with respect to composite wood products and finished goods containing regulated composite wood products (including recreational vehicles, manufactured homes, and modular homes), shall—

''(i) be based on a designated date of manufacture (which shall be no earlier than the date 180 days following the promulgation of the regulations pursuant to this subsection) of the composite wood product or finished good, rather than date of sale of the composite wood product or finished good; and

''(ii) provide that any inventory of composite wood products or finished goods containing regulated composite wood products, manufactured before the designated date of manufacture of the composite wood products or finished goods, shall not be subject to the formaldehyde emission standard requirements under subsection (b)(1).

''(B) IMPLEMENTING REGULATIONS.—The regulations promulgated under this subsection shall—

''(i) prohibit the stockpiling of inventory to be sold after the designated date of manufacture; and

''(ii) not require any labeling or testing of composite wood products or finished goods containing regulated composite wood products manufactured before the designated date of manufacture.

''(C) DEFINITION.—For purposes of this paragraph, the term 'stockpiling' means manufacturing or purchasing a composite wood product or finished good containing a regulated composite wood product between the date of enactment of the Formaldehyde Standards for Composite Wood Products Act and the date 180 days following the promulgation of the regulations pursuant to this subsection at a rate which is significantly greater (as determined by the Administrator) than the rate at which such product or good was manufactured or purchased during a base period (as determined by the Administrator) ending before the date of enactment of the Formaldehyde Standards for Composite Wood Products Act.

''(4) IMPORT REGULATIONS.—Not later than July 1, 2013, the Administrator, in coordination with the Commissioner of Customs and Border Protection and other appropriate Federal departments and agencies, shall revise regulations promulgated pursuant to section 13 as the Administrator determines to be necessary to ensure compliance with this section.

''(5) SUCCESSOR STANDARDS AND TEST METHODS.—The Administrator may, after public notice and opportunity for comment, substitute an industry standard or test method referenced in this section with its successor version.

''(e) PROHIBITED ACTS.—An individual or entity that violates any requirement under this section (including any regulation promulgated pursuant to subsection (d)) shall be considered to have committed a prohibited act under section 15.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended by adding at the end the following:

''TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS

''Sec. 601. Formaldehyde standards.''.

SEC. 3. REPORTS TO CONGRESS.

Not later than one year after the date of enactment of this Act, and annually thereafter through December 31, 2014, the Administrator of the Environmental Protection Agency shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing, with respect to the preceding year—

(1) the status of the measures carried out or planned to be carried out pursuant to title VI of the Toxic Substances Control Act; and

(2) the extent to which relevant industries have achieved compliance with the requirements under that title.

SEC. 4. MODIFICATION OF REGULATION.

Not later than 180 days after the date of promulgation of regulations pursuant to section 601(d) of the Toxic Substances Control Act (as amended by section 2), the Secretary of Housing and Urban Development shall update the regulation contained in section 3280.308 of title 24, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that the regulation reflects the standards established by section 601 of the Toxic Substances Control Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. MATSUI) and the gentleman from California (Mr. RADANOVICH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. MATSUI. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

Ms. MATSUI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of S. 1660, the Formaldehyde Standards for Composite Wood Products Act. I want to thank Senators KLOBUCHAR and CRAPO for their leadership in guiding this bill through the Senate.

Madam Speaker, this is a truly bipartisan bill, with 10 out of the 19 Senate cosponsors being Republican Senators, including ISAKSON of Georgia, Senators CORKER and ALEXANDER from Tennessee, Senator VITTER from Louisiana, and Senator COCHRAN of Mississippi, just to name a few. Just last week, this legislation was unanimously approved by the Senate. I, along with Representative VERN EHLERS, introduced the House companion, H.R. 4805.

I want to thank Chairmen WAXMAN and RUSH for their leadership in guiding H.R. 4805 through the Energy and Commerce Committee, which was reported out in a bipartisan manner by a vote of 27–10 on May 26. During the committee debate on this legislation we worked collaboratively with the minority to address the vast majority of

the concerns initially raised by CTCP Subcommittee Ranking Member WHITFIELD and Representatives GINGREY and SCALISE. And I thank them for their support during the full committee's consideration. Those changes are included in this legislation that we are considering today.

On the issue of labeling, we expect that EPA will take steps to ensure that consumers are able to make informed purchases. At the same time, it is not our intention to require labeling that is more burdensome than what is already required in California.

Madam Speaker, the bill is a result of months of hard work; and we have a strong bipartisan, bicameral measure that is widely supported by a diverse coalition comprised of industries, public health advocates, environmental groups, and others. Groups that have publicly endorsed this legislation include the American Forest and Paper Association; the Engineered Wood Association; the Composite Panel Association; American Home Furnishings Association; Business and Institutional Furniture Manufacturers Association; Kitchen Cabinet Manufacturers Association; the Sierra Club; the United Steelworkers of America; the American Public Health Association; the Retail Industry Leaders Association; and others.

I am pleased that the House is taking up this important bipartisan measure today. The bill would direct that EPA establish one national standard for formaldehyde in domestic and imported composite wood products. As we all know, the emissions of formaldehyde, which is a harmful chemical widely used in a variety of composite wood product applications, are known to have adverse effects on human health and resulted in cases of toxicity for those storm victims provided FEMA trailers following Hurricane Katrina.

Formaldehyde emissions from composite wood are largely the result of cheap foreign products that enter the U.S. marketplace at much lower cost, which places U.S. manufacturers at a competitive disadvantage. This legislation will level the playing field for our domestic manufacturers by creating one national standard on formaldehyde emissions for both our domestic industry and foreign manufacturers to follow.

Simply put, we must ensure that faulty foreign wood products do not enter the U.S. market anymore. In doing so, this bill will protect and create American jobs, boost the competitiveness of our domestic manufacturing sector, and ensure that American consumers are not exposed to faulty foreign products with high formaldehyde emissions.

In closing, I would like to thank Chairman WAXMAN's staff, particularly Robin Appleberry for her hard work and effort in working in a bipartisan manner with my office and with the minority staff of the Energy and Commerce Committee to ensure that the legislation will protect consumers as well as our U.S. domestic manufacturing industries. I urge my colleagues to support this legislation.

I reserve the balance of my time.

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

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

Mr. RADANOVICH. Madam Speaker, H.R. 4805, the Formaldehyde Standards for Composite Wood Products Act, would set Federal formaldehyde emission standards for composite wood products based on the standards recently set by the State of California. Excessive exposure to formaldehyde can cause health problems, and health risks imposed by formaldehyde may indeed warrant a Federal emission standard for composite wood products. Although this bill has improved in several important respects since it was introduced, it still has a number of deficiencies that outweigh its benefits. Therefore, I urge all Members to vote against the bill.

Before summarizing the bill's principal deficiencies, let me note some of the changes that we were able to make on the Energy and Commerce Committee. The bill before the House today provides greater clarity regarding the actual emission standards that the EPA must promulgate and mandates ''sell-through'' provisions that ensure fair treatment for merchants seeking to sell inventory manufactured before the emission standards take effect.

Despite these improvements, the bill suffers from at least four critical deficiencies. First, the proponents of the bill failed to demonstrate that the emission standards themselves are reflective of the most recent scientific study and understanding. Second, the bill sets forth a theoretical national standard because it does not preempt State and local regulation. Third, the bill requires EPA to promulgate the standards without making a determination that they are technically feasible and that compliance is not prohibitively expensive. Finally, the bill requires EPA to regulate consumer products even though the CPSC appears better qualified for this task.

I will now address each of these four deficiencies in more detail. Excessive exposure to formaldehyde can cause health problems, and we are not here to debate that point. I am concerned that this bill's stated emission standards do not reflect the levels science is telling us are necessary to prevent harm. Instead, I understand the bill relies on the increasingly outdated risk assessment conducted by the State of California in issuing its own regulations. Further, as explained and called into question by Dr. Mel Anderson in his expert testimony provided at the March 18, 2010, hearing before the Commerce, Trade, and Consumer Protection Subcommittee, the California standards are much more restrictive than necessary to protect consumers from cancer risks.

Further, assuming the health risks posed by formaldehyde in composite wood products warrant some type of Federal emission standard, the bill raises concerns because it does not preempt State regulation. The preemption provisions in section 18 of the Toxic Substances Control Act, or TSCA, would not apply to these standards. Nothing in the bill would preclude States from imposing more stringent and conflicting standards than those mandated by the bill. States could create a patchwork of differing laws and requirements, thereby frustrating the stated goal of creating a uniform national standard for formaldehyde emissions from composite wood products. In addition, the EPA is currently considering a regulation under TSCA addressing the same issues addressed by this bill. If the EPA completes its current rulemaking process, any resulting formaldehyde standard would preempt State regulation as provided in TSCA.

The bill would also require the EPA to issue the mandated emission standards regardless of whether they ultimately prove technically feasible and reasonably affordable. Congress lacks experience regarding the workability of these standards in the real word. We have learned through our experience with the Consumer Product Safety Improvement Act that we should be very careful about mandating standards based on industry segment's confidence that it can comply with them. We learned the hard way that well-meaning bills can lead to unemployment for small manufacturers, and we should not repeat that mistake, with almost 10 percent unemployment.

This bill does not provide the EPA with any discretion if one or more of these standards proves technically not feasible to meet or if the high cost of compliance with the standard would prevent any manufacturers from remaining in business. It doesn't make sense to impose a standard which has not been ''road tested'' and that industry potentially cannot meet.

□ 1300

Moreover, the bill would provide for EPA rulemaking and enforcement of the emissions standards under the Toxic Substances Control Act, TSCA, even though the CPSC would be in a better position to handle the program under the Federal Hazardous Substances Act. Under TSCA, the EPA regulates industrial chemicals and mixtures rather than consumer products, while the CPSC regulates unsafe consumer products under a different statutory framework.

Given that the bill addresses supposedly unsafe consumer products and provides for emissions standards as well as labeling and testing requirements, the CPSC arguably is better situated than the EPA to handle this. The CPSC's more extensive experience and

expertise on issues relating to consumer product safety, sell-through, labeling, and consumer product testing suggest that we should entrust this program to the CPSC instead of handing it off to EPA.

Had the above deficiencies been resolved more satisfactorily, this bill would more likely warrant passage. Unfortunately, I cannot support the bill in its current form and urge a ''no'' vote.

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

Ms. MATSUI. Madam Speaker, we can all agree that harmful formaldehyde emissions need to be addressed immediately. Formaldehyde emissions from composite woods are largely the result of cheap foreign products that enter the U.S. marketplace at much lower costs. These emissions have harmed far too many Americans, and their foreign sources have and continue to place our domestic manufacturing industries at a competitive disadvantage. This legislation will level the playing field for our domestic industries and protect the health of American consumers.

Madam Speaker, today we have a strong bipartisan, bicameral bill that will boost our domestic manufacturing industries, create jobs, and protect American consumers. This bill is strongly supported by a large number of industries, public health advocates, and environmental groups. Again, this legislation is bipartisan, and I urge my colleagues to support S. 1660, to make certain that faulty foreign wood products do not enter the U.S. market.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. MATSUI) that the House suspend the rules and pass the bill, S. 1660.

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

A motion to reconsider was laid on the table.

RECOGNIZING WORLD REFUGEE DAY

Ms. WATSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1350) recognizing June 20, 2010, as World Refugee Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1350

Whereas World Refugee Day was first observed on June 20, 2001;

Whereas tens of thousands of people around the world take time to recognize the challenges and applaud the contributions of forcibly displaced persons throughout the world;

Whereas the annual commemoration of World Refugee Day is marked by a variety of events in more than 100 countries, involving government officials, humanitarian workers and volunteers, celebrities, and the forcibly displaced;

Whereas refugees are people who have been forced to flee their countries due to a well-founded fear of persecution based on their political opinions, religious beliefs, race, nationality, or membership in a particular social group;

Whereas internally displaced persons are those who have fled their homes or been uprooted but remain within the borders of their country;

Whereas of the 42,000,000 displaced persons worldwide, the United Nations Refugee Agency assists over 25,000,000, including 10,000,000 refugees and more than 14,000,000 internally displaced persons;

Whereas these vulnerable individuals rely on the United States, other governments, the United Nations, and numerous nongovernmental relief agencies for the protection of their basic human rights;

Whereas Somali refugees have lived in camps in Kenya since the early 1990s;

Whereas Burmese refugees have lived in camps inside Thailand since the mid-1980s;

Whereas decades of violence in Afghanistan have produced almost 3,000,000 refugees;

Whereas decades of violence caused by extremist groups forced up to 400,000 Colombians to seek refuge in other countries and produced 3,000,000 internally displaced persons within Colombia;

Whereas more than 4,000,000 Iraqis are displaced within their country and in the region, including Chaldeans and other minorities;

Whereas more than 2,000,000 people have been displaced by conflict in the Democratic Republic of the Congo;

Whereas ongoing conflict and violence in Sudan have forced more than 1,000,000 people to become internally displaced within Sudan and another 250,000 to flee to Chad;

Whereas some 150,000 Sudanese have sought protection in other countries around the world;

Whereas North Korean refugees inside China face trafficking, sexual exploitation, and forcible repatriation back to North Korea where they are tortured, imprisoned, and severely punished;

Whereas 2010 marks the 30th anniversary of the Refugee Act of 1980, the cornerstone of the United States' system of refugee protection and assistance;

Whereas the United States continues to be the single largest refugee resettlement country in the world; and

Whereas the United States is the largest single donor to the Office of the United Nations High Commissioner for Refugees: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms the commitment of the United States to promote the safety, health, and well-being of the millions of refugees who flee war, famine, persecution, and torture in search of peace, nourishment, hope, and freedom;

(2) calls on the Department of State to continue to support the efforts of the United Nations High Commissioner for Refugees and to advance the work of nongovernmental organizations, especially those that also have expertise in resettlement, to protect refugees;

(3) calls on the United States Government to continue its international leadership role in response to those who have been displaced, including the most vulnerable populations who endure sexual violence, human trafficking, forced conscription, genocide, and exploitation;

(4) commends those who have risked their lives working individually and for the multitude of nongovernmental organizations, along with the United Nations High Commissioner for Refugees, who have provided life-saving assistance and helped protect those displaced by conflict around the world; and

(5) reaffirms the goals of World Refugee Day and reiterates the strong commitment to protect the millions of refugees who live without material, social, or legal protections.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. WATSON. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

I am grateful for the opportunity to speak today on H. Res. 1350, a resolution I introduced to recognize World Refugee Day as June 20, 2010. This special day, first marked in 2001, is held every year on June 20. Tens of thousands of people around the world take time to recognize the plight of forcibly displaced people throughout the world. The annual commemoration is marked by a variety of events in more than 100 countries involving government officials, humanitarian aid workers, celebrities, civilians, and those who were forcibly displaced themselves.

With the humanitarian efforts of the United States, other nations, and organizations like the United Nations High Commissioner for Refugees, the Red Cross, the International Rescue Committee, and Refugees International, among so many others, refugees are able to flee from persecution, violence, and war in order to seek protection. Many have fled to the United States, a safe haven with a history of aiding those seeking protection from persecution, violence, and war. America has provided more assistance to refugees seeking protection than any other country.

If you have ever met a refugee, you have encountered someone who has overcome great obstacles simply to just survive. Take the case of a Somali refugee, Abdul Samatar, a young man with a childhood full of tragedy and life-threatening experiences who eventually took refuge in the United States. Abdul was born in 1984 in Somalia, at that time a peaceful land of great beauty, promise, and resources. Now, however, Somalia is overwhelmed by famine, war and violence, leaving no persons unaffected.

In 1992, Abdul's father, a religious leader in Mogadishu, the capital, was shot and killed during the civil war.

After his death, Abdul lived the life of a nomad. He was afraid that, like his father, he would be killed by a rival tribe. He fled across the Somalia-Kenya border to Mandera, Kenya. Thanks to the generosity of the United Nations High Commissioner for Refugees, he was provided with food and assistance in Mandera for 2½ years. Fortunately, while Abdul was in Nairobi, he was introduced to a refugee coordinator at the United States Embassy who, along with two other citizens, helped Abdul move to the United States. An example of success, Abdul graduated from high school in 2004 and graduated from university in May 2010 with a degree in American studies. With this education, Abdul intends to make a difference in the lives of those less fortunate. Yes, Madam Speaker, stories like that of Abdul attest to the success of our refugee program and give merit to recognizing June 20, 2010, as World Refugee Day.

And I just want to include that on last Friday, we were at the State Department. We had Abdul and his family there. And along with our Secretary of State, we celebrated, and we commended those who were involved in World Refugee Day.

I urge my colleagues to support the bipartisan H. Res. 1350.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today as a proud cosponsor of House Resolution 1350. And I want to thank my good friend and colleague from California, Ambassador WATSON, for introducing this worthy measure.

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This issue is important to me not just as the ranking member of the Foreign Affairs Committee or as a Member who represents one of the top 20 refugee resettlement areas in the United States, but also as a former refugee. Refugees have been a core component of our wonderful Nation since its creation. Whether they were early colonists fleeing religious persecution in Europe or families of the 20th century fleeing Communist tyranny, as mine fled the Castro regime, refugees have found in this great Nation safety, freedom, and opportunity.

From the Displaced Persons Act of 1948 to the Refugees Act of 1980 until today, I am proud of the work that Congress has done over the years to keep refugee protection a priority of our government. Traditionally, the United States has resettled more refugees on an annual basis than the rest of the world combined. But our country also lives up to its own highest ideals when we reach out overseas to help and protect those most vulnerable of the vulnerables, those forced from their home by persecution. Whether due to the ethnic, sectarian, or political conflict in Africa or the Middle East, or repression by regimes like those in Burma, North Korea, or Sudan, tens of millions of children, women, and men around the world stand in need of food, shelter, and protection.

Because of this vulnerability, they are also prime targets for dehumanizing forms of exploitation and human trafficking. By supporting the work of the U.N. High Commissioner for Refugees and the many dedicated nongovernmental organizations, the people of the United States continue to show our generosity toward the displaced and the vulnerable.

World Refugee Day, observed for the 10th time this past weekend, is a fitting time for us to reflect on these dire human needs, to commend the bravery and service of those who assist refugees in insecure circumstances around the world, and to recommit ourselves to the protection of displaced populations as a humanitarian and human rights priority. For these reasons, Madam Speaker, I support Ambassador WATSON's measure, and I urge its prompt adoption.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. WATSON. Madam Speaker, I want to thank my cosponsor. I think that her stories, too, are very compelling. We join strongly together on this piece of legislation.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in strong support of H. Res. 1350, recognizing June 20, 2010, as World Refugee Day. I thank my colleague, Ms. WATSON, for introducing this resolution that reminds us of the importance of protecting those who are vulnerable and finding a home for those who are displaced.

The theme of this year's World Refugee Day on June 20, 2010 is "Home," in recognition of the plight of more than 40 million uprooted and displaced people around the world; approximately 10 million of whom are refugees of special concern to UNHCR.

As a Member of the Bipartisan Congressional Refugee Caucus, I have continuously stood up for the rights of the world's refugees. Today, there are more than 42 million refugees, including 16 million refugees outside their countries and 26 million others displaced internally.

This year, I am especially concerned for the people of Haiti—many of whom are facing the rainy season without a suitable home. According to Refugees International, approximately 700,000 people in Port-au-Prince are without homes or proper shelter and another 600,000 people have left the capital.

I also welcome the announcement from the United Nations High Commissioner for Refugees, António Guterres, that 100,000 people having been referred for resettlement from the Middle East to third countries since 2007.

From Iraq and Afghanistan, to Sudan and the Congo, to Burma and Colombia, the United Nations Refugee Agency, with ample support from the United States, manages to support over 25 million. Indeed, these vulnerable individuals depend on the United States, other governments, the United Nations and other agencies for the protection of their basic human rights.

The United States is in fact a global leader in the protection of refugees and internally displaced persons. In the year 2010 the United States celebrates the 30th anniversary of the Refugee Act of 1980, a cornerstone of refugee protection and assistance which has brought the United States to be the single largest refugee resettlement country in the world, admitting a total of 65,722 in 2007. Moreover, the United States is the single largest donor to the Office of the United Nations High Commissioner for Refugees.

Madam Speaker, I urge every one of my fellow members of Congress to join Congresswoman WATSON and me in reaffirming the commitment of the United States to promote the safety, health, and well-being of millions of refugees, calling on the Department of State to continue to support the efforts of the U.N. High Commissioner for refugees, call on the U.S. Government to continue to strengthen its leadership role in protecting displaced persons, commending those who have risked their lives working to provide assistance to refugees, and reaffirming the goals of World Refugee Day. These are vulnerable people, people in need. Let us not forget them or our promise to find an end to their plight.

Mr. MCMAHON. Madam Speaker, I rise today in support of H. Res. 1350, recognizing June 20, 2010 as World Refugee Day. According to the United Nations, more than 40 million people worldwide have been displaced from their respective lands. It is important that we recognize the plight of those around the globe who no longer have a place to call home.

The world refugee crisis is a widespread tragedy, the result of political upheaval, war, genocide, and natural calamities. And, as much as world refugee day commends these brave individuals, it is also a tribute to those who devote their lives to relieve the suffering of refugees.

Unfortunately, the NGOs that provide much-needed services for refugees are working with a rapidly-growing population of refugees and under increasingly dangerous conditions.

Today, terrorism is one of the leading causes of families being uprooted from their homes. We see this phenomenon throughout Africa, Afghanistan and particularly in Northwest Frontier Province of Pakistan. Unfortunately, millions now live in fear as Al-Qaeda and the Taliban attempt to spread their extremism, while targeting those relief workers that work to feed and clothe these victims.

This year there is added significance on World Refugee Day because 2010 is the 30th anniversary of the Refugee Act of 1980. With this resolution, tie United States will join over one hundred countries in recognizing the struggles of those who have been displaced from their homes and the NGO community that works to help them.

Alongside the United Nations, the U.S. Department of State is at the forefront of aiding nongovernmental organizations in helping refugees.

I urge the House of Representatives to keep in mind today the 40 million refugees across the world, of which 17 million of whom are children.

Madam Speaker, I encourage my colleagues to stand up and recognize World Refugee Day and to ensure that the United States continues to be an international leader in this regard.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to express my strong support of H. Res. 1350 which recognizes June 20, 2010 as World Refugee Day. I want to thank Congresswoman WATSON for her acknowledgement of this important day by introducing this resolution to Congress.

The U.N. Refugee Agency defines a refugee as a person who has fled their country of nationality and who is unable or unwilling to return to that country because of a ''well-founded'' fear of persecution based on race, religion, nationality, political opinion or membership in a particular social group. Hostilities across the world make refugees truly a global concern. Whether the refugees are fleeing government oppression in Sudan or Iran, or fleeing intra-communal fighting, there needs to be more attention given to these displaced and struggling individuals. I believe that this resolution is an outstanding way to recognize the severity of refugees' varying situations by celebrating World Refugee Day.

In fact, the reinstitution of many refugees from abroad has happened within the 4th District of Georgia. In 2000, Clarkston, Georgia had the highest percentage of people from Somalia in the United States who sought refuge here from this hostile region. Additionally, I am very proud that numerous national, and international organizations servicing refugees call the 4th District of Georgia and metropolitan Atlanta home.

Finally, refugees also affect our nation due to the fact the United States is the single largest refugee resettlement country in the world. Therefore, I urge my colleagues to support H. Res. 1350 to express our support and protection for refugees internationally, as well as those now residing within our own nation's borders.

I urge my colleagues to support this important resolution.

Ms. WATSON. I have no further requests for time, Madam Speaker, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1350, 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.

RECOGNIZING THE 60TH ANNIVERSARY OF THE OUTBREAK OF THE KOREAN WAR

Ms. WATSON. Madam Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 32) recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

S.J. RES. 32

Whereas on June 25, 1950, communist North Korea invaded the Republic of Korea with approximately 135,000 troops, thereby initiating the Korean War;

Whereas on June 27, 1950, President Harry Truman ordered the United States Armed Forces to help the Republic of Korea defend itself against the North Korean invasion;

Whereas the hostilities ended in a cease-fire marked by the signing of the armistice at Panmunjom on July 27, 1953, and the peninsula still technically remains in a state of war;

Whereas during the Korean War, approximately 1,789,000 members of the United States Armed Forces served in theater along with the forces of the Republic of Korea and 20 other members of the United Nations to defend freedom and democracy;

Whereas casualties of the United States during the Korean War included 54,246 dead (of whom 33,739 were battle deaths), more than 103,284 wounded, and approximately 8,055 listed as missing in action or prisoners of war;

Whereas the Korean War Veterans Recognition Act (Public Law 111–41) was enacted on July 27, 2009, so that the honorable service and noble sacrifice by members of the United States Armed Forces in the Korean War will never be forgotten;

Whereas President Barack Obama issued a proclamation to designate July 27, 2009, as the National Korean War Veterans Armistice Day and called upon Americans to display flags at half-staff in memory of the Korean War veterans;

Whereas since 1975, the Republic of Korea has invited thousands of American Korean War veterans, including members of the Korean War Veterans Association, to revisit Korea in appreciation for their sacrifices;

Whereas in the 60 years since the outbreak of the Korean War, the Republic of Korea has emerged from a war-torn economy into one of the major economies in the world and one of the largest trading partners of the United States;

Whereas the Republic of Korea is among the closest allies of the United States, having contributed troops in support of United States operations during the Vietnam war, Gulf war, and operations in Iraq and Afghanistan, while also supporting numerous United Nations peacekeeping missions throughout the world;

Whereas since the end of the Korean War era, more than 28,500 members of the United States Armed Forces have served annually in the United States Forces Korea to defend the Republic of Korea against external aggression, and to promote regional peace;

Whereas North Korea's sinking of the South Korean naval ship, Cheonan, on March 26, 2010, which resulted in the killing of 46 sailors, necessitates a reaffirmation of the United States-Korea alliance in safeguarding the stability of the Korean Peninsula;

Whereas from the ashes of war and the sharing of spilled blood on the battlefield, the United States and the Republic of Korea have continuously stood shoulder-to-shoulder to promote and defend international peace and security, economic prosperity, human rights, and the rule of law both on the Korean Peninsula and beyond; and

Whereas beginning in June 2010, various ceremonies are being planned in the United States and the Republic of Korea to commemorate the 60th anniversary of the outbreak of the Korean War and to honor all Korean War veterans, including the Korean War Veterans Appreciation Ceremony in the hometown of President Harry S. Truman, which will express the commitment of the United States to remember and honor all veterans of the Korean War: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) recognizes the historical importance of the 60th anniversary of the outbreak of the Korean War, which began on June 25, 1950;

(2) honors the noble service and sacrifice of the United States Armed Forces and the armed forces of allied countries that served in Korea since 1950 to the present;

(3) encourages all Americans to participate in commemorative activities to pay solemn tribute to, and to never forget, the veterans of the Korean War; and

(4) reaffirms the commitment of the United States to its alliance with the Republic of Korea for the betterment of peace and prosperity on the Korean Peninsula.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. WATSON. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Madam Speaker, last week the House passed H.J. Res. 86, a joint resolution commemorating the 60th anniversary of the Korean War. That resolution was introduced by the gentleman from New York (Mr. RANGEL) and three other distinguished veterans of the Korean War: the gentleman from Michigan (Mr. CONYERS), the gentleman from Texas (Mr. JOHNSON), and the gentleman from North Carolina (Mr. COBLE).

We had hoped that the Senate would take up and pass the House version of the joint resolution and then send it over to the President for his signature before tomorrow's Korean War commemoration in Statuary Hall. However, the other body made a number of technical corrections to their version of the joint resolution subsequent to last week's House action, and, as a result, the only viable means for us to get the joint resolution to the President in a timely fashion was for the House to take up and pass the Senate Joint Resolution, which is the legislation before us today.

Madam Speaker, I urge all of my colleagues to support this resolution, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BURTON), who is the ranking member on the Foreign Affairs Subcommittee on the Middle East and South Asia.

Mr. BURTON of Indiana. I thank my good friend from Florida for yielding.

I would just like to say that South Korea has been one of our greatest allies ever since the Korean War. We

worked together during the war, along with the United Nations, to stop the expansion of communism throughout that area. And ultimately, there was a resolution of the problem, although it's still kind of tenuous, when they divided Korea along the 38th parallel.

I have been over there and I have seen what's happened in Korea since the Korean War, and I have to tell you that there has never been a clearer case of freedom and democracy as opposed to a totalitarian Communist government than in Korea. In Korea, North Korea is foundering. It's under a dictator. The Communist system has created famine and a huge loss of life. The tyranny there is unbelievable. And yet you just go south of the 38th parallel and you see a blossoming country, one that has done extremely well over the past 60 years because of freedom and democracy.

I think that South Korea is one of the best allies that the United States has. And the one thing I would like to add to this little discussion today is the need for us to expand our trade relations with South Korea with a free trade agreement. That's been languishing for a long time. And I would just like to say to my colleagues that's one of the things that can enhance our relationship with South Korea, and we need to get that thing passed as quickly as possible.

With that, I would just like to say one more time, South Korea is one of our best allies in that entire region and a perfect example of where freedom and democracy really works well.

Ms. ROS-LEHTINEN. I thank my good friend from Indiana. I wholeheartedly agree with his remarks.

Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of this important resolution which honors, as the inscription at the Korean War Memorial reads, our ''sons and daughters who answered the call to defend a country they never knew and a people they never met.''

On a predawn Sunday morning in June 1950, while the world slept and the church bells of Seoul had yet to ring, North Korea launched a sudden, unprovoked military strike on the Republic of Korea. President Harry Truman, when he received the news, immediately returned to Washington and summoned his Cabinet. Within 48 hours, the President had directed General Douglas MacArthur to undertake a vigorous defense of South Korea and her people. The rest is history, history of what has come to be known as The Forgotten War.

The conflict in Korea became the first test of the mettle of the West in confronting Communist aggression in the Cold War. Over 50,000 of the boys and young men and women of the summer of 1950 who left for Korea did not return, including over 33,000 who fell in combat. In the sweltering heat of that summer, in the monsoon rains, on the windswept expanse of the Yalu River, and in the bloody withdrawal from the icy Chosin Reservoir the following winter, they gave, in some cases, their last full measure of devotion.

Names like Heartbreak Ridge, Pork Chop Hill, Gloucester Valley, where British, Belgian, and Philippine troops joined with their American comrades in arms, echo down to us in the slowly fading memories of aging warriors.

Were their great sacrifices worth the cost, worth the blood, sweat, and tears of the boys of summer of 1950? One only has to look at the faces of those living in freedom in South Korea. One only has to look at the gleaming towers of the bright skyline of Seoul in contrast to the darkness, the impoverishment, and the fear that lies north of the 38th parallel to say thank God for those brave men and women who risked all to save so many from Communist oppression.

□ 1320

However, we were unable to help save them all. One need only reflect on the huddled refugees, crossing the vastness of China on the underground ''Seoul train.''

One need only think of the young North Korean women, escaping the hopelessness of sexual bondage in China for freedom in South Korea, to know that those who answered Harry Truman's call truly made a difference.

I was a proud sponsor of the reauthorization of the North Korean Human Rights Act during the last Congress to help address some of those issues.

Today, dark clouds hang once again over the Korean peninsula. The vibrant economy and flourishing democracy of a South Korea which had risen from the ashes of war is again under the threat of the tyrannical and belligerent north.

In March, in a clear violation of the armistice agreement, North Korea launched another sudden, unprovoked attack, torpedoing a South Korean naval vessel and murdering 46 young South Korean sailors. And Pyongyang's provocation is not limited to military strikes. In actions which are clearly those of a state sponsor of terrorism, North Korea sent a hit squad of agents to Seoul to assassinate a leading dissident and attempted to ship weapons via Bangkok to designated terrorist organizations Hamas and Hezbollah.

Madam Speaker, now is the time for our President to show some of the mettle that defined our Nation 60 years ago and stand up to the North Koreans by redesignating their country as a state sponsor of terrorism. Our South Korean, Japanese, and Israeli allies are depending on us to help shield them from North Korean provocations and weapons of mass destruction.

In the crisis on the Korean peninsula, Beijing has played a cynical game, calling for denuclearization of the Korean peninsula on one hand, and shielding its North Korean cronies on the other hand. Beijing even had the audacity to publicly warn South Korea not to let the aircraft carrier USS *George Washington* enter waters lying between the Korean peninsula and China for a proposed joint U.S.-South Korean naval exercise.

Well, we have news for Beijing: If you don't want the USS *George Washington* in your backyard, then you had better rein in the bullies in Pyongyang.

Another sterling legacy of the Forgotten War is the vibrant Korean American community. Immigrants from Korea over the past six decades have contributed immeasurably to the American mosaic, impacting positively this Nation's economic, educational, scientific, and cultural life. Economic and trade ties have also boomed between our two countries in the decades since the war, ties which could be greatly invigorated by prompt congressional action on the proposed free trade agreement with South Korea.

Thus, it is perfectly clear that the world is a better place because of the heroism in Korea of the Boys of Summer 60 years ago this month. The 60th anniversary of the outbreak of war in Korea is an appropriate time to demonstrate that we continue to stand with our South Korean allies. The people of South Korea should be assured that we stood with you in the summer of 1950; we stood with you during the recent Cheonan crisis; and we shall stand with you until the day of peaceful reunification with your abused and besieged brethren in the north.

Madam Speaker, I strongly and enthusiastically urge my colleagues to support this joint resolution.

I reserve the balance of my time.

Ms. WATSON. Madam Speaker, I want to thank my colleague for her strong support and giving us the background for which this resolution was introduced.

I have the largest Korean, South Korean, community in the United States in my district, all of Koreatown; and they are struggling with the challenge ahead of them. We are there behind them to support them, and I want you to know in August I will be going to Korea. I invite my colleague to go with us if she can spare the time. What we do, we spread good will and let the South Koreans know how appreciative we are with them coming here to America. And particularly in Los Angeles, with their stimulating and vigorous entrepreneurship, they have added so much to the culture, and that added value makes us a little stronger. I hope that we can return the favor to add value to South Korea.

Mr. MANZULLO. Madam Speaker, as the senior Republican on the Asia Subcommittee of the House Foreign Affairs Committee, I rise in support of recognizing the 60th anniversary of the Korean War and reaffirming the U.S.-Korea alliance. During this time of anxiety on the Korean peninsula, it is critical that Congress sends a bipartisan message of solidarity with our friends in South Korea.

The Korean War started on June 25, 1950, when communist North Korean forces crossed

the infamous 38th Parallel in the attempt to force South Korea to submit to their regime. The U.S. and other allied nations successfully stopped and reversed the invasion by pro-communist forces but at a high cost—over 54,000 American deaths. It led to a divided peninsula that is still with us today.

However, the 1953 Armistice agreement allowed a pocket of freedom to bloom. South Korea is now a fully-fledged democracy, with competitive, freely held elections. In addition, South Korea is now the world's 14th largest economy. Three years ago, I had the honor of hosting the South Korean Ambassador in northern Illinois. I was impressed with his quest to personally thank and honor as many Korean War veterans as possible for their service and sacrifice.

Unfortunately, South Korea is once again threatened with war from the North if the United Nations reprimands North Korea for sinking a South Korean warship. This is outrageous. The U.N. should not be intimated by such bellicose rhetoric. That is why this resolution is so important to reaffirm our commitment to the alliance with the Republic of Korea for the betterment of peace and prosperity in the Korean peninsula. I urge my colleagues to support S.J. Res. 32.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. WATSON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the joint resolution, S.J. Res. 32.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

RECOGNIZING 50TH ANNIVERSARY OF UNITED STATES-JAPAN TREATY OF MUTUAL COOPERATION AND SECURITY

Ms. WATSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1464) recognizing the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security and expressing appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1464

Whereas January 19, 2010, marked the 50th anniversary of the signing of the United States-Japan Treaty of Mutual Cooperation and Security which has played an indispensable role in ensuring the security and prosperity of both the United States and Japan, as well as in promoting regional peace and stability;

Whereas the United States-Japan Treaty of Mutual Cooperation and Security, a cornerstone of United States security interests in the Asia-Pacific region in general and of the United States-Japan alliance, specifically, entered into force on June 23, 1960;

Whereas the robust forward presence of the United States Armed Forces in Japan, including in Okinawa, provides the deterrence and capabilities necessary for the defense of Japan and for the maintenance of Asia-Pacific peace, prosperity, and regional stability;

Whereas the United States-Japan alliance has allowed the United States and Japan to become the world's two largest economies, with Japan occupying the position of the United States fourth-largest trading partner;

Whereas the United States-Japan alliance has encouraged Japan to play a larger role on the world stage and make important contributions to stability around the world;

Whereas the United States-Japan alliance is based upon shared values, democratic ideals, free markets, and a mutual respect for human rights, individual liberties, and the rule of law;

Whereas the hosting by Japan of approximately 36,000 members of the United States Armed Forces has been a source of stability for both Japan and the Asia-Pacific region;

Whereas, on May 1, 2006, the United States-Japan Roadmap for Realignment Implementation (hereinafter referred to as ''the Roadmap'') was approved in which Japan agreed to provide $6,090,000,000 including $2,800,000,000 in direct cash contributions, for projects to develop facilities and infrastructure on Guam for the relocation of approximately 8,000 III Marine Expeditionary Force (MEF) personnel and their approximately 9,000 dependents from Okinawa to Guam;

Whereas the Roadmap will lead to a new phase in alliance cooperation and reduce the burden on local communities, especially those on Okinawa, thereby providing the basis for enhanced public support for the United States-Japan alliance;

Whereas the Guam International Agreement, signed by Secretary of State Hillary Rodham Clinton and then-Japanese Foreign Minister Hirofumi Nakasone on February 17, 2009, reinforces the May 2006 Roadmap to realign the United States Armed Forces in Japan and strengthen the alliance;

Whereas, on May 28, 2010, the United States-Japan Security Consultative Committee (SCC) reconfirmed its commitment to the 2006 Roadmap and the February 17, 2009, Guam International Agreement for the realignment of the United States Armed Forces in Japan;

Whereas the United States-Japan security arrangements underpin cooperation on a wide range of global and regional issues as well as foster prosperity in the Asia-Pacific region;

Whereas Japan has contributed significantly to the stabilization of South Asia with a pledge in November 2009 to provide $5,000,000,000 in economic assistance to Afghanistan over the next 5 years, becoming the second largest international contributor to Afghanistan, and with a pledge in April 2009 to provide $1,000,000,000 to Pakistan over the next 2 years;

Whereas in 2010, Japan's Maritime Self Defense Force is sending a ship to Vietnam and Cambodia from May until July to participate in the United States Navy's Pacific Partnership, an annual medical aid mission aimed at enhancing Asia-Pacific countries' capabilities in disaster relief, extending medical support, and carrying out cultural exchanges;

Whereas the Government of Japan provided rapid and selfless humanitarian aid to the Republic of Haiti, including sending a Japan Self Defense Force unit to carry out disaster relief activities, specifically medical activities, with regard to the earthquake of January 2010;

Whereas North Korea's escalating missile and nuclear programs present a direct and imminent threat to Japan, including long-range missiles fired over northern Japan on August 31, 1998, and April 5, 2009;

Whereas Japan has been a staunch ally in United States diplomatic efforts to denuclearize North Korea, having moved forward United Nations Security Council Resolution 1718 during Japan's Presidency of the United Nations Security Council in October 2006; and

Whereas North Korea's abduction of innocent Japanese civilians during the 1970s and 1980s represents a continuing tragedy for the victims and their family members and must remain a major human rights concern of the United States Government: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Japan as an indispensable security partner of the United States in providing peace, prosperity, and stability to the Asia-Pacific region;

(2) recognizes that the broad support and understanding of the Japanese people are indispensable for the stationing of the United States Armed Forces in Japan, the core element of the United States-Japan security arrangements that protect both Japan and the Asia-Pacific region from external threats and instability;

(3) expresses its appreciation to the people of Japan, and especially on Okinawa, for their continued hosting of the United States Armed Forces;

(4) encourages Japan to continue its international engagement in humanitarian, development, and environmental issues; and

(5) anticipates another 50 years of unshakeable friendship and deepening cooperation under the auspices of the United States-Japan Treaty of Mutual Cooperation and Security.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Madam 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 the resolution under consideration.

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

There was no objection.

Ms. WATSON. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

This resolution commemorates the 50th anniversary of the United States-Japan Treaty of Mutual Cooperation and Security, which entered into force on June 23, 1960. This treaty formed the basis for the presence of U.S. Armed Forces in Japan, which has contributed to Japan's security and prosperity and to regional peace and stability.

Our alliance with Japan has advanced American interests by ensuring a stable balance of power in the Asia-

Pacific region, providing a platform for managing tensions on the Korean peninsula and serving as a means to enlist Japan's cooperation on regional and global security issues.

For example, Japan is the second largest international contributor to Afghanistan, pledging $5 million in economic assistance over the next 5 years.

□ 1330

Japan sent rapid humanitarian aid to Haiti, and the Japanese Self-Defense Force provided medical relief following the earthquake there this past January.

Japan to this day remains a steadfast ally with the United States in combating the nuclear threat from North Korea and responding to the North's provocative behavior.

The success of our alliance with Japan would not have been possible without Japan's broad support and understanding, and I would like to thank the Government of Japan and the Japanese people, and especially the people of Okinawa where I taught for 2 years, for their continued hosting of American Armed Forces in Japan. I taught the children of these Armed Forces.

While Japan is an important partner and friend and we agree on many important issues, there is one important matter on which we disagree: the issue of American children taken to Japan by one parent against the wishes of the other parent. This issue is a very real and serious concern for those left-behind parents and for those of us representing them here in Congress. It is imperative that our two governments create the best possible situation for these tragic cases to be resolved, not only for the sake of those families but to ensure that U.S.-Japan relations continue on a positive trajectory.

As we commemorate this week the 50th anniversary of our alliance with Japan, we know that the importance of this alliance remains as vital as ever, even if the treaty's original Cold War backdrop has long faded from view. We only have to look at North Korea's belligerent actions over the past few years to be reminded of the relevance of the U.S.-Japan security treaty. Now is the right time to pursue an ambitious, forward-looking agenda to ensure that the fundamentals of the alliance remain in place and to expand our security cooperation to meet the many challenges of the 21st century.

I would like to thank my friend, the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN), the ranking member of the House Committee on Foreign Affairs, for introducing this resolution, and I urge all of my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise in support of this resolution recognizing the mutual benefits for the United States and Japan of a treaty which went into effect exactly 50 years ago today. The Asia Pacific region was a dangerous neighborhood a half a century ago. The United States and our allies had just fought the first hot battles of the Cold War on the Korean peninsula. Tensions were high in the Taiwan Strait, and the war in Vietnam was just then emerging on the horizon.

A half century later, Asia, while now the prosperous trading hub of the world, is still dangerous. One need only look to the recent torpedoing of a South Korean naval vessel by a reckless North Korea to recognize that the Asia Pacific region is not yet truly pacific.

Through all the perils in the Pacific, the United States-Japan Treaty of Mutual Cooperation and Security has stood as a cornerstone of a continued regional peace and prosperity. None of this would be possible without the contribution of the people of Japan, and especially those on Okinawa, through their continued hosting of our proud U.S. Armed Forces.

The smooth transition from bitter adversaries to full partners is a tribute to the resiliency and the farsightedness of two peoples on opposite sides of the Pacific: the people of the United States and the people of Japan. The recent reaffirmation of the commitment to full implementation of the 2006 Roadmap and the Guam International Agreement for realignment of U.S. Armed Forces in Japan is a concrete step forward in cementing this crucial alliance.

The mutual cooperation promised in the treaty 50 years ago, however, extends far beyond the Japanese islands. When the U.S. looked for partners in dealing with the aftermath of the devastating earthquake in Haiti earlier this year, Japan's Self-Defense Forces were there working with their American counterparts.

On the critical issue of the stabilization of the volatile situation in South Asia, Japan has been a generous contributor in economic assistance to both Afghanistan and Pakistan. And Japan has been a stalwart ally in our U.S. efforts to end the proliferation of nuclear weapons and missile technology by the reckless regime in Pyongyang.

Both within the United Nations and during the Six-Party process in Beijing, Japan has stood shoulder-to-shoulder with its American ally in opposing continued North Korean nuclear brinksmanship. North Korean threats and aggression continue. We should immediately re-list North Korea as a state sponsor of terrorism. This is both because of Pyongyang's past abductions of Japanese citizens and because of North Korea's continued links to terrorist groups like Hezbollah and Hamas. There is no greater signal that this administration can send to the Japanese people in this treaty anniversary year than acting expeditiously to hold North Korea fully accountable for such terrorist activities.

I join in the anticipation expressed in this resolution of another 50 years of unshakable friendship and deepening cooperation with the people of Japan.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to express my support for H. Res. 1464, which recognizes the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security, and expresses appreciation to the Japanese government and people for their contribution to peace, prosperity and security in the Asia-Pacific area of the world. I am proud of the legacy of this treaty, which has enabled the U.S. and Japan to establish and maintain an alliance that has been vital to the stability of the Asia-Pacific region and the economic strength of both parties. Fifty years after the signing of the treaty, the U.S. can count Japan among its foremost allies.

Looking back at the American-Japanese relationship over the last century, the distance our nations have come from the wartime hostility of the 1940s and the tensions of the 1950s is praiseworthy and inspirational. Today, Japan is the fourth-largest trading partner of the U.S., and the security and support the U.S. has provided to Japan have enabled greater Japanese participation in humanitarian, economic, and environmental issues at home and abroad.

As the Japanese government takes commendable action toward the denuclearization of North Korea, it is important that the U.S. continue to aid Japan and its neighbor states in their stand against the North Korean regime. Japan has also shown exemplary leadership in the Asia-Pacific region, contributing generously to earthquake relief efforts in Haiti, economic programs in Afghanistan, and the U.S. Navy's Pacific Partnership.

As the world's two largest economic powerhouses and staunch military allies, Japan and the U.S. have profited immeasurably from the past 50 years of the Treaty of Mutual Cooperation and Security. I look forward to the future of the partnership of our two nations, with high hopes for what we can accomplish together.

I urge my colleagues to support this important resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of the resolution recognizing the 50th anniversary of the conclusion of the United Sates-Japan Treaty of Mutual Cooperation and Security and expressing appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region.

The U.S.-Japan alliance has been tremendously beneficial to our two nations. It has affirmed our shared values and bolstered peace and stability in the Asia-Pacific region. This year, on the 50th anniversary of the establishment of the United Sates-Japan Treaty of Mutual Cooperation and Security, we have the chance to celebrate all our two nations have achieved and all we will achieve in the future.

Since its inception, the U.S.-Japan alliance has had to deal with an increasingly unpredictable global security landscape. Throughout decades of Cold War to more recent terrorist threats, our alliance has remained strong. This lends a context of security that has allowed the Asia-Pacific region to thrive. Thanks to this important alliance, we can anticipate greater international cooperation in the future, both within Asia and between Asia and the U.S.

Another reason our alliance with Japan has been and continues to be so effective is that

it is supported by our two countries' common democratic and humanitarian values. In 2009, both Japan and the U.S. ranked among the top five nations providing foreign aid. In honoring what this alliance has done for both our great nations, we are also reiterating our commitment to provide needed humanitarian relief in the Asian-Pacific region and all over the world.

Madam Speaker, I am proud to support this resolution honoring our alliance with Japan and expressing our heartfelt thanks to the government of Japan and the Japanese people.

Mr. MCMAHON. Madam Speaker, I rise today to support H. Res. 1464, a Resolution recognizing the 50th anniversary of the United States-Japan Treaty of Mutual Cooperation and Security and expressing appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region.

For over 50 years, Japan has served as one of our most dependable and consistent allies. The nation has hosted over 36,000 members of the United States Armed Forces, promoting regional stability and security in the Asia-Pacific region. Japan has been a staunch supporter in our efforts to denuclearize North Korea. The nation has recently emerged as a proactive force in rebuilding third world countries in efforts to curtail the influence of terror cells. In November of 2009, Japan pledged over six billion dollars in economic assistance to Pakistan and Afghanistan in support of our missions in those countries. This special alliance has allowed Japan to establish a prominent role in the global community, further contributing to regional and global stability.

The U.S.-Japan alliance has bolstered both nations, making them two of the world's largest and most influential economies. Mutual cooperation has made Japan our fourth-largest trading partner. Apart from strengthening trade with the U.S., Japan has aided our international initiatives as well. Japan provided over six billion dollars to Guam to develop infrastructure and facilities. This valuable ally supports not only our economy, but those of our allies as well.

I am pleased with what Japan has grown to represent. Japan is a beacon of democratic thought and practice in the Asia-Pacific region. The Japanese government shares our ideals, values, and commitment to civil liberties. Despite the constant challenges facing the international community and the region, Japan has held steadfast in her commitment to egalitarian values and world peace.

Madam Speaker, I urge my colleagues in the House of Representatives to join me today in recognizing and supporting our continuing alliance by supporting this Resolution.

Mr. MANZULLO. Madam Speaker, I rise in support of recognizing the 50th anniversary of the U.S.-Japan Treaty of Mutual Cooperation and Security. This agreement laid the cornerstone for reintegrating Japan into the community of free nations and helped insure Japan's long-term security and prosperity. It also resulted in formerly establishing an alliance that facilitates the forward deployment of about 36,000 U.S. troops and other U.S. military assets in the Asia-Pacific to undergird U.S. national security strategy in the region. Too many times, we take our friends for granted. It wasn't obvious 50 years ago that this agreement would pass the Japanese Diet. But on June 19, 1960, this agreement became operational after much boisterous opposition.

Thus, it is appropriate that the House recognize and thank our Japanese friends for the role this agreement has played in advancing peace, prosperity, and security in the Pacific Rim. It allowed a country devastated by war to eventually become the fourth largest economy in the world and the fourth largest export market for U.S. products.

I deeply appreciate and value our strategic and economic relationship with Japan. Despite the change in the Japanese government, this agreement still remains as a cornerstone of our relationship. I was greatly honored that the Japanese Ambassador paid a visit to northern Illinois last April where we saw first-hand the role that Japanese foreign investment played in saving many jobs in this region, such as the Nissan forklift manufacturing facility in Marengo. We also examined possible new opportunities for trade and investment.

I want to commend my ranking Member, Representative ROS-LEHTINEN, for bringing this resolution to the floor today. I urge my colleagues to support H. Res. 1464.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. WATSON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1464.

The question was taken.

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

Ms. WATSON. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

REAFFIRMING FRIENDSHIP AND ALLIANCE BETWEEN THE UNITED STATES AND COLOMBIA

Ms. WATSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1465) reaffirming the longstanding friendship and alliance between the United States and Colombia.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1465

Whereas nearly 15,000,000 Colombians participated in the first round of Colombia's presidential elections on May 30, 2010;

Whereas no candidate received an outright majority of the vote, thereby requiring a runoff election between Juan Manuel Santos and Antanas Mockus, the two candidates with the highest vote totals;

Whereas Juan Manuel Santos, of the National Unity Party, received 46.7 percent of the votes and Antanas Mockus, of the Green Party, received 21.5 percent of the votes;

Whereas in the second round on June 20, 2010, Juan Manuel Santos received 69 percent of the votes and was thereby declared President-elect of Colombia;

Whereas Colombia has overcome tremendous challenges to build their democracy; and

Whereas Colombia remains a vital ally and friend of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms the longstanding friendship and alliance between the United States and Colombia;

(2) recognizes Colombia's commitment to the democratic process as demonstrated by the free and fair nature of these multiparty, internationally recognized elections; and

(3) congratulates President-elect Juan Manuel Santos on his recent victory in Colombia's June 20, 2010, presidential election.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

□ 1340

Ms. WATSON. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Madam Speaker, last month, Colombia held the first round of their presidential elections. In an outcome that surprised many observers, the Green Party and the National Unity Party both failed to receive an outright majority of the votes, so a runoff was required this past Sunday. Over 13 million Colombians participated in the second round, with former Defense Minister Juan Manuel Santos receiving 69 percent of the vote and becoming the President-elect of Colombia.

With this resolution, the House of Representatives honors the Colombian people and their commitment to democracy. Since gaining its independence from Spain in 1819, Colombia has remained democratic, sometimes as an outlier in this region. We applaud the free and fair nature of these multiparty, internationally recognized elections.

Colombia is not without problems, some of them significant. The human rights situation in Colombia leaves much to be desired, and Colombia has over 3 million internally displaced peoples, second in the world only to Sudan as a result of its long struggles with armed groups that the United States and most of the world considers terrorists. While these issues must remain on

the front burner of our common agenda, it is important to recognize that Colombia remains an important friend and ally of the United States, and their resilience in the long hemispheric battle against narcotrafficking is worthy of respect and admiration.

As we congratulate President-elect Juan Manuel Santos on this victory in Colombia's June 20, 2010, presidential election, we have every expectation that he and his new administration will continue the tradition of a strong relationship with the United States.

Madam Speaker, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 3 minutes to my good friend, the gentleman from Florida (Mr. MARIO DIAZ-BALART), a member of the Budget, Science and Technology, and Transportation Committees.

Mr. MARIO DIAZ-BALART of Florida. I thank the ranking member of the Foreign Affairs Committee from my Florida delegation, Congresswoman ILEANA ROS-LEHTINEN, for yielding.

I rise to strongly support this important resolution. This past Sunday, as we have just heard, 20 million of Colombia's citizens turned out to the polls and elected former Defense Minister Juan Manuel Santos as President with a resounding 69 percent of the vote. And yet the true champion and the true winners of this presidential election were who? The Colombian people and democracy as a whole were the winners and, yes, the United States of America, because the Colombian people not only elected someone who I know will lead them with brilliance, but also a person who understands the special ties between Colombia and the United States of America.

Madam Speaker, words are important, but so are actions. It is now also time—yes, we have to pass this important resolution, but we also have to bring forward to this House the free trade deal with Colombia that has been lingering and just waiting for congressional action.

Colombia is a strong ally, they've done everything right. The people have once again spoken—with huge numbers—and supported a person who again has been pushing for the free trade deal just like his predecessor, the current President of Colombia, President Uribe, who again has demonstrated great leadership.

It's time that we bring up the free trade deal, it's time that we passed the free trade deal, it's time that not only do we shower Colombia with kind words, but that we show with our action, this Congress, that we do care for democracy, that we understand that we have to support our allies, none more important than Colombia. It's time to pass the free trade deal with Colombia, and in the meantime, I urge your support of this important resolution.

Ms. WATSON. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. MORAN), the ranking member on the Agriculture Subcommittee on General Farm Commodities and Risk Management.

Mr. MORAN of Kansas. I thank the gentlewoman from Florida for yielding.

I traveled to Colombia in April of 2008 to see our U.S.-Colombia partnership at work. Colombia has overcome many, many challenges and more remain, and it's essential that the United States continue a positive relationship with this critical ally in South America.

While it's good we're here today to discuss and pass this nonbinding resolution in support of Colombia, the better way to show our support for the Colombian people is to approve a still pending—4 years now—trade agreement. It has been nearly 4 years since the FTA, the free trade agreement, was signed, and yet Congress has failed to act. The longer we wait to approve the free trade agreement, the more we alienate this important ally and harm the American economy.

Currently, over 90 percent of Colombian goods enter our country duty free, but U.S. goods, including wheat and other agriculture commodities, are assessed at significant tariffs upon their entry to Colombia. If the Colombian Free Trade Agreement was approved, duties on U.S. wheat would immediately be eliminated, creating new opportunities for wheat exports.

It's harvest time in Kansas, and new market access is critical for Kansas wheat farmers who are encountering growing wheat supplies and declining prices. Unable to move wheat on the world market, grain elevators are dropping cash prices paid to our local farmers.

I support this resolution, but it is not a substitute for what we ought to be doing, approving the U.S.-Colombia Free Trade Agreement.

Ms. ROS-LEHTINEN. Madam Speaker, I am so honored to yield 2 minutes to the gentleman from Texas (Mr. BRADY), the ranking member on the House Ways and Means Subcommittee on Trade who has been a proud proponent of passing the U.S.-Colombia Free Trade Agreement.

Mr. BRADY of Texas. I thank the gentlelady for her leadership and for yielding.

I want to congratulate the Colombian people and President-elect Santos on a successful and democratic election. Madam Speaker, I would like to enter into the RECORD this editorial from The Washington Post calling on the administration and congressional Democrats to support the incoming Santos administration by acting on the U.S.-Colombia Trade Promotion Agreement.

President-elect Santos will continue the great work done by President Uribe to strengthen the rule of law and improve the lives of all Colombians. Colombian workers are safer now than ever before. Despite this progress, Colombia faces real challenges. Venezuela has imposed a trade embargo because of Colombia's strong support for the United States, severely damaging the Colombian economy. We have a powerful tool to help Colombia weather the embargo, the U.S. Free Trade Agreement with Colombia. With this agreement, the United States would provide both economic and political support for a truly democratic government and a longstanding ally. Unfortunately, Democrats in Congress have denied us even the opportunity for a simple up-or-down vote on the agreement. But other countries aren't standing still. They are reaching agreements with Colombia, racing ahead to put their workers and their businesses ahead of ours. Just yesterday, the Canadian Legislature ratified the Canada-Colombian Trade Agreement. That agreement could go into effect in just a few months. Colombia is negotiating agreements with Europe, Panama, and South Korea, as a result, American workers are falling behind.

There is no credible reason to oppose the U.S.-Colombia Trade Agreement. It levels the playing field for American workers, creating over $1 billion in new U.S. sales to Colombia. The bill imposes stronger labor protections for Colombian workers, which is why thousands of union workers in Colombia support the agreement. And it demonstrates America's commitment to a valuable and longstanding ally.

The administration says it wants to increase U.S. exports, create jobs, and ensure strong U.S. foreign policy, but none of this is credible while it ignores the U.S.-Colombia Trade Promotion Agreement and does not make it ready for a vote in Congress.

[From the Washington Post, Tuesday, June 22, 2010]

WILL WASHINGTON TREAT COLOMBIA'S SANTOS AS AN ALLY?

Juan Manuel Santos has demonstrated that pro-American, pro-free-market politicians still have life in Latin America. Mr. Santos, who romped to victory in Colombia's presidential runoff on Sunday, has no interest in courting Iran, unlike Brazil's Luiz Ignácio Lula da Silva. He has rejected the authoritarian socialism of Venezuela's Hugo Chávez. A former journalist with degrees from the University of Kansas and Harvard, he values free media and independent courts. His biggest priority may be ratifying and implementing a free-trade agreement between Colombia and the United States.

So the question raised by Mr. Santos's election is whether the Obama administration and Democratic congressional leaders will greet this strong and needed U.S. ally with open arms—or with the arms-length disdain and protectionist stonewalling to which they subjected his predecessor, Álvaro Uribe.

Mr. Uribe will leave office in August as one of the most successful presidents in modern Latin American history, though you would never know it from listening to his critics in Washington. He beefed up Colombia's army and economy, and smashed the terrorist FARC movement; murders have fallen by 45 percent and kidnappings by 90 percent during

his eight years in office. Though most Colombians wanted him to remain in power, he bowed to a Supreme Court ruling against a referendum on a third term—which means that unlike Mr. Chávez, he will leave behind a strong democratic system.

Colombia has nevertheless been treated more as an enemy than friend by congressional Democrats, who have steadily reduced U.S. military aid and worked assiduously to block the free-trade agreement Mr. Uribe negotiated with the Bush administration. The Obama administration, which has courted Mr. Lula and sought to improve relations with Venezuela and Cuba, has been cool to Colombia, recommending another 11 percent reduction in aid for next year and keeping the trade agreement on ice.

Mr. Santos's election offers an opportunity to revitalize the relationship. As defense minister, he demonstrated a commitment to addressing the human rights concerns that troubled some in Congress. He has pledged to seek better relations with both Venezuela and Ecuador, despite the material support those countries have provided to the FARC.

Ratification of the free-trade agreement would serve the administration's stated goal of boosting U.S. exports while bolstering a nation that could be an anchor for democracy and political moderation in the region. It would also allow the administration and Congress to demonstrate that friends of the United States will be supported and not scorned in Washington.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today as the proud author of the resolution before us, House Resolution 1465, which reaffirms the longstanding friendship and the deep alliance between the United States and Colombia.

□ 1350

Furthermore, it recognizes our shared commitment to democracy, and it congratulates Juan Manuel Santos as President-elect of Colombia.

In Colombia, we have seen the impossible become possible. Once under siege by extremist groups and drug cartels, the people of Colombia and its government have transformed a dark past into a promising bright future. The recent Presidential elections in Colombia are a testament to this progress and demonstrate the confidence that the people of Colombia have in President-elect Santos. Receiving 69 percent of the vote, President-elect Santos has a clear mandate to continue much of the progress seen under President Uribe.

Following his victory on Sunday, President-elect Santos said, ''Colombia is leaving its nightmare. The FARC's time has run out. No more useless confrontations, no more divisions. The time has arrived for union. The time has arrived for work, employment and entrepreneurialism.''

Juan Manuel Santos' professed commitment to the values of freedom and demonstrated ability to stand up to extremists stands in stark contrast to the tyrannical and destabilizing agendas of dictators in the region. Further, the free and fair nature of the multiparty, internationally recognized Presidential election in Colombia serves as an important reminder to some in the region of what a real and genuine democratic electoral process really looks like.

With elections scheduled soon in Venezuela and Nicaragua, we have already seen both Hugo Chavez and Daniel Ortega pulling out all the stops to question their opposition. From the media to the courts, Chavez and Ortega have no shame in their abject dismissal of the democratic processes in their countries. However, as critical as it is to call out those who affront the principles of a democratic society, it is equally important to recognize those who embrace them, which is why we are here today, Madam Speaker, standing in support of House Resolution 1465.

Colombia represents to many the light at the end of the tunnel. Colombia shows that, with hard work, determination and a commitment to fundamental freedoms, a democracy can flourish no matter what the odds. Instead of falling into a deep division, Colombia is ascending the peak of freedom and democracy. I have no doubt that the vital alliance between our country and Colombia is poised to become ever closer and more successful than ever under the leadership of President-elect Santos, and I remain ever hopeful that this alliance will soon include the passage of the U.S.-Colombia Free Trade Agreement.

Colombia has enormous potential for U.S. businesses, especially in my home State of Florida. Miami had nearly $6 billion in total trade with Colombia last year alone. Signed nearly 4 years ago, the FTA is one of the easiest, most obvious steps that Congress can take to expand these important economic ties.

We can ask for no better partner or trusted ally than the people of Colombia. Its commitment to the democratic process, as demonstrated by this weekend's free, fair, and transparent election, shows what can be accomplished when the basic tenets of liberty are afforded to the people of a nation.

In closing, Madam Speaker, I would like to congratulate President-elect Santos on this momentous occasion, and once again, I would like to recognize the unbreakable ties between the people of the United States and Colombia.

I am so pleased to yield 2 minutes to the gentleman from Texas—they only come that way in Texas—Judge POE, an esteemed member of our Committee on Foreign Affairs.

Mr. POE of Texas. I thank the gentlewoman from Florida for yielding some time.

Madam Speaker, this is an important resolution. It puts the United States on record as to where we stand in our part of the world when it comes to democracy and in supporting our allies. Colombia is an ally of the United States.

When I was in Colombia in April, down in the jungle with the narcotics police—with General Patino—helping and watching how they fight the cartels and FARC, I learned from the Colombians that they like Americans, not just their government but the people of Colombia. Yet that is not universally true in South America. There are a lot of folks who don't care much for the United States, but the Colombian people are our allies, not only politically, but also, they like Americans for who we are. They support us, and we should support them.

It was a good day for democracy when President Santos was elected this past weekend. We should show Colombia and the rest of the world that we support this democracy in South America. We should also support the Colombian-American Free Trade Agreement. This is an important agreement to show that we mean business in supporting another democracy. Rather than talking about trading with the Chinese, we ought to talk about trading with democracies. This is one of those democracies, and it is being stalled for political reasons.

We need to support this. We need to pass it through this House and to make sure that the Colombians know that we mean, in word and deed, that they are our ally, especially our ally in free trade. So I commend this resolution. We must make sure that we support democracy anywhere it occurs in the world, and we must support freedom as well. Let's move a step forward, and let's move forward with the free trade agreement with our friends, our allies, and our neighbors in Colombia.

Ms. ROS-LEHTINEN. Madam Speaker, I thank my good friend from Texas.

I have no further requests for time, Madam Speaker, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1465.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CALLING FOR RELEASE OF ISRAELI SOLDIER BY HAMAS

Mr. ACKERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1359) calling for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1359

Whereas Congress previously expressed its concern for missing Israeli soldiers in Public Law 106–89 (113 Stat. 1305; November 8, 1999), which required the Secretary of State to raise the status of missing Israeli soldiers

with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and other governments in the region, and to submit to Congress reports on those efforts and any subsequent discovery of relevant information;

Whereas the House of Representatives passed H. Res. 107 on March 13, 2007, regarding Gilad Shalit and other Israeli soldiers attacked and captured by terrorists;

Whereas Israel completed its withdrawal from Gaza on September 12, 2005;

Whereas on June 25, 2006, contrary to international humanitarian standards and the most basic standards of humanitarian conduct, the Foreign Terrorist Organization Hamas, together with allied terrorists, crossed into Israel to attack a military post, killing two soldiers and wounding and kidnapping a third, Gilad Shalit, in a blatantly extortionate effort to coerce the Government of Israel;

Whereas Hamas, contrary to international humanitarian standards and the most basic standards of humanitarian conduct, has prevented access to Gilad Shalit by competent medical personnel and representatives of the International Committee of the Red Cross;

Whereas Hamas, contrary to international humanitarian standards and the most basic standards of humanitarian conduct, has failed to provide Gilad Shalit the humane treatment to which all captives are entitled as a fundamental human right;

Whereas Hamas, contrary to international humanitarian standards and the most basic standards of humanitarian conduct, has refused to provide Gilad Shalit with regular contact with his family or any other party, or to allow his family to know where he is being held;

Whereas Hamas, contrary to international humanitarian standards and the most basic standards of humanitarian conduct, has compelled Gilad Shalit to appear in video and voice recordings intended to extort and coerce the Government of Israel;

Whereas Hamas, contrary to the most basic standards of humanitarian conduct, has staged plays and produced cartoons and animated movies that have mocked Shalit, his captivity, and his family, and have promised further kidnappings of Israeli soldiers; and

Whereas Gilad Shalit has been held in captivity by Hamas for almost 4 years: Now, therefore, be it

Resolved, That the House of Representatives—

(1) demands that—

(A) Hamas immediately and unconditionally release Israeli soldier Gilad Shalit; and

(B) Hamas accede to international humanitarian standards and the most basic standards of humanitarian conduct by—

(i) allowing prompt access to Gilad Shalit by competent medical personnel and representatives of the International Committee of the Red Cross;

(ii) providing Gilad Shalit the humane treatment all captives are entitled to as a fundamental human right;

(iii) facilitating regular communication by Gilad Shalit with his family and allowing his family to know where he is being held; and

(iv) ceasing to compel Gilad Shalit to appear in video and voice recordings intended to extort and coerce the Government of Israel;

(2) expresses—

(A) its vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state within recognized and secure borders;

(B) its strong support and deep interest in achieving a resolution of the Israeli-Palestinian conflict through the creation of a democratic, viable, and independent Palestinian state living in peace alongside of the State of Israel;

(C) its ongoing concern and sympathy for the family of Gilad Shalit and the families of all other missing Israeli soldiers; and

(D) its full commitment to continue to seek the immediate and unconditional release of Gilad Shalit and other missing Israeli soldiers;

(3) recalls—

(A) the barbaric attack on and kidnapping of the bodies of Ehud Goldwasser and Eldad Regev on July 12, 2006, by the Iran-supported terrorist group Hezbollah; and

(B) the missing Israeli soldiers Zecharya Baumel, Zvi Feldman, and Yehuda Katz, missing since June 11, 1982, Ron Arad, who was captured on October 16, 1986, Guy Hever, last seen on August 17, 1997, and Majdy Halabi, last seen on May 24, 2005; and

(4) condemns—

(A) Hamas for the grossly immoral cross-border attack and kidnapping of Gilad Shalit; and

(B) Iran and Syria, the primary state sponsors and patrons of Hamas, for their ongoing support for international terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

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

I want to thank my good friend, the chairman of the Foreign Affairs Committee, for his support for this resolution and for its consideration by the House today.

Madam Speaker, Gilad Shalit is not an American. He is an Israeli soldier who has been held captive by Hamas for 4 years.

□ 1400

His parents are not Americans. I don't know that he's ever even been to the United States. But I would contend that, nonetheless, he's one of us. Why? Most simply, because he is a soldier serving in the army of a fellow democracy, a long-standing ally that is fighting a war of survival against an Iranian-backed radical Islamist terror organization explicitly committed to the destruction of the Jewish State and the annihilation of all Jews in Israel.

Some may doubt that such shocking, vicious bigotry is really possible in the year 2010. It's not merely possible, and it's not an overstatement. It's reality. On June 11, not even 2 weeks ago, Hamas authorities in Gaza broadcast the following ceremony—and this is a quote directly from that sermon: ''Whoever believes that our battle with the Jews and the crusaders has subsided or is dormant is living in delusions. The Jews are convinced that their annihilation and the destruction of their State will never be accomplished by secular, reactionary, Pan-Arabic, or Baathist regimes. Their annihilation and the destruction of their State will only be achieved through Islam.'' It goes on. But that was the basis of the Hamas sermon. That's the Hamas world view. And they're not ashamed of it. We shouldn't hesitate to believe them when they say they hate Jews and they're trying to destroy Israel and they want to create an Islamic theocracy in Palestine. Just look at what they've done in Gaza.

For those who believe in universal human rights and religious rights and freedom, Hamas is your enemy. If you believe in peace and two states for two peoples, these are your foes. If you believe kidnapping and extortion are inexcusable and detonating a bomb full of nails and ball bearings inside a city bus or restaurant is barbaric, these are your adversaries. If you believe that firing rockets at homes and kindergartens filled with young kids is absolutely indefensible, and that teaching hate to children is monstrous, these are your opponents. If you support the Palestinian Authority and President Abbas and Prime Minister Fayad are Palestinian's best chance of statehood, Hamas is the opposition. If you support a democratic Jewish State of Israel and want to see Prime Minister Netanyahu take chances for peace, Hamas is the enemy desperate to ensure that he never will. If you want the United States to be active in helping Israelis and Palestinians to make peace, Hamas are the people working against our every effort.

Gilad Shalit is just one soldier, but his captivity tells you everything you need to know about Hamas. As the resolution makes clear, contrary to both international humanitarian law and the most basic standards of human conduct, Hamas has prevented all access to Gilad Shalit by competent medical personnel and the representatives of the International Committee of the Red Cross. They've done this time and time again. And, Madam Speaker, they've just done it again today. They've denied him the humane treatment to which any captive is entitled; they've barred any communication by him with his family; and they've compelled him to appear on propaganda videos. Each of these unconscionable choices demonstrates the amoral and depraved character of Hamas.

These allegedly religious militants are nothing but thugs. Nothing more. They hold up all kinds of banners, and they champion all kinds of causes, and they claim all kinds of mandates. But their real goal is power and their true intention is a disruption of the State of Israel.

Against their enterprise of darkness and hatred and bloodshed, we need to stand up with both Palestinians and Israelis for a different vision and a different future—one where Israelis and Palestinians live side by side in peace; where the City of Jerusalem is a city of coexistence and tolerance; where the lost and the missing—all of them—all of them—are returned to their families and their people. It is this vision that motivates us, that mobilizes us to work so hard to achieve peace for others. And it is within this vision of a better future that we keep faith with

our allies in the State of Israel and with the Shalit family as they wait for the return of their lost son.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Since its creation over 6 decades ago, our ally Israel has been under siege from those who seek its destruction. Israel's enemies, refusing to accept the existence of the Jewish State, have invaded Israel's borders and sought to wipe it off the map. They have launched missiles at Israeli civilians. They have sent homicide bombers to massacre innocent Israelis on buses, in schools, in synagogues, in restaurants, in hotels. They have desecrated wedding celebrations and Passover seders with acts of mass murder, turning days of joy into days of mourning. And they have killed or kidnapped Israeli soldiers.

These bloody acts were taken not to build a better life for the future of the Palestinians, but to wipe out any future for the Israelis and to destroy the Jewish State. Of course, at present, the greatest threats to Israel's security and its very existence are posed by the rogue regimes of Iran and Syria, as well as by their violent extremist proxies, such as Hamas and Hezbollah. This is the context for this important resolution before us today.

On June 25, 2006, as part of its longstanding war against the Jewish State, Hamas crossed into Israel and attacked an Israeli military post, killing two soldiers and kidnapping Gilad Shalit, who was then just 19 years old. For the last 4 years, Hamas has held Staff Sergeant Shalit hostage, denying him access to his family, access by competent medical personnel, as well as representatives of the International Committee of the Red Cross. Hamas has forced young Shalit to appear in audio recordings and video recordings used to put pressure on Israel, and has mocked Shalit, mocked his family and his captivity in plays and cartoons and animated movies. Reports indicate that Shalit's health has declined as the result of his captivity.

Madam Speaker, Hamas, its fellow violent extremist group, Hezbollah, and their state sponsors not only are at war with Israel; they seek the destruction of the United States as well. Ahmadinejad has spoken of ''a world without America or Zionism,'' stating that ''you should know that this slogan, this goal, can certainly be achieved.'' And the Iranian regime is no stranger to taking hostages, including the 52 American hostages that Tehran held captive for 444 days. So when we consider Hamas's holding of Gilad Shalit in captivity, we must recognize this situation is part of the broader threat posed to both the United States and to Israel.

Madam Speaker, I have met with Staff Sergeant Shalit's father, who gave me his son's dog tags. And as a parent, I can only imagine the agony that the Shalit family is enduring. Indeed, anguish over Gilad Shalit's plight is felt by millions of Israelis who have parents, siblings, spouses, or children who are serving in the Israeli Defense Forces and who have spent many anxious nights hoping and praying for the safe return of their loved one. It resonates directly with many of us who have had children and other family members and friends who, in the service of our Nation, have been in harm's way.

As Israel continues to seek Gilad Shalit's freedom, we in the United States must continue to stand with our indispensable ally. For all of these reasons, Madam Speaker, I rise today in strong support of House Resolution 1359, which reaffirms our demand for Gilad Shalit's immediate and unconditional release.

I would like to thank the chairman and the ranking member of the Subcommittee on the Middle East and South Asia, Mr. ACKERMAN and Mr. BURTON, for introducing this resolution. I ask that the House join us in voting in favor of this resolution and in support of further measures to address the comprehensive threat posed on our Nation and to our ally Israel by Iran, by Syria, and by their militant proxies.

□ 1410

Among the steps the United States should take is to stop the failed policies of engagement with the Syrian and Iranian regimes which have not advanced our interests but has lent those dictatorships undeserved legitimacy. We should also continue to stand unequivocally with our ally Israel and oppose all efforts to deny Israel its sovereign right to self-defense—the very right that Staff Sergeant Gilad Shalit was exercising when he was kidnapped by Hamas.

Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. I want to thank the gentlewoman from Florida, the distinguished ranking member of the committee, for her statement and for her support.

Madam Speaker, now it's my pleasure to yield such time as she may consume to the gentlewoman from Nevada, SHELLEY BERKLEY, a distinguished and respected member of our committee.

Ms. BERKLEY. Madam Speaker, I want to thank my very good and dear and cherished friend from New York for yielding and for bringing much-needed attention to this issue by introducing this resolution which I proudly cosponsored.

Madam Speaker, I rise today along with my colleagues to mark a very sad occasion: The fourth anniversary of the kidnapping of Israeli soldier Gilad Shalit. If the world needs evidence of Hamas' cruelty, they need look no further than the kidnapping of this young soldier serving on the Israeli side of the Gaza border. Defying any standards of human decency and international law, Hamas has held him prisoner without access to a doctor or to the Red Cross. They have denied him contact with any outside party or even his family, who have no idea where this young man is being held. Hamas has even forced him to appear in a video that was used to pressure the Israeli Government into making concessions in exchange for his release.

The conditions of his detainment are illegal, they are deplorable, and they are immoral. For some reason, though, the world bombards Israel with criticism for the simple act of defending its citizens, while Hamas continues to violate human rights day after day. It is unjust, and it ultimately puts all peace-loving people at risk. Where is the U.N. with its outrage? Where is the Arab world? Where are our European allies? The world leaps to condemn Israel whenever it is put in the untenable situation of defending itself against terrorism. Where is the outrage against the continuous inhuman behavior of Hamas, a recognized terrorist organization? Where is the outrage against Hamas as it continues to hold Gilad Shalit, a young man just doing his duty? Just this week, Israel took enormous risks by easing their necessary and legal blockade of Gaza. It is time—indeed, Madam Speaker, it is well past time—for Hamas to show some human decency and release Gilad Shalit back to his family.

I am the mother of a son named Sam who is the exact same age as Gilad Shalit. I can only imagine what that mother goes through day after day, week after week, month after month, year after year as she has absolutely no contact and no idea how her son is being treated, where he's being held, and what his condition is. Shame. The shame of it all. It's disgusting. I urge support for this resolution.

GENERAL LEAVE

Mr. ACKERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution that is now under consideration.

The SPEAKER pro tempore (Ms. RICHARDSON). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to express my support for H. Res. 1359, which calls for the immediate and unconditional release of Gilad Shalit, the Israeli soldier held captive by Hamas since June 25, 2006. Today, 4 years later, Shalit remains a prisoner and Hamas has denied him medical treatment and access to his family. I agree with the resolution's sponsors that his imprisonment is not only a violation of international law and an affront to the international community, but has also impeded the peace process between Israel and Palestine.

The Israeli-Palestinian conflict has caused tragedy and loss of enormous proportions on both sides. I know that all of my colleagues oppose further loss of life and will support a lasting peace in this region. I am hopeful for

the day when two states—an Israeli and a Palestinian state—can peacefully exist side by side. Until that day, both sides must work towards peace and must refrain from aggressive actions. The kidnapping and ongoing inhumane treatment of Gilad Shalit has exacerbated tensions in the region, causing heartache for Sgt. Shalit's family and country, and making peace negotiations more difficult.

I stand for peace and human rights and am proud to support this resolution. I can see no justification for Sgt. Shalit's continued imprisonment and urge Hamas to release Sgt. Shalit. I urge my colleagues to join me in supporting peace and human rights by supporting this important resolution.

Mr. GRAYSON. Madam Speaker, I rise today to call for the immediate and unconditional release of Israeli soldier Gilad Shalit. On June 25, 2006, exactly 4 years ago this Friday, Gilad was kidnapped by Hamas terrorists within Israeli territory, near the Karem Shalom crossing. This kidnapping was a part of an unprovoked and organized military operation by Hamas terrorists who continue to hold Gilad captive in Gaza.

Throughout Gilad's captivity, the International Red Cross has requested to send representatives to assess his conditions of detention and treatment, as well as to provide medical attention to Gilad. Just recently, Hamas once again refused to give the Red Cross access to check on Gilad's well being in accordance with international law. Pierre Dorbes, deputy head of the International Committee of the Red Cross in Israel and the Territories stated that, '' . . . we have been able to visit nearly everyone detained in connection to this conflict, with the exception of Gilad Shalit.''

As negotiations for his release continue, it is important to recognize the efforts of Gilad Shalit's family and friends, particularly his mother Aviva and his father Noam to secure his release. I can only imagine the heartache and frustration that they feel as they work to help secure their son's freedom.

Madam Speaker, I along with my colleagues continue to call for the unconditional release of Gilad Shalit. I urge President Obama to continue to make Gilad's release a priority for his administration as he works with all parties to resolve the ongoing conflict in the region.

Mr. MCMAHON. Madam Speaker, I rise today to support H. Res. 1359, a resolution calling for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas.

On June 25, 2006, Hamas captured 19-year-old Israeli corporal Gilad Shalit on the southern Israeli side of the Gaza Strip. This inherent and blatant disrespect for standards of international conduct was a deliberate form of extortion meant to coerce the Israeli government to release Palestinian prisoners.

Hamas has furthered the injustice by denying Shalit access to medical care from the International Red Cross or treatment as a prisoner of war. Shalit has been explicitly denied the most basic humane treatment, and we cannot allow for this abhorrent conduct to persist.

Hamas has continually utilized terrorist cells to attack Israeli soldiers even though Israel unilaterally withdrew from Gaza in 2005. This callous disregard for international humanitarian law is deeply troubling.

I am unwavering in my support for the security and welfare of the democratic nation of Israel, and the creation of a mutually acceptable two state solution. This cannot happen unless Hamas immediately and unconditionally releases Shalit and accepts the right for Israel to exist and lays down their arms for good .

Madam Speaker, I urge my colleagues in the House of Representatives to join me today in recognizing our dedication to the release of Shalit and the prospect of peace and democracy in the region by supporting this resolution.

Mr. KLEIN of Florida. Madam Speaker, I rise today to support H. Res. 1359 and mark the 4-year anniversary of the capture of IDF soldier Gilad Shalit. On June 25, 2006, Shalit was taken in a cross-border raid, remains held in Gaza, and for the past 4 years, he has been denied virtually all contact with the outside world.

When he was kidnapped, he was only 19 years old, the age of an average American college student. But instead of being able to serve his country and continue with his bright future, he has been held a prisoner for 4 years.

The plight of this soldier must not be forgotten. I want to honor the sacrifice of this young man and his family who wait every day for news of their son's circumstances. I have met the Shalit family and I have seen the pain in their eyes and the pleading in their voices. The Shalit family has also met with many communities across the United States, urging people to remember their son and speak out on his behalf. Today, I join the communities in Palm Beach and Broward County in sending a message to Gilad Shalit's captors: Let Gilad Shalit go.

As Israel faces dangerous threats from throughout the region and still makes unprecedented sacrifices for peace, America stands with Israel in its hope for the release of Gilad Shalit. American families and Israeli families are united in the hope that the Shalit family should suffer no longer.

Ms. SCHAKOWSKY. Madam Speaker, I rise today in strong support of H. Res. 1359, a resolution calling for the immediate and unconditional release of Israeli soldier Gilad Shalit.

I would like to thank Congressman ACKERMAN for introducing this important resolution, of which I am a cosponsor, and to commend him and Chairman BERMAN for their leadership on this critical issue.

On Friday, Israeli soldier Gilad Shalit will have spent 4 years in captivity. Since June 2006, Shalit has been held by Hamas and denied the humane treatment mandated by international law, including regular communication with his family and visits by the International Red Cross. He has been forced to appear in Hamas propaganda, intended to extort the Israeli government. Shalit was 19 years old at the time of his abduction.

Human beings should not be used as bargaining chips. Gilad Shalit must be immediately and unconditionally released, and all prisoners must be afforded the basic protections of international humanitarian law.

I am also proud to support this resolution because it expresses Congressional support for both the Jewish state of Israel, which must have recognized and secure borders, and a democratic, viable, and independent Palestinian state. I strongly believe that a negotiated, two-state solution offers Israelis and Palestinians alike the best prospect for long-term security and stability.

I strongly urge my colleagues to join me in supporting this resolution calling for the immediate and unconditional release of Gilad Shalit.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

Mr. ACKERMAN. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1359, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

EXPRESSING SENSE OF HOUSE REGARDING ANNIVERSARY OF DISPUTED IRANIAN ELECTIONS

Mr. COSTA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1457) expressing the sense of the House of Representatives on the one-year anniversary of the Government of Iran's fraudulent manipulation of Iranian elections, the Government of Iran's continued denial of human rights and democracy to the people of Iran, and the Government of Iran's continued pursuit of a nuclear weapons capability.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1457

Whereas Iran's authoritarian system of government violates numerous international norms and principles of democratic governance;

Whereas June 12, 2009, was the date scheduled for Iranian presidential elections, in which only candidates approved by the Government of Iran's Guardian Council were allowed to compete;

Whereas the ensuing announcement by Iranian authorities of an ''overwhelming victory'' for Mahmoud Ahmadinejad was made suspiciously early;

Whereas reported vote counts in the June 12, 2009, election were inconsistent with Iranian demographics and political trends, including provinces in which more votes were allegedly cast than the number of registered voters and vote counts that indicated unusual pro-Ahmadinejad voting patterns by traditionally anti-Ahmadinejad constituencies;

Whereas the Government of Iran's unrealistic vote count and fraudulent announcement of election results prompted millions of Iranians to rush into the streets in protest and prompted unprecedented public criticism by Iranians of the authoritarian rulers of the Government of Iran;

Whereas the Government of Iran, Iranian riot police, members of the Revolutionary Guard Corps, and Basij militias engaged in a brutal crackdown on the Iranian people in the aftermath of the disputed presidential election of June 12, 2009, killing, injuring, or imprisoning many Iranians, stifling freedom of speech, press, and assembly and violating fundamental human rights;

Whereas, on June 19, 2009, the House of Representatives overwhelmingly adopted H. Res. 560 which ''(1) expresses its support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law; (2) condemns the ongoing violence against demonstrators by the Government of Iran and pro-government militias, as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cellphones; and (3) affirms the universality of individual rights and the importance of democratic and fair elections'';

Whereas, on June 23, 2009, President Barack Obama denounced the Government of Iran's crackdown on the Iranian people, stating that ''The United States and the international community have been appalled and outraged by the threats, the beatings and imprisonments of the last few days'', that ''I strongly condemn these unjust actions, and I join with the American people in mourning each and every innocent life that is lost'', and that the United States must ''bear witness to the courage and dignity of the Iranian people, and to a remarkable opening within Iranian society'';

Whereas, on December 27, 2009, the Shiite Muslim holiday of Ashura was observed and at least eight Iranian civilians were killed and hundreds arrested in confrontations with the Iranian authorities;

Whereas the Government of Iran is violating its international and constitutional obligations to respect the human rights and fundamental freedoms of its citizens by—

(1) using arbitrary or unlawful killings, beatings, rape, torture, and cruel, inhuman, or degrading treatment or punishment, including flogging and amputations;

(2) carrying out an increasingly high rate of executions in the absence of internationally recognized safeguards, including public executions and executions of juvenile offenders;

(3) using stoning as a method of execution and maintaining a high number of persons in prison who continue to face sentences of execution by stoning;

(4) carrying out arrests, violent repression, and sentencing of women exercising their right to peaceful assembly, a campaign of intimidation against women defenders of human rights, and continuing discrimination against women and girls;

(5) permitting or carrying out increasing discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic, or other minority communities;

(6) imposing ongoing, systematic, and serious restrictions of freedom of peaceful assembly and association and freedom of opinion and expression, including the continuing closures of media outlets, arrests of journalists, the censorship of expression and of the press in newspapers and online forums such as blogs and websites, as well as blockage or disruption of Internet-based communications and of mobile phone and text messaging networks; and

(7) imposing severe limitations and restrictions on freedom of religion and belief by carrying out arbitrary arrests, indefinite detentions, and lengthy jail sentences for those exercising their rights to freedom of religion or belief and by proposing a mandatory death sentence for apostasy, the abandoning of one's faith;

Whereas according to the Department of State's Country Reports on Human Rights Practices for 2009, Iran's ''poor human rights record degenerated during the year . . . the government severely limited citizens' right to change their government peacefully through free and fair elections . . . authorities held political prisoners and intensified a crackdown against women's rights reformers, ethnic minority rights activists, student activists, and religious minorities'';

Whereas hundreds of political prisoners remain imprisoned by the Government of Iran;

Whereas Ahmad Jannati, who heads the Government of Iran's powerful Guardian Council, has called for the execution of more dissidents and protestors, and a senior official of the Iranian ''judiciary'' has stated that the Government of Iran will soon execute further dissidents;

Whereas thousands of Iranian citizens have continued to peacefully and courageously assemble and protest against the Government of Iran's denial of human rights and democracy to the people of Iran;

Whereas article 21 of the Universal Declaration of Human Rights recognizes that ''(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives; (2) Everyone has the right of equal access to public service in his country; (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures'';

Whereas the United States supports the right of the citizens of Iran to freedom and democratic governance, including the right to select their political leaders in free, democratic, and independent elections;

Whereas the Government of Iran is pursuing a nuclear weapons capability which, if obtained, would usher in a dangerous new era of instability in the Gulf and the Middle East, and allow the Government of Iran to act with impunity in the face of international pressure to cease its dangerous international behavior and its horrific human rights abuses;

Whereas Iran continues to enrich uranium and carry out other nuclear activities in violation of United Nations Security Council Resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1929 (2010);

Whereas Iran has failed to cooperate with International Atomic Energy Agency inspectors looking into the possible military nature of the Iranian nuclear program, including by denying inspectors access to facilities, people, and documents; and

Whereas according to the Department of State's Country Reports on Terrorism, Iran remains ''the most active state sponsor of terrorism'', continues to provide arms, financing, training, and other support to Hamas, Hezbollah, and other groups designated by the United States as foreign terrorist organizations, in addition to providing lethal support to violent militants in Iraq and Afghanistan: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms its support for all Iranian citizens who courageously struggle for freedom, human rights, civil liberties, and the protection of the rule of law;

(2) condemns the ongoing violence and human rights abuses against the people of Iran by the Government of Iran and pro-government militias, as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cell phones;

(3) condemns the Government of Iran's continued pursuit of a nuclear weapons capability and unconventional weapons and ballistic missile capabilities, and its use of its nuclear program to distract attention from its horrific abuses of the human rights of the Iranian people;

(4) urges the immediate release of all political prisoners detained by the Government of Iran and the immediate end of all harassment and violence against the people of Iran by the Government of Iran and pro-government militias;

(5) reaffirms the universality of individual human and political rights; and

(6) calls for freedom and democracy for the people of Iran, including fair, democratic, and independent elections in Iran.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. COSTA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. COSTA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include any extraneous materials on this resolution under consideration.

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

There was no objection.

Mr. COSTA. Madam Speaker, I rise in strong support of this resolution today, and I yield myself such time as I may consume.

House Resolution 1457 expresses the sense of the House of Representatives on the 1-year anniversary of the Government of Iran's manipulation of the Iranian elections, the continued denial of human rights, and their continued pursuit of a nuclear weapons capability. And I would like to thank my friend, Congressman Judge POE of Texas, for joining me in the introduction of this important resolution.

Madam Speaker, just over a year ago, on June 12, 2009, the world watched as Iran's rulers manipulated and stole an election for their chosen candidate, Mahmoud Ahmadinejad. Thousands of Iranians took to the streets following that sham presidential election that had been orchestrated for the regime. Following that, we all know what happened. So we speak in this resolution on the anniversary of that disputed election result because I believe, and those who are supporting this resolution believe, that Congress must reaffirm its commitment to supporting democracy and freedom around the world, including in Iran.

We know that as the street protest continued against the fraudulent election and it intensified, the Government of Iran, its riot police, and members of the Revolutionary Guard Corps engaged in a brutal crackdown on the Iranian people. Sadly, many Iranians were injured, imprisoned, or killed.

Human rights in Iran, we know, have deteriorated precipitously over the years since the first election of President Ahmadinejad. But since that disputed presidential election last year,

Iran's slide into what is clearly a brutal dictatorship has sharply accelerated. Iran's Revolutionary Guard, its militia, and its police arbitrarily arrest thousands of peaceful protesters and dissidents, including students, women's rights activists, lawyers, and journalists, in a clear effort to intimidate their critics and stifle dissent. This regime obviously cannot withstand these critics.

□ 1420

But as champions of freedom and democracy, the United States must, must condemn these abuses of this Iranian regime whenever possible as we witness such actions around the world. It is in our Constitution, and it is one of the reasons why we still remain a beacon of light around the world as we stand up for human rights, human rights that have sadly been abused in Iran by this regime.

But it's not just in our Constitution. In the Koran it states: Help one another in a righteousness and goodness way. Help not one another when in sin and aggression.

Clearly, this despotic regime in Iran is engaged in full-time sin and aggression of its own people. But this quote, of course, is from the Koran, which is the book of the major religion of the people of Iran. Yet they violate their own faith in this way.

Madam Speaker, the people of the United States stand behind the people of Iran, who simply want to live their lives in peace and freedom, free of the brutal oppression of their government. Let us be clear: At the end of the day, Mahmoud Ahmadinejad is nothing more than a bully and a dictator. His regime uses every tactic they can to subdue and terrorize their own people.

And we need to recognize this phony regime for what it is. It's a killer of freedom of speech, freedom of religion, and freedom of press. And I believe that when history is written, that the record of this terrorism regime in the 21st century will compare, sadly, to those same brutal dictatorships that we witnessed in the 20th century. I am talking about Hitler, Stalin, Tojo, and Mussolini. That is the level of despotic dictatorship that we are witnessing today in Iran.

So, therefore, this resolution before us confirms Congress's support for all Iranian citizens who struggle for freedom, human rights, and civil liberties. It condemns the ongoing violence and human rights abuses against the people of Iran by their government, and it urges immediate release of all political prisoners detained by this regime.

House Resolution 1457 also calls for freedom and democracy for the people of Iran, including fair, democratic, and independent elections, unlike the ones that were held a year ago. Finally, this resolution condemns the Government of Iran's continued pursuit of nuclear weapons capability and a ballistic missiles program, for clearly we know what they are intended for.

This is especially timely, Madam Speaker, since later this week the House is expected to vote on the conference committee report H.R. 2194. We hope by the end of this week, certainly by next week. The Iran Sanctions, Accountability, and Divestment Act of 2010 is an important measure. I am proud to be a conferee on the conference committee. This piece of legislation represents, I think, a monumental step toward our fight against Iran's nuclear proliferation. These sanctions reinforce and go far beyond the enacted United Nations sanctions aimed at persuading Iran to change its conduct that was voted on over a week ago.

These tough new petroleum and financial sanctions will restrict the ability of Iran's regime and its thugs to continue their nuclear aspirations and their oppression of the Iranian people. The legislation also increases penalties for sanction violations and bolsters the U.S. trade embargo against Iran. These sanctions will send a strong signal that our Nation will not stand for the escalation of this regime's aims at a nuclear arms program, especially with violent threats against our strategic ally Israel, and the threat of that ally and its impact throughout the regions of Europe and Southeast Asia, along with the Middle East.

Clearly, their medium-range missiles are capable of reaching all of those countries within that area, and, therefore, we stand with Israel and our allies. These sanctions are a powerful step forward. We must continue to take all necessary actions and to keep every option on the table to prevent nuclear arms races in that region.

Madam Speaker, I encourage my colleagues to support this important resolution and to send a strong message to Iran and the entire world that America will not stand by while these human rights abuses continue and they continue to pursue nuclear weapons capabilities.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Texas, Judge POE, an esteemed member of our Committee on Foreign Affairs and the coauthor of this resolution before us.

Mr. POE of Texas. Madam Speaker, I thank the gentlelady from Florida for yielding. I also want to thank my friend from California (Mr. COSTA) for introducing this Resolution 1457, and I am proud to be a cosponsor of this important resolution.

The people of Iran are under the oppression of the little fellow from the desert, Ahmadinejad. And the little fella claimed that he won the election last year, but the whole world knows, including he, that he stole the election in Iran. The people of Iran want democracy, they want freedom, and so they took to the streets opposing the little fella. And what did he do? He retaliated. He used his henchmen, his goon squad to come out and brutalize his own people, who were unarmed but yet taking to the streets wanting freedom and a legitimate election. He injured them; he beat them; he hung them, and he shot them, peaceful Iranians wanting freedom and democracy.

But the folks of Iran were not going to be intimidated by the crimes committed against them in their pursuit for freedom and a free election, so they have continued to speak out. By continuing to speak out, of course, more of them get arrested. As my friend from California mentioned, it includes everybody: Women and children, lawyers and journalists. They are all arrested, brutalized, and some are killed in the name of keeping the little fella, Ahmadinejad, in power in Iran.

This past week in Paris, France, 100,000 people, mainly Iranians, marched in support of freedom and democracy for their homeland in Iran. And it's important that we in America let everybody know where we stand when it comes to freedom versus tyranny, freedom versus a dictatorship, that we stand by the people of the nation who want self-determination and freedom.

The Iranians kind of wonder where we stand as a Nation. They are concerned because, you see, they get their government-controlled media and it tells them one thing, that the United States is not supportive. So we need to make it clear to them that we do support them. And they don't want weapons. They don't want armament. They don't want even money. They just want to know that this country, the center and hope for the world when it comes to human rights and democracy, stands with the people, the people of Iran in their quest to control their own destiny and control their own government.

There is no freedom in Iran as long as this regime is in power and Ahmadinejad continues to be the dictator, the tyrant of the desert who threatens to destroy not only our ally Israel, but destroy the West as soon as he can get his hands on those nuclear weapons.

He needs to go. His time has come. It needs to go. And the way that that can happen is when the people of Iran take control of their own country. The best hope for the Iranians, the best hope for the world, Madam Speaker, is for a regime change in Iran by the people of Iran. So we should support that endeavor. We should tell those freedom-loving folks, those sons of liberty, those daughters of democracy, that we in America, halfway around the world, who believe in liberty and believe in democracy and believe in freedom, we stand with them. We support them morally, and we support them because they have the right to determine their own destiny.

Our quarrel as a Nation is not with the people of Iran. Our quarrel is with this dictator, this tyrant, the little fellow from the desert who wants to destroy his own nation and the rest of the world as well.

□ 1430

So I support this resolution and I want to compliment the gentleman from California (Mr. COSTA) for bringing this to the floor.

And that's just the way it is.

Mr. COSTA. Madam Speaker, I thank the gentleman from Texas (Mr. POE) for his good remarks, as always.

I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, I want to thank the gentleman from California (Mr. COSTA). We have worked on many issues, this being one of the most important, and I thank him for yielding some time to me.

It has been 1 year since Ahmadinejad and his thugs stole the election in Iran. The world watched with shock as 1 million Iranians took to the streets of Tehran to protest the so-called results of the sham election, and dismay as the protesters were cruelly squelched. The world was horrified as we watched a beautiful Iranian woman killed in the prime of her life as she peacefully protested the election results.

I stand with the people of Iran as they protest the continued denial of human rights and democracy by their illegal government. Iran's government is on a very dangerous path. They are the state sponsors of terrorism across the planet. They are the main sponsors of Hamas, and we watch Hamas cruelly treat the Palestinian people in the Gaza like animals more than people. We know that the Iranians are supporting Hezbollah in Lebanon and transporting weapons to them that could be used against Israel. We watch as they infiltrate South America through Venezuela, trying to spread their tentacles of hate and terrorism across the planet. We have a very serious problem with Iran. They will not join the family of civilized countries that are trying to improve this world. Quite the contrary. They are the main obstacle to peace everywhere.

In addition to their exporting of terrorism and supporting of terrorist organizations, the threat to wipe Israel off the map, what is this dangerous country doing? It is attempting to acquire nuclear weapons with all deliberate speed. When there is a president of a rogue nation that is supporting terrorism and terrorists across the planet, that is calling for the destruction of the State of Israel, that talks with great disparagement about western civilization, particularly the United States of America, when a country like this is attempting to acquire nuclear weapons, it is time for the world to wake up and recognize that they say what they mean, they mean what they say, and the Iranian Government must be stopped at all costs.

I stand with the Iranian people. I support them and I thank them for having the courage to stand up to their own government. It is not easy to do when you know if you stand up, chances are you will be killed. I thank them very much for doing that, and I thank the gentleman from California (Mr. COSTA) for bringing this to our attention through this resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in discussions about the Iranian regime's pursuit of a nuclear weapons program, or its state sponsorship of violent extremists, the persecution that the thugs in Tehran inflict on ordinary Iranians, that is sometimes overlooked. This is particularly true on the international stage.

The United Nations Human Rights Council has condemned the democratic Jewish State of Israel over and over again for defending herself, but has not once condemned the Iranian regime's brutality against the Iranian people.

Iran, a regime that stones women to death, was elected by acclamation to the U.N. Commission on the Status of Women. Let me repeat that again; it is so absurd, it is almost incomprehensible. It is incomprehensible. Iran, a regime that stones women to death, was elected by acclamation to the U.N. Commission on the Status of Women. This is a Kafkaesque scenario.

So it is all the more important that we in this House stand in solidarity with the Iranian people and with all of those who support and defend human rights, support and defend democracy, support and defend freedom. We must also be clear and steadfast in describing and condemning the Iranian regime's human rights abuses, of which there are many.

Those in power in Tehran practice torture, flogging, rape, amputation, and murder. The regime conducts systematic, official discrimination against women, Baha'is, Christians, Jews, dissident Muslims, and many others. No one is exempt.

All seven members of the national Baha'i leadership in Iran remain in prison, where they have been held unjustly for 2 years and are on trial for trumped-up charges that potentially carry the death penalty. Gay people are hanged from cranes, even as their very existence in Iran is denied by Ahmadinejad.

Since the sham ''elections''—using the term loosely—1 year ago, the regime has intensified its repression, increasing restrictions on the freedom of religion, expression, association, assembly and the press.

What is left?

Thousands of protesters, dissidents, journalists have been arbitrarily detained or killed, with innocent people shot on the street, and the Stalinesque show-trials continue.

Even Iranians who succeed in fleeing their country are reportedly still in danger as agents of the Iranian regime threaten with death if they continue to speak out and protest human rights violations by Tehran.

Despite this repression, the people of Tehran continue to put their lives on the line in pursuit of freedom, and the United States and other responsible nations must stand with them. There are many further steps we can take to help at this critical time. Above all, we must do no harm. Negotiation with the regime legitimizes its illegitimate leaders and distracts attention from their repressive acts.

We must hit the regime where it hurts by fully implementing sanctions targeting the regime's vulnerabilities, both existing sanctions and the new ones that Congress will soon enact. The same refined petroleum products and other petro-dollars that bankrolled the regime's weapons program also bankrolled its repression of human rights. Requiring the immediate implementation and enforcement of comprehensive sanctions can help stop both of these threats.

We must also support those who seek human rights for Iran and monitor abuses, such as the Iran Human Rights Documentation Center, which has actually seen its funding cut. And as the beacon of liberty and democracy to the entire world, the United States must do our duty to name and shame the guilty. Because we must take an all-of-the-above approach to this issue, I introduced H.R. 4649, the bipartisan Iran Human Rights Sanctions Act which was introduced in the Senate by JOHN MCCAIN and JOE LIEBERMAN. That legislation requires the President to designate and sanction those who violate the human rights of Iranians. I am gratified that some versions of this bill will be included in the Iran sanctions conference report that Congress will soon consider.

And given the importance of human rights for the Iranian people and worldwide, I am proud to strongly support the resolution before us today, H. Res. 1457. This resolution marks the 1-year anniversary of the Iranian people's mass uprising against the regime's fraud, manipulation, and repression; and it also condemns the regime's brutality.

Furthermore, the resolution reaffirms our support for all Iranians who courageously struggle for freedom. It urges the immediate release of all political prisoners and calls for freedom and democracy for the people of Iran, including fair, democratic and independent elections.

I would like to thank the authors of this resolution, distinguished members of our Foreign Affairs Committee, the gentleman from California (Mr. COSTA) and the gentleman from Texas (Mr. POE). This legislation builds on a resolution that Judge POE introduced 6 months ago, as well as a resolution introduced by the distinguished gentleman from Texas (Mr. MCCAUL). I appreciate the long-standing efforts of all of these Members on this important issue.

Ultimately, the purpose of this resolution reflects the words of Holocaust survivor and Nobel Peace Prize winner Elie Wiesel, words that are salient to

any discussion on the status of human rights in Iran under that brutal regime: ''We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.''

□ 1440

With these words in mind, we must take sides. We must act together in support of the people of Iran. I urge my colleagues to support this important resolution.

I yield back the balance of my time.

Mr. COSTA. Madam Speaker, I, too, want to thank my friend and colleague, the gentlewoman from Florida, ILEANA ROS-LEHTINEN, for her strong bipartisan comments on a resolution that there is strong bipartisan support for, as witnessed by the statements here this afternoon.

Make no mistake about it, Madam Speaker, and to those who are listening. This resolution is about human rights violations in Iran. This resolution is about the despotic, sham regime that is currently governing in Iran that is oppressing the people of that country. This resolution speaks to the higher values and goals that are enshrined in our country's Constitution and Bill of Rights, those freedoms that we hold most dear, that are at the end of the day the basis for all human rights, not just in our country but throughout the world.

Therefore, today, the Congress must speak to these human rights violations that are existing in Iran. Today, the Congress must voice its opinion on the despotic rule of this regime, and by passing this resolution in a bipartisan fashion, we will not only put the House of Representatives firmly on record as to the year anniversary of the sham election that took place in Iran, but we will also reiterate our strong support for sanctions against this country that, in fact, is violating these human rights and that is turning its back on the rest of the world.

Make no mistake about it. The Iranian Government today, not its people but the Iranian Government today, is, in my view, the largest concern not only in the Middle East but throughout the world in terms of achieving peace that we all hold most dear. The goals of peace in the Middle East and throughout the world are at greatest risk by the actions and the activities and the supports of terrorist activities by this Iranian regime, whether it be to Hezbollah, whether it be to Hamas, or whether it be to other terrorist groups that it supports in so many different ways because they know at the end of the day they cannot support the family of nations throughout the world in expressing freedoms that we hold most dear.

So I ask my colleagues to support this bipartisan resolution.

Mr. ACKERMAN. Madam Speaker, I rise in strong support of the resolution. I want to thank the Chairman and commend Mr. COSTA and Mr. POE for their work on the resolution.

The anniversary of the uprising of the Iranian people to secure their democratic rights is a solemn occasion. The images from last year of ordinary Iranians showing unbelievable courage in challenging the ruthless and vicious theocracy that controls Iran resonated powerfully with Americans. Recalling the late 1980s and the collapse of Communism, many have begun to hope that this wholly indigenous movement, by virtue of its own success, and entirely for its own reasons, will throw on to the ash-heap of history the brutal, irresponsible, and vicious regime of the mullahs.

I don't think any one believes the current leadership of the Islamic Republic of Iran will go quietly or easily into retirement. And I think it would be foolish to assume that a reformed Iranian government would automatically be very friendly to the United States, or be less committed to the pursuit of its own national interests. But there is good reason to think that a different Iranian government, one that was truly answerable to the aspirations of the Iranian people, would transform the politics of the Middle East, dramatically change the global struggle against violent Islamic extremism and, potentially, salvage the global non-proliferation regime.

But as we think about how we can aid the Green Movement, I believe we need to be especially careful and thoughtful. There is, unfortunately, a painful history of American intervention in Iranian affairs, and we should, at the very least, have some humility about our ability to competently shape highly politicized and dynamic events in other nations.

Iran is a sovereign state whose people are struggling bravely for their own freedom. It is natural and right for us to want to support their struggle. The question is how? It seems to me that our first obligation is "to do no harm." And our second obligation is to recognize that we are not a doctor, and Iran is not a patient.

With these caveats, I believe there are some important things that we can and should do; all of which can be done publicly and outside of Iran. First, as we are doing today, we must continue to let the people of Iran know that we have not forgotten them or their struggle for freedom. Second, we must continue to bear witness to vicious crimes the Iranian regime is perpetrating against its own citizens. A government at war with its own citizens is illegitimate by definition. Third, we and other nations truly committed to universal human rights must continue to highlight Iran's absolutely illegitimate and immoral behavior in international forums and in the United Nations. The Iranian regime's behavior can not be denied and it can not be excused.

Finally, and most critically, we absolutely must prevent Iran from acquiring the capability to produce nuclear weapons. For the sake of the people in Iran, for the sake of the people in the Middle East, for the sake of our allies in Israel, and for our own vital national security interests, Iran's nuclear ambitions absolutely must not be allowed to succeed.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to express my support for H.R. 1457, which recognizes the one-year anniversary of the Government of Iran's deceitful manipulation of Iranian elections and the Government's continued violation of Iranian citizens' democracy and their human rights.

One year ago, Mahmoud Ahmadinejad was re-elected to become the President of Iran in an unfair and manipulated election. Since then, this date, the Iranian regime, run by Mahmoud Ahmadinejad, has continually violated the human rights of innocent Iranian citizens, brutally beating back popular demonstrations against Mr. Ahmadinejad's election. This resolution is necessary and desperately important to show the world that the United States does not condone oppression and supports the Iranian people in their quest for freedom and democracy.

Our country has always prided itself on the human rights our own citizens enjoy. I believe we should strive to protect and champion the freedoms of people the world over. Unrestricted arrests of innocent individuals, killing of citizens who oppose the government, and extreme oppression of women, all common acts by the Iranian regime, that must be stopped. There needs to be a continued strong disapproving stance taken by our nation towards the destructive and unfair way that the Iranian regime treats its people.

As a member of the Armed Services committee, I take this matter very seriously and see the continued reign of the Iranian regime as a national security threat not only to our nation at home, but also to our armed forces abroad. I urge my colleagues to stand with the Iranian people to support this important resolution.

Mr. McMAHON. Madam Speaker, I rise today in support of, H. Res 1457, the Resolution on the one-year anniversary of the June 12, 2009 Iranian Elections. Though one year has passed since the widely contested elections, the stain of Iran's government and its callous disregard for human rights continues to run through the streets of its cities. Although the protests of courageous voters have been violently crushed by the regime, the Iranian people remain proud and steadfast in their belief that this electoral atrocity will one day transition to dying authoritarianism and the birth of a democratic Iran.

The Iranian electoral system does not reflect the ideals of democracy held by the vast majority of other nations in the world, but rather demonstrates the desperation of a despotic regime clinging to power under the guise of fair elections.

For the June 12, 2009 elections, candidates had to be pre-approved by the Government of Iran's Guardian Council, Mahmoud Ahmadinejad's victory announcement was made prematurely, and the final vote tallies were inconsistent with the demographics of the nation, the number of registered voters, and common sense.

Those who protested the elections had their rights of free speech brutally denied, and were beaten, jailed, injured, and killed. The Iranian regime has spilled the blood of its own citizens in the streets to maintain its illegitimate hold on power. We were all heartstruck to the see the death of Neda Agha-Soltan broadcast across the globe. It is now up to the nations who stand for democracy and freedom to support the courageous protesters in Iran.

Furthermore, following the failed Iranian elections in June, the Iranian regime has had its legitimacy wounded and its paranoia increased. The regime has taken a posture of increased repression at home and antagonism abroad. In that dangerous environment, Israel's leaders have every right to be concerned for their country's safety. While hope still exists for a free Iran, Europe, Israel and the United States must undoubtedly prepare

for a more dangerous Iranian regime in the near-term.

We must be ready for the possibility that Iran will intensify its pursuit of nuclear weapons to overcome the embarrassment of the recent elections.

For this reason, I applaud the House Foreign Affairs Committee and the Senate Banking Committee on yesterday's announcement that they had reached an agreement on the Iran sanctions conference report agreement. This long-awaited sanctions package is absolutely necessary to persuade Iran to change its conduct and its course on its nuclear program.

Madam Speaker, I urge the House of Representatives to condemn the authoritarian Iranian regime and to stand with the millions of Iranians who rushed to the streets not only to defend their right to vote, but also to defend the very ideals of democracy and free and fair societies. I call on my colleagues to support this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. COSTA) that the House suspend the rules and agree to the resolution, H. Res. 1457.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

GRANTING SUBPOENA POWER TO COMMISSION INVESTIGATING BP DEEPWATER OIL SPILL

Mr. RAHALL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5481) to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5481

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

SECTION 1. SUBPOENA POWER OF THE NATIONAL COMMISSION ON THE BP "DEEPWATER HORIZON" OIL SPILL AND OFFSHORE DRILLING.

(a) SUBPOENA POWER.—The National Commission on the BP *Deepwater Horizon* Oil Spill and Offshore Drilling established by Executive Order No. 13543 of May 21, 2010 (in this section referred to as the ''Commission''), may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, and other documents.

(b) ISSUANCE.—

(1) AUTHORIZATION.—A subpoena may be issued under this section only by—

(A) agreement of the Co-Chairs of the Commission; or

(B) the affirmative vote of a majority of the members of the Commission.

(2) JUSTICE DEPARTMENT COORDINATION.—

(A) NOTIFICATION.—The Commission shall notify the Attorney General or his or her designee of the Commission's intent to issue a subpoena under this section, the identity of the witness, and the nature of the testimony sought before issuing such a subpoena. The form and content of such notice shall be set forth in the guidelines to be issued under subparagraph (D).

(B) CONDITIONS FOR OBJECTION TO ISSUANCE.—The Commission may not issue a subpoena under authority of this Act if the Attorney General objects to the issuance of the subpoena on the basis that the taking of the testimony is likely to interfere with any—

(i) Federal or State criminal investigation or prosecution; or

(ii) pending investigation under sections 3729 through 3732 of title 31, United States Code (commonly known as the ''Civil False Claims Act'') or other Federal statute providing for civil remedies, or any civil litigation to which the United States or any of its agencies is or is likely to be a party.

(C) NOTIFICATION OF OBJECTION.—The Attorney General or relevant United States Attorney shall notify the Commission of an objection raised under this paragraph without unnecessary delay and as set forth in the guidelines to be issued under subparagraph (D).

(D) GUIDELINES.—As soon as practicable, but no later than 30 days after the date of the enactment of this Act, the Attorney General, after consultation with the Commission, shall issue guidelines to carry out this subsection.

(3) SIGNATURE AND SERVICE.—A subpoena issued under this section may be—

(A) issued under the signature of either Co-Chair or any member designated by a majority of the Commission; and

(B) served by any person designated by the Co-Chairs or a member designated by a majority of the Commission.

(c) ENFORCEMENT.—

(1) REQUIRED PROCEDURES.—In the case of contumacy of any person issued a subpoena under this section or refusal by such person to comply with the subpoena, the Commission shall request the Attorney General to seek enforcement of the subpoena. Upon such request the Attorney General shall seek enforcement of the subpoena in a court described in paragraph (2). The court in which the Attorney General seeks enforcement of the subpoena shall issue an order requiring the subpoenaed person to appear at any designated place to testify or to produce documentary or other evidence, and may punish any failure to obey the order as a contempt of that court.

(2) JURISDICTION FOR ENFORCEMENT.—Any United States district court for a judicial district in which a person issued a subpoena under this section resides, is served, or may be found, or where the subpoena is returnable, shall have jurisdiction to enforce the subpoena as provided in paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Madam 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 the bill under consideration.

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

There was no objection.

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

Madam Speaker, last month President Obama issued Executive Order 13543 establishing the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling. The measure we are considering today, introduced by our colleague, Representative LOIS CAPPS, would authorize the commission to issue subpoenas, if necessary, to gather information and compel testimony.

With it, we are giving the commission some teeth. The commission should be demanding and receiving a full and fair accounting to carry out its important mission. Without subpoena power, the commission runs the risk of allowing BP to write its own history of what happened in the gulf.

As amended, H.R. 5481 includes language worked out with the Justice Department to ensure that any commission subpoena does not interfere with any present or future criminal investigation or prosecution or civil litigation involving the United States.

I want to commend the bill's sponsor and a valued member of our Committee on Natural Resources, Representative LOIS CAPPS, a valued member not only on our Resources Committee but in this body who has experienced oil spills in her history as many of our colleagues are today. Having lived through the Santa Barbara oil spill which was in her congressional district in 1969, Representative CAPPS has a deep understanding and a commitment to oil spill prevention and mitigation.

Madam Speaker, H.R. 5481 is just one of a number of actions that this Congress will need to take to help gather information on the causes of the BP Deepwater Horizon disaster and develop safety and environmental measures to prevent such a disaster from occurring again.

I urge my colleagues to support the passage of H.R. 5481, a commonsense bill that will help shed some light on what happened the night of this tragic explosion.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, at this very moment, oil continues to flow into the Gulf of Mexico, and the urgency to address this crisis should not be forgotten or dismissed. It is important that we get to the bottom of the causes of this terrible tragedy. We need to know what went wrong and who did precisely what wrong. At the same time, we should not lose sight of the most immediate priorities.

Those priorities are, first, the leak must be stopped. Second, the oil must

be cleaned up because the livelihood of families and communities all along the gulf coast need help and support, and the well-being of wildlife and the environment must be cared for. And third, BP must be held 100 percent accountable and pay all the costs associated with this disaster.

This bill, as the distinguished chairman said, simply grants subpoena authority to the seven-member commission established and appointed by the President to look into the causes of the Deepwater Horizon accident, the resulting spill, and the response.

I support this bill and the commission having subpoena power to compel the disclosure of documents and the testimony of witnesses. Congress has passed laws to give subpoena power to similar commissions in the past, and it is fully appropriate to do so here.

To be clear, the authority granted in this bill allowing the commission to issue subpoenas covers BP and the companies involved in the drilling of this well, but it also fully covers the agencies and departments of the Federal Government. Not only must we get to the bottom of what these companies did and the failures that occurred, but we also must know what failures occurred by the government in their regulatory oversight and in responding to this spill.

□ 1450

But there is one concern with the wording of this bill, Madam Speaker, and the impact that it could have in prolonging the work of the commission beyond its 6-month timeframe set out by the President.

The bill allows the Attorney General to object to the commission issuing subpoenas for certain specified situations. Those situations are when criminal investigations and certain civil litigation may be harmed by the taking of testimony. That's understandable, Madam Speaker. Under the wording of the bill, however, the Attorney General must act to make known such an objection to a commission's subpoena ''without unnecessary delay.'' This vague term places no real time frame on the Attorney General to act.

When the commission itself is supposed to complete its work within 180 days of its first meeting, an open-ended delay that could occur due to the inaction of the Attorney General must be highlighted. This is particularly important, Madam Speaker, because the administration has partly justified its deepwater drilling moratorium upon allowing the commission to complete its investigation.

Under the way this bill is drafted, the moratorium—which I might add suffered a serious legal blow yesterday by a Federal judge in Louisiana—could drag on much longer than publicly promised by the President. The economic toll that a prolonged commission and a prolonged deepwater moratorium could have on the economy of the gulf and the jobs of tens of thousands is very, very real. A stricter timeline for the Attorney General to review subpoenas could have prevented such a scenario. This was not done, and there is no opportunity, obviously, to offer amendments to this suspension bill. So Madam Speaker, I raise this as an issue because the Commission and the Attorney General need to be diligent to avoid such a scenario.

This oil spill has unleashed a tragedy on the people and the environment in the gulf, but the Federal Government must not take actions that exacerbate this tragedy by not completing their work in a timely manner. The power to issue subpoenas is necessary to the commission's technical abilities to do their investigative work, but I must point out that questions are being raised about the seven persons selected and appointed by the President to his commission. So Madam Speaker, I would like to enter into the RECORD a selection of three pieces covering the commission.

The first is an Associated Press article entitled, ''Obama Spill Panel Big on Policy, Not Engineering.'' Another news article from The Times-Picayune entitled, ''Oil Spill Commission Coordinator Has Represented Environmental Groups.'' And third, a Wall Street Journal editorial entitled, ''The Antidrilling Commission: The White House choices seem to have made up their minds.''

The questions posed in these pieces and in other venues include: Do the past statements made and positions taken by several commission members in opposition to expanded offshore drilling affect their ability to act fairly and impartially? Will the general lack of engineering expertise among the commission members hinder their ability to fully grasp and get to the bottom of what happened in this accident? Will the absence of any drilling expertise among all seven commission members affect their pace of work or understanding of the matters they are charged with investigating? Will the pro cap-and-trade positions of several commission members transform this from an investigation into what went wrong with this incident into a pitch for a national energy tax? Will the commission's report ultimately be credible to all or be compromised due to the personal perspective of the members that the President appointed? Madam Speaker, only time will answer these questions.

I hope the commission is able to fully and fairly conduct its investigation into this incident and the government's response to it. We do need to know what went wrong so that reforms can be made to ensure American drilling is the safest in the world. We've got to have the facts in order to develop informed, effective solutions to make certain an accident like this never happens again.

So, Madam Speaker, the President's commission isn't the only entity looking into these questions. Congress too has a responsibility, and Congress should act when the facts are known. As subpoena power is necessary for this commission to undertake its work, I encourage my colleagues to support this bill.

[From the Associated Press]

OBAMA SPILL PANEL BIG ON POLICY, NOT ENGINEERING

(By Seth Borenstein)

WASHINGTON.—The panel appointed by President Barack Obama to investigate the Gulf of Mexico oil spill is short on technical expertise but long on talking publicly about ''America's addiction to oil.'' One member has blogged about it regularly.

Only one of the seven commissioners, the dean of Harvard's engineering and applied sciences school, has a prominent engineering background—but it's in optics and physics. Another is an environmental scientist with expertise in coastal areas and the after-effects of oil spills. Both are praised by other scientists.

The five other commissioners are experts in policy and management.

The White House said the commission will focus on the government's ''too cozy'' relationship with the oil industry. A presidential spokesman said panel members will ''consult the best minds and subject matter experts'' as they do their work.

The commission has yet to meet, yet some panel members had made their views known.

Environmental activist Frances Beinecke on May 27 blogged: ''We can blame BP for the disaster and we should. We can blame lack of adequate government oversight for the disaster and we should. But in the end, we also must place the blame where it originated: America's addiction to oil.'' And on June 3, May 27, May 22, May 18, May 4, she called for bans on drilling offshore and the Arctic.

''Even as questions persist, there is one thing I know for certain: the Gulf oil spill isn't just an accident. It's the result of a failed energy policy,'' Beinecke wrote on May 20.

Two other commissioners also have gone public to urge bans on drilling.

Co-chairman Bob Graham, a Democrat who was Florida governor and later a senator, led efforts to prevent drilling off his state's coast. Commissioner Donald Boesch of the University of Maryland wrote in a Washington Post blog that the federal government had planned to allow oil drilling off the Virginia coast and ''that probably will and should be delayed.''

Boesch, who has made scientific assessments of oil spills' effects on the ecosystem, said usually oil spills are small. But he added, ''The impacts of the oil and gas extraction industry (both coastal and offshore) on Gulf Coast wetlands represent an environmental catastrophe of massive and underappreciated proportions.''

An expert not on the commission, Granger Morgan, head of the engineering and public policy department at Carnegie Mellon University and an Obama campaign contributor, said the panel should have included more technical expertise and ''folks who aren't sort of already staked out'' on oil issues.

Jerry Taylor of the libertarian Cato Institute described the investigation as ''an exercise in political theater where the findings are preordained by the people put on the commission.''

When the White House announced the commission, Interior Secretary Ken Salazar and others made compared it with the one that investigated the 1986 Challenger accident. This one, however, doesn't have as many technical experts.

The 13-member board that looked into the first shuttle accident had seven engineering

and aviation experts and three other scientists. The 2003 board that looked into the Columbia shuttle disaster also had more than half of the panel with expertise in engineering and aviation.

Iraj Ersahaghi, who heads the petroleum engineering program the University of Southern California, reviewed the names of oil spill commissioners and asked, ''What do they know about petroleum?''

Ersahaghi said the panel needed to include someone like Bob Bea, a prominent petroleum engineering professor at the University of California, Berkeley, who's an expert in offshore drilling and the management causes of manmade disasters.

Bea, who's conducting his own investigation into the spill, told The Associated Press that his 66-member expert group will serve as a consultant to the commission, at the request of the panel's co-chairman, William K. Reilly, Environmental Protection Agency chief under President George H.W. Bush.

Adm. Hal Gehman, who oversaw the Columbia accident panel, said his advice to future commissions is to include subject matter experts. His own expertise was management and policy but said his engineering-oriented colleagues were critical to sorting through official testimony.

''Don't believe the first story; it's always more complicated than they (the people testifying) would like you to believe,'' Gehman said. ''Complex accidents have complex causes.''

The oil spill commission will not be at a loss for technical help, White House spokesman Ben LaBolt said.

For one, he said the panel will draw on a technical analysis that the National Association of Engineering is performing. Also, members will ''consult the best minds and subject matter experts in the Gulf, in the private sector, in think tanks and in the federal government as they conduct their research.''

That makes sense, said John Marburger, who was science adviser to President George W. Bush.

''It's not really a technical commission,'' Marburger said. ''It's a commission that's more oriented to understanding the regulatory and organizational framework, which clearly has a major bearing on the incident.''

[From Times-Picayune, Tuesday, June 22, 2010]

OIL SPILL COMMISSION COORDINATOR HAS REPRESENTED ENVIRONMENTAL GROUPS

(By Bruce Alpert)

The commission created by President Barack Obama to investigate the Gulf of Mexico oil spill appointed a Georgetown University environmental law professor Tuesday as its executive staff director.

Bob Graham, a Democrat, and William Reilly, a Republican, lead the seven-member commission to investigate the Gulf of Mexico oil spill.

Richard Lazarus, a graduate of Harvard University Law School where he was the roommate of Supreme Court Chief Justice John Roberts, has been given the task of coordinating the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, which will determine what new regulations will govern future deepwater drilling operations.

The appointment was announced by the commission's co-chairs Bob Graham, a former Democratic governor and U.S. senator from Florida, and Republican William Reilly, a former Environmental Protection Agency Administrator.

The Obama administration established a six-month moratorium on deepwater drilling to give the seven-member commission time to make recommendations, although a federal judge in New Orleans issued a temporary injunction Tuesday to block the order, saying it lacked justification and was doing economic harm to businesses and workers.

Reilly told the New York Times Monday that the panel won't meet until mid-July and probably won't complete its recommendations until early next year, signaling that, if an appeals court reverses the temporary injunction, the moratorium well be extended past the six-month deadline.

Lazarus, a former associate solicitor general, has represented the United States, state and local governments and environmental groups in 37 cases before the U.S. Supreme Court.

His primary areas of legal scholarship are environmental and natural resources law. For the past three summers, he has taught a course on Supreme Court history with his old roommate, Chief Justice Roberts.

''As staff director I would expect him to be exceedingly thorough, ask a lot of questions, seek probative answers, and reduce the chaos of the unknown to manageable proportions,'' said Oliver Houck, who teaches environmental law at Tulane University and co-authored a book with Lazarus. ''I also expect him, as a lawyer and former associate solicitor, to be quite aware that he is a staff member and aide and not a decision-maker.''

His appointment, though, led some to question whether the commission is too heavily weighted with those who favor strong environmental regulation and have been critical of the oil industry.

''The vast majority of those on the oil spill commission, as well as the staff, appear to have a predisposed bias against drilling, and it appears their conclusions will be based more on politics than on safety, which is disappointing,'' Rep. Steve Scalise, R-Jefferson, said.

But White House spokeswoman Moira Mack said the commission has ''broad and diverse representation,'' including environmentalists, academics, scientists, a former EPA administrator and former governor and senator.

''The National Association of Engineering is conducting a technical analysis that the commission will draw upon,'' she said. ''The commission will consult with the best minds and subject matter experts in the Gulf, in the private sector, in think tanks and in the federal government as they conduct their research.''

The oil and gas industry needs a thorough examination, Mack said.

''There's no doubt that Minerals Management Service has been too cozy with the oil and gas industry and there are many instances in which it has allowed the industry to dictate regulations,'' Mack said. ''No more. The commission will bring a set of fresh eyes to conduct a top to bottom review of offshore drilling regulation and the assumptions that have guided it, to ensure that the BP Deepwater Horizon Spill will never be repeated.''

Obama has asked Congress to provide $15 million to finance the commission's work.

Sen. Mary Landrieu, D-La., said she wasn't surprised when Reilly said the commission won't be able to meet the six-month deadline established by Obama. She said that federal commissions ''often extend their timeline, and their jurisdiction,'' though she said it's important the panel complete its work fairly and expeditiously.

[From the Wall Street Journal, June 22, 2010]

THE ANTIDRILLING COMMISSION

The President has appointed a seven-person commission to take what he says will be an objective look at what caused the Gulf spill and the steps to make offshore drilling safe. But judging from the pedigree of his commissioners, we're beginning to wonder if his real goal is to turn drilling into a partisan election issue.

Mr. Obama filled out his commission last week, and the news is that there's neither an oil nor drilling expert in the bunch. Instead, he's loaded up on politicians and environmental activists.

One co-chair is former Democratic Senator Bob Graham, who fought drilling off Florida throughout his career. The other is William Reilly, who ran the Environmental Protection Agency under President George H.W. Bush but is best known as a former president and former chairman of the World Wildlife Fund, one of the big environmental lobbies. The others:

Donald Boesch, a University of Maryland ''biological oceanographer,'' who has opposed drilling off the Virginia coast and who argued that ''the impacts of the oil and gas extraction industry . . . on Gulf Coast wetlands represent an environmental catastrophe of massive and underappreciated proportions.''

Terry Garcia, an executive vice president at the National Geographic Society, who directed coastal programs in the Clinton Administration, in particular ''recovery of endangered species, habitat conservation planning,'' and ''Clean Water Act implementation,'' according to the White House press release.

Fran Ulmer, Chancellor of the University of Alaska Anchorage, who is a member of the Aspen Institute's Commission on Arctic Climate Change. She's also on the board of the Union of Concerned Scientists, which opposes nuclear power and more offshore drilling and wants government policies ''that reduce vehicle miles traveled'' (i.e., driving in cars).

Frances Beinecke, president of the Natural Resources Defense Council, who prior to her appointment blogged about the spill this way: ''We can blame BP for the disaster and we should. We can blame lack of adequate government oversight for the disaster and we should. But in the end, we also must place blame where it originated: America's addiction to oil.''

On at least five occasions since the accident, Ms. Beinecke has called for bans on offshore and Arctic drilling.

Rounding out the panel is its lone member with an engineering background, Harvard's Cherry A. Murray, though her specialties are physics and optics.

Whatever their other expertise, none of these worthies knows much if anything about petroleum engineering. Where is the expert on modern drilling techniques, or rig safety, or even blowout preventers?

The choice of men and women who are long opposed to more drilling suggests not a fair technical inquiry but an antidrilling political agenda. With the elections approaching and Democrats down in the polls, the White House is looking to change the subject from health care, the lack of jobs and runaway deficits. Could the plan be to try to wrap drilling around the necks of Republicans, arguing that it was years of GOP coziness with Big Oil that led to the spill?

White House Chief of Staff Rahm Emanuel took this theme for a test drive on Sunday when he said that Republicans think ''the aggrieved party here is BP, not the fisherman.'' He added that this ought to remind Americans ''what Republican governance is like.'' The antidrilling commission could feed into this campaign narrative with a mid-September, pre-election report that blames the disaster on the industry and Bush-era regulators and recommends a ban on most offshore exploration. The media

would duly salute, while Democrats could then take the handoff and force antidrilling votes on Capitol Hill.

Even as this commission moves forward, engineering experts across the country have agreed that there is no scientific reason for a blanket drilling ban. The Interior Department invited experts to consult on drilling practices, but as we wrote last week eight of them have since said their advice was distorted to justify the Administration's six-month drilling moratorium.

Judging from that decision and now from Mr. Obama's drilling commission, the days of ''science taking a back seat to ideology'' are very much with us.

Madam Speaker, I reserve the balance of my time.

Mr. RAHALL. Madam Speaker, I yield myself 30 seconds.

I appreciate the gentleman's listing and submitting for the RECORD the backgrounds of this commission appointed by the President. I will not at this time, although I almost feel compelled to, ask for submission into the RECORD the financial and political background of the Federal judge that just issued a decision against the administration's moratoria this week, but I won't do that; nor the fact that the commission had some 150 scientists at their disposal as well, but I won't submit their backgrounds and history at this time.

Instead, I will yield 5 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Speaker, I rise in strong support of this legislation to give the National Commission on the BP Oil Spill the power to issue subpoenas.

I want to thank three chairmen—Chairman RAHALL, Chairman OBERSTAR and Chairman CONYERS—for expediting the consideration of my bill, and I really appreciate the tireless effort of Chairman MARKEY, who has worked with me on this bill and our earlier bill which was the basis for the President's order to set up the commission in the first place. I also appreciate the Speaker and the majority leader for bringing H.R. 5481 before us today.

As we witness the continued destruction affecting the livelihood of gulf residents and the environment, a full and thorough investigation must be conducted. The American people want answers from those responsible for the devastating gulf oil spill. Providing subpoena power to the commission will ensure that no stone goes unturned, and it will enable the American people to get the truth about how and why this disaster occurred.

While the President has committed the full cooperation of the Federal Government to the commission, he does not have the authority to give it subpoena power; congressional action is required. With the investigation expected to start soon, it's vital the commission has the tools and the resources it needs to get the job done.

As I've said repeatedly on the House floor, oil drilling is never without risk, but if we're going to make it as safe as possible, we need to provide the commission with every means available to find out exactly what caused the BP disaster so we can do everything possible to prevent such a disaster from ever happening again. Arming the commission with subpoena power will help us accomplish these goals and will help the affected communities to recover.

Madam Speaker, the need for subpoena power is certainly indicated by BP's wholly unsatisfactory response to this crisis. Unlike the gush of oil, BP has tightly controlled the flow of information following its spill. It has regularly stonewalled requests by Members of Congress, independent researchers, and the public to provide accurate and timely information.

BP has failed to tell us the amount of oil it's spilling into the gulf waters every day. BP has failed to provide health and safety data to the public, to the scientists, and the Federal Government. And BP has failed to prepare for the capture of all the oil being siphoned up from the well. Simply put, BP's behavior raises major doubts about its willingness to provide a full accounting of what went wrong when they appear before the commission.

The only way to get the information we all need from BP, Transocean, Halliburton and other private entities is for the commission to have the power to compel its disclosure. The commission just won't be able to do its work without complete access to the information it needs. So passing this bill is the appropriate and responsible thing to do. It's also consistent with Federal commission investigations that followed previous disasters, such as that on Three Mile Island.

Madam Speaker, the people of the Gulf of Mexico and the Nation deserve an explanation for all the circumstances and the decisions that led up to this disaster. Only a comprehensive, independent review with subpoena power will ensure the necessary lessons to be learned, practices changed, and future disasters averted.

So I urge my colleagues to join me in supporting this important legislation. Subpoena power is critical to hold all the parties accountable, protect taxpayers, and successfully clean up the disaster in the gulf.

□ 1500

Mr. HASTINGS of Washington. Madam Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 13 minutes remaining, and the gentleman from West Virginia has 14 minutes remaining.

Mr. HASTINGS of Washington. At this time, Madam Speaker, I am very pleased to yield 5 minutes to a member of the Natural Resources Committee, the gentleman from Louisiana (Mr. FLEMING).

Mr. FLEMING. I thank the gentleman from Washington for the time.

Madam Speaker, I stand in favor of H.R. 5481, which gives subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

As we stand here today, oil is still pouring into the Gulf of Mexico off the coast of Louisiana, and 242 miles of Louisiana shoreline are impacted by this oil. The highest priority for us must be to stop this leak and to get this mess cleaned up. BP must be held 100 percent accountable for their actions, and the administration must be accountable for their role in the response and oversight. Many questions are still without answers, the most pressing being what went wrong.

The bill we have before us today would provide subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling. This commission has been tasked by the President with providing recommendations on how we can prevent and mitigate the impact of any future spills that result from offshore drilling. Future tragedies that we are currently experiencing can only be prevented if we know what went wrong. We must find out who made the mistakes, who made the erroneous judgment, what failed, and just exactly what went wrong.

I will also interject, Madam Speaker, that, in operations like this, there are many backup systems; there are many redundancies. So, for a tragedy and a disaster like this to happen, there had to be gross error and gross negligence. This sort of thing just doesn't happen out of whole cloth.

I will support the bill today, but I share the concerns raised by my colleagues on the scope of the subpoena authority. I will voice my own concern and will urge Congress, this commission, and the administration to keep their eye on the ball to resolve the crisis affecting my State and our country and not to use this as an opportunity to advance an agenda, to shut down offshore drilling, or to impose a national energy tax.

The people of Louisiana have been hurt enough by BP's failures and by the inability of the administration to timely and effectively deal with this disaster. The last thing we need is the Federal Government's adding to this disaster by crippling one of the largest economic drivers in my State of Louisiana. The moratorium imposed by the administration would do just that. A Federal judge recently temporarily stayed the moratorium, affirming that it would cause irreparable harm. Any action by the administration, by this commission, and by this Congress must be based on science and not politics. Let's get the answers to what happened in order to stop the oil, to clean up the gulf, and to help Louisiana.

Also, I want to point out a couple of things on this bill about the actors in this situation. First of all, I want to say that I condemn BP and its actions. It is very clear that BP was negligent, if not criminal, in its actions by putting profits ahead of safety.

Let's talk about the administration for a moment. The administration failed to address well-known problems with the Minerals Management Service even well into the first 18 months of the administration. It held off high-volume skimmers from other countries that were offered within 3 days of the disaster. They barely acknowledged the spill for 9 days. They did not give permission for berm construction for almost 60 days in my home State of Louisiana. They repeatedly stopped emergency cleanup operations for trivial or unknown reasons, and that is happening even today. They repeatedly slapped moratoria, as I mentioned before, on offshore drilling that is over 500 feet, which is not, truly, deep water, and when all of the experts on this panel said that it was perfectly safe to do so.

I would like to say there is one silver lining in this entire situation, and that is my own Governor, Governor Jindal. Governor Jindal has been standing point each day in this process, doing everything that a Governor should do and must do while our President is on the golf course and while, of course, the CEO of BP is out on a yacht.

So I just want to say, in summary, Madam Speaker, that I do support H.R. 5481. This is one step in many toward finding out what happened here. We do need subpoena power to find out every bit of this, which will be going on for years, but so will the cleanup and so will the impact on my State of Louisiana, which at this point means that our tourism industry and our fisheries will be devastated, and now that the moratorium is shutting down 33 rigs, it is devastating our economy and our jobs.

Mr. RAHALL. Madam Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY of Massachusetts. I thank the chairman very much. I thank him for his excellent work and for his timely hearings on this catastrophic event.

I thank the gentlewoman from California (Mrs. CAPPS) for her excellent work on this indispensable piece of legislation and for working together in a bipartisan fashion with the minority to ensure that we have an historically accurate assessment of what has happened in the Gulf of Mexico.

Madam Speaker, President Obama established a bipartisan National Commission to investigate the causes of the BP disaster through Executive order. However, the President does not have the authority to give the commission subpoena power. That requires the Congress to act.

BP's response continues to be marked by catastrophic failures. Just today, an accident with an underwater recovery at the bottom of the sea has forced BP to remove the containment cap, and oil is now gushing into the ocean at a rate of 25,000 to 50,000 barrels per day. BP's mistakes seem to be without end.

BP said the rig couldn't sink. It did. BP said they could respond to an Exxon Valdez-sized spill every day. They couldn't. BP initially claimed that the oil spill was 1,000 barrels a day. It wasn't. BP knew it. Internal BP documents show that, in the first week of the disaster, BP estimated the size of the spill could be as high as 14,000 barrels per day. It took BP 23 days to finally agree to release video footage of the oil spill. Even then, BP initially only released video of one of the 12 remote operating vehicles on the ocean floor.

All along, it seems that BP has been much more concerned about its own liability—they pay a fine per barrel of oil per day—than they have been with the livability of the Gulf of Mexico and with the livelihoods of the people who are dependent upon the Gulf of Mexico for their livings.

BP's actions raise significant concerns about whether it will fully cooperate with the commission. We need to ensure that neither BP, Halliburton, Transocean nor any other party could prevent the commission from getting to the bottom of what went wrong at the bottom of the ocean on April 20, 2010, when the Deepwater Horizon exploded.

Congress has granted subpoena power to Presidential commissions investigating national crises in the past, including the Kemeny Commission, which investigated the disaster at Three Mile Island, and the 9/11 Commission.

As the worst environmental disaster in our Nation's history continues to unfold in the gulf, the American people and the people of the gulf coast deserve answers so that we can prevent similar disasters in the future. This legislation will ensure that the National Commission has the power it needs to get those answers for the American people.

We have to make sure that this never happens again. We have to make sure that the lessons learned are implemented. If the oil industry is going to drill in ultradeep waters, we have to ensure that it is ultrasafe and that there is an ultrafast response that can, in fact, ensure that there is a minimization of the harm done to the residents of the gulf. Every oil company now says they have no capacity to respond ultrafast to a catastrophic event the size of what is happening in the gulf right now. We have to make sure that none of this occurs again. Only with the subpoena power can we understand everything that happened—only with the passage of that today.

Again, I urge all Members to cast an ''aye'' vote.

Mr. HASTINGS of Washington. Madam Speaker, may I inquire again as to how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 8 minutes remaining, and the gentleman from West Virginia has 9½ minutes remaining.

□ 1510

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 4 minutes to the gentleman from Louisiana (Mr. CASSIDY), a member of the Natural Resources Committee.

Mr. CASSIDY. Madam Speaker, it's been 64 days since the Deepwater Horizon exploded, sank, killed 11 rig workers, and began spilling oil into the Gulf of Mexico. So I think we all agree that, first and foremost, we must stop the leak, clean up the spill, protect our coast, and hold BP accountable for damages.

Next, though, we've got to get to the bottom of what happened. And like my colleague just said, if we're going to go ultra-deep, make sure that it's ultrasafe. Now, for that to happen, we have to know the facts—a detailed account informed by understanding of what did take place, and then put in these ultrasafe safety and enforcement measures to make the United States the safest place to drill to get the resources to power our economy.

Now this was supposed to be the purpose of the National Oil Spill Commission. Instead, the members of this do not appear to be up to the challenge. Instead of appointing independent experts with knowledge and expertise of deepwater drilling, the President has packed the commission with people who lack expertise in the issues we're confronting.

First, let me say, Madam Speaker, I am for this commission having subpoena power. I am for them learning as much as they can learn. My concern is they do not have the members capable of understanding what they need to understand. There are no petroleum engineers in this commission, nor anyone else with experience in deepwater drilling.

Now, if you're going to have a commission to figure out what went wrong in a petroleum engineering circumstance in deepwater drilling, you need members who have expertise in those issues. And if we don't learn from this, if we don't figure out how not to repeat these mistakes, then we're dooming ourselves to either repeat these accidents or to have an energy future which is far less secure.

Now, Candidate Obama pledged to put science before politics, but it appears the President is rejecting science and professional expertise in responding to this. He recently imposed a moratorium that his handpicked experts said should not be put in place. These experts stated this moratorium ''will have a lasting impact on the Nation's economy which may be greater than that of the oil spill.'' They specifically said that the moratorium should not be blanket, but rather targeted to those rigs at risk.

Madam Speaker, I speak as someone from Louisiana. We have over 150,000 jobs at stake here. These are jobs in the energy production field, fisheries, wetlands, and our ecosytem. At stake is not only these jobs, though, but the

ability of our country to provide the energy we need to power our vehicles and our businesses, to provide jobs, in a sense, to make our economy go.

Now, this spill is a disaster for the gulf coast and especially for my State. The citizens have had their lives and livelihoods upended by this spill, but the commission we're debating here today is a disappointment. To get to the bottom of what happened, we need people who are up to the task. We need to put science before politics for the sake of the gulf, our Nation, and for those whose jobs are at risk.

Mr. RAHALL. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a member of our Committee on Natural Resources.

Mr. HOLT. I thank the chair of our committee for yielding.

Madam Speaker, I rise in support of H.R. 5481, which Mrs. CAPPS has brought before us, that would grant subpoena powers to the Presidential Commission on the BP Deepwater Horizon Oil Spill. Our Nation is in the midst of a great environmental disaster of historic scale—tens of thousands of barrels gushing into the gulf, hundreds of miles of coast line contaminated, thousands of people suffering from the economic impact. With today's news that the cap has been removed, this environmental catastrophe continues only to get worse.

BP has not been forthcoming over the past months—not forthcoming in what they were doing or how it was done or how much oil was gushing out and on and on and on. We owe it to the American people that they have an answer for what has happened; why it has happened; how it will be brought under control; what actions are being taken to prevent future spills. We can't let corporate prevarication and delay and feigned ignorance stand in the way.

I support the President's action in creating a commission to determine the answers to these questions. And as the commission begins to investigate the spill in the coming weeks, we must ensure that it has the tools necessary to succeed. Granting the commission subpoena powers will ensure that they undertake a complete inquiry on the causes of the spill and make meaningful recommendations on how to prevent similar disasters. I urge support.

I also want to point out that we need to ensure that the responsible parties are held accountable for the economic damages they've caused. The Big Oil Bailout Prevention Act, which has the support of nearly a fifth of this body, would raise the liability limit for economic damages from the laughably small $75 million. It's my hope that Congress will also act on this important legislation in the near future.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Louisiana (Mr. SCALISE), a member of the Energy and Commerce Committee.

Mr. SCALISE. I thank the gentleman for yielding.

Madam Speaker, I rise in support of the legislation to give subpoena powers to the commission. I would hope the commission would be an objective commission that actually looks into and helps us find out just what went wrong because I think we all need to know what went wrong on that rig to lead to the explosion that, unfortunately, took the lives of 11 people and has led to not only this human loss but this environmental loss.

I would hope that they would be objective in their deliberations. I think I do have concerns that some of the members appear to maybe come to this with a predisposed outcome. And they would be well served and the country would be well served if they put their political agendas on the side and actually focused on finding out what went wrong and coming up with real recommendations.

Now, if we look at the legislation not only here before us but also some of the problems we're dealing with on the ground, we continue to have problems and we seem to be spending more of our time fighting against this administration rather than fighting the oil because we're not getting the leadership we need from the President. Just yesterday, the sand barrier plan brought forward by our Governor that the President himself bragged about helping approve last week was stopped, halted by the Federal Government. Yet again, this kind of administrative red tape is something that's holding us back from properly responding to this disaster.

But if you look at what's happening with this ban on drilling in general, Secretary Salazar had initially put a commission together to come up with recommendations. They had a 30-day report that they issued. And these were scientists that were put together on recommendation by the National Academy of Engineers, and they came up with some solid recommendations to improve safety; but they opposed a ban on drilling. Unfortunately, Secretary Salazar set that ruling on the side, set that report on the side, and ignored the reports of scientists and put politics over safety and science and went forward with the ban that yesterday a judge ruled was not legal, not proper.

And so as this commission moves forward, I would hope that they would actually follow the rule of law and come up with objective decisions. But I think the Secretary would be well served and the President would be well served to go back to the report that was issued by his own scientific panel that came up with suggestions to improve safety on rigs without shutting down an entire industry.

Unfortunately, the President and the Secretary continue to set those kinds of scientific recommendations on the side and allow politics to trump the science by continuing to pursue this ban, even though the judge said that their decision was arbitrary and capricious; that they did not have the legal authority to have a complete ban on drilling. In fact, the scientists recommended and suggested that a complete ban, as this moratorium that's in effect would currently have, would actually decrease safety on rigs.

So, again, I would urge the President and the Secretary to go back and read that report and follow the recommendations of his own scientists.

Mr. RAHALL. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), the sponsor of the pending resolution.

□ 1520

Mrs. CAPPS. I thank the chairman for recognizing me.

I just want to give some information about the nature of the commission for the RECORD and to clear up some misinformation that apparently is being circulated. The truth is that the commission is not designed to be technical in nature. It is more oriented to understanding the regulatory and organizational framework, which clearly has a major bearing on the incident.

The commission is going to consult the very best minds and subject matter experts as they do their work. The commission members bring expertise in a range of relevant fields, from oil drilling to engineering to environmental science. The appointment of the commission is another step from the Obama administration to hold the oil industry accountable by ensuring that independent experts review the facts of the spill and recommend necessary environmental and safety precautions to address this disaster and to prevent future disasters. At the request of co-chair William Riley, there is a 66-member expert panel led by Robert Bea that will serve as a consultant to the commission. These technical experts are critical to sorting through all of the information that's presented, and the commission is required to draw on the technical analysis that the National Association of Engineering is currently performing.

I just want to add that Congress is also providing oversight on efforts to contain the spill and to mitigate the devastation. There are thorough investigations into what led to this tragedy, with dozens of House hearings in the past 2 weeks alone in order to hold responsible parties accountable, as well as to inform what changes must be made so that it never happens again. Although Republican leaders have scoffed at these efforts, Democrats will continue to provide the necessary oversight to hold responsible parties accountable and to ensure that every measure is taken to ensure that a disaster like this never occurs again.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Madam Speaker, let us note that this catastrophe could well have been avoided in a number of ways. What we are talking about

now is the fact that standards that already are in place were not followed, and we had best practices that, of course, are required of the industry that were not being followed. And I think we're going to find that out. So the last thing we want to do is cripple the United States' production of domestic energy in order to find out and hold a certain group of people accountable for the fact that they did not follow the practices or the standards.

But let's put it this way: Congress has not done its job as well. We have spent billions of dollars on research and development for the Department of Energy. That money has been channeled into nonsense, like proving global warming rather than spending some money—which we have—spending money on research and development to make the technology that we need to have safe oil and gas production, which our country currently depends upon for our standard of living.

So we haven't done our job here. We haven't set our priorities here. And on top of that, we did not develop the technology necessary to deal with a spill of this magnitude. Kevin Costner came to our office and testified at a hearing. He's put his own money into this. So we need to set our own priorities. We need to deal with this crisis.

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

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Madam Speaker, this commission is necessary so the commission has subpoena power. I think everybody understands that and supports that. But we need to do the three things that I had mentioned earlier. And that is to cap the well, to clean up all of the oil that has spilled out, and to hold BP accountable. Those things I think have very, very strong bipartisan support.

The only issue is what has been addressed a few times at least from my perspective and in print about the objectivity of this commission. And of course, Madam Speaker, we all know that only time will tell when that judgment will be made. But if they work in an objective way, look at the facts, and come to a decision based on the facts rather than a political point of view, I think we'll all be better served by that.

And with that, I urge support of this legislation.

Mr. OBERSTAR. Madam Speaker, I rise today in strong support of H.R. 5481, as amended, to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

On April 20, 2010, the Deepwater Horizon, a mobile offshore drilling unit (MODU) operating in the Gulf of Mexico off Louisiana, suffered a blowout and an uncontrollable release of gas and oil. This touched off an explosion and fire that claimed the lives of 11 men, injured many others, and resulted in the loss of the rig.

This casualty has also resulted in the release of millions of gallons of gas and oil into the Gulf of Mexico, the destruction of critical shoreline and ocean habitats, impacts to the health of potentially hundreds of workers engaged in the clean up, and catastrophic economic losses that will not be known for some time for the people of the Gulf Coast region. Gas and oil continue to gush out of control from the well nearly 65 days since the explosion.

On May 22, President Obama issued Executive Order 13543 to establish the BP Deepwater Horizon Oil Spill and Offshore Drilling Commission. The Commission's mission is to:

1. examine the facts and circumstances concerning the Deepwater Horizon oil spill disaster;

2. develop options for preventing and mitigating the impact of oil spills associated with offshore drilling including: improvements to Federal laws, regulations, and industry practices and reforms to federal agencies; and

3. submit a public report to the President with findings and options for consideration within six months of the Commission's first meeting.

There are many serious questions that need to be answered surrounding this catastrophe. The President's Executive Order establishes a framework for pursuing these questions and providing needed policy improvements regarding offshore oil drilling. However, the Commission lacks a critical tool: subpoena power.

Unfortunately, it is in the interests of certain parties to withhold important information, rather than to provide it voluntarily. I know from our own oversight work on the Committee that subpoena power is absolutely necessary to identify and to get the information required to make better policies and to protect public health, the environment, and to prevent the mistakes of the past. For the Commission to fulfill its critical mission, it must have the power to compel parties to provide it with information. Congress has provided similar powers to prior commissions and provided this same investigatory power to the Offices of Inspector General pursuant to the Inspector General Act of 1978.

The gentlewoman from California (Mrs. CAPPS) has introduced legislation (H.R. 5481) to ensure that the BP Deepwater Horizon Commission has the ability to pursue critical questions and lines of inquiry wherever they may lead. The bill allows the Commission to issue subpoenas to compel the attendance and testimony of witnesses, and produce records and correspondence, among other items.

Passage of this legislation will give the BP Deep Horizon Oil Spill and Offshore Drilling Commission a central tool that it needs to get to the truth.

I thank the gentlewoman from California (Mrs. CAPPS) for introducing this important bill and for her unwavering commitment to this issue.

I urge my colleagues to join me in supporting H.R. 5481.

Mr. HASTINGS of Washington. I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 5481, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO SECRETARY OF THE INTERIOR

Mr. RAHALL, from the Committee on Natural Resources, submitted a privileged report (Rept. No. 111–510) on the resolution (H. Res. 1406) directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the potential designation of National Monuments, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1617

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. RICHARDSON) at 4 o'clock and 17 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5481, by the yeas and nays;

H.R. 3993, by the yeas and nays;

H. Res. 1388, de novo.

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

GRANTING SUBPOENA POWER TO COMMISSION INVESTIGATING BP DEEPWATER OIL SPILL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5481) to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 420, nays 1, answered ''present'' 2, not voting 9, as follows:

[Roll No. 382]

YEAS—420

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
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
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
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 (AL)
Davis (CA)
Davis (IL)
Davis (KY)
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
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
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
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
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)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
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
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
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)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
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
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED ''PRESENT''—2

Miller, Gary
Nunes

NOT VOTING—9

Barrett (SC)
Brown (SC)
Delahunt
Kirk
Platts
Sestak
Smith (NJ)
Visclosky
Wamp

□ 1648

Messrs. WU, SCHRADER, POE of Texas, PETERS, SHADEGG, and GUTIERREZ changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE HONORING THE PASSING OF FORMER REPRESENTATIVE THOMAS LUDLOW ASHLEY

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

Ms. KAPTUR. Madam Speaker, it is with a sad but grateful heart that I rise today on behalf of my Ohio colleagues to inform the House that Congressman Thomas Ludlow Ashley of Toledo, Ohio, passed from this life on June 15, 2010.

Lud ably served in our Congress from 1955 to 1981, a career that spanned a quarter century, after he returned home as a corporal in the Army during World War II, serving in the Pacific theater.

As the Toledo Blade editorial reminds us, ''The late Senator Edward Kennedy once said: 'Americans sleep in better housing today because of Lud Ashley.''' As chair of the House Subcommittee on Housing and Community Development, Lud led America in urban and small town revitalization, improving our condition as a society a home and block at a time. He voted for the Civil Rights Act of 1964 and authored many pieces of legislation to rebuild America following the civil rights movement of that period.

In 1977, Mr. Ashley was selected by his beloved friend and Speaker, Thomas ''Tip'' O'Neill, to lead the House in the first ad hoc Energy Committee after the first Middle East oil embargo threw America into a deep recession. As Speaker O'Neill said at the time, ''Lud has a toughness and a never-say-die attitude, and who, when he was put on the first team, could run with the ball.''

Born on January 11, 1923, in Toledo, Lud was raised on Robinwood Avenue. He has been laid to rest nearby at Woodlawn Cemetery. He was the great grandson of James Mitchell Ashley of Ohio, who served before him from 1859–1869 and coauthored the 13th Amendment to the U.S. Constitution outlawing slavery. In that tradition, Lud Ashley's legacy was his abiding spirit of equal justice that moved civil rights forward in the post-World War II era.

It is appropriate this Congress has honored both Congressmen in passing legislation that named the Federal courthouse at Toledo forever in their memory.

Our prayers go out to the Ashley family: to his daughter Lisa and sons Meredith and his wife Monica, to Mark, brother Charles, sister-in-law Gerry, and many nieces and nephews. He was preceded in death by his wife, Kathleen.

Our citizenry in the 9th Congressional District shall miss his great intellect, dogged nature, and incredible sense of humor that lifted us all to carry forward.

Thank you, Thomas Ludlow Ashley.

[From toledoBlade.com, June 16, 2010]

CONGRESSMAN KNOWN FOR AIDING HOUSING, CIVIL RIGHTS DIES AT 87

(By Mark Zaborney)

Thomas Ludlow ''Lud'' Ashley, a liberal Democrat who played key roles in passing landmark civil rights, housing, and anti-poverty legislation while representing Toledo in Congress for more than a quarter century, died yesterday of melanoma at his home in Leland, Mich. He was 87.

Mr. Ashley cut a large figure on national and local stages, a genial good companion with a ready wit. He was colorful at times but also a thoughtful, skilled legislator capable of reconciling diverse interests to produce bills that would win floor approval.

While a student at Yale University in the 1940s, he befriended George H.W. Bush, and

the two remained close for more than 60 years. Yesterday, former President Bush said in a statement that he and his wife, Barbara, ''mourn the loss of a very close friend'' and said Mr. Ashley ''might well have been my very best friend in life.''

During Mr. Ashley's congressional tenure from 1955 to 1980, he brought millions of dollars home to northwest Ohio.

On Capitol Hill, he was known as ''Mr. Housing,'' shepherding America's public-housing programs through Congress in the 1960s and 1970s—including more than $15 million in public-housing units across Lucas County.

Through his efforts, Toledo was one of the first 30 cities in which food stamps were distributed to the poor.

With more than $11 million he secured, the Port of Toledo was dredged and improved, creating one of the nation's leading ports.

''It seemed like when the city needed the money, Lud would come through,'' Harry Kessler, Toledo's mayor from 1971–77 and now deceased, told The Blade in 1997.

Mr. Ashley's son Meredith, of Ho-Ho-Kus, N.J., said yesterday that of all his father's Washington achievements, the lawmaker was proudest of what he did to help Toledo.

''There was a lot of national legislation that Dad was really proud of, but there was nothing he was more proud of than scoring that $11 million grant for downtown Toledo,'' he said.

Known universally as ''Lud,'' Mr. Ashley was the 26th man to represent the 9th Congressional District in the House. Until his defeat in 1980, he served the district longer than anyone before him.

His great-grandfather James M. Ashley represented Toledo in Congress from 1859–69 as a Republican, having left the Democratic Party because of his anti-slavery beliefs.

The federal courthouse in downtown Toledo was named the James M. and Thomas W. Ludlow Ashley United States Courthouse by an act of Congress two years ago. President George W. Bush signed the measure, which had been sponsored by U.S. Rep. Marcy Kaptur (D., Toledo), in a private White House ceremony, and the official renaming was held in Toledo on June 3, less than two weeks ago.

Miss Kaptur, who with her re-election in 2008 surpassed Lud Ashley's record for representing Toledo the longest in Congress, said yesterday that ''Lud Ashley gave true meaning to the term 'public servant.' He followed admirably in the footsteps of his abolitionist great-grandfather, James, putting his genius to work in another tumultuous time and helping pass the momentous 1964 Civil Rights Act.''

James Ashley's co-authorship of the 13th Amendment, which abolished slavery, and his great-grandson's work on the Housing and Community Development Acts of 1974 and 1977 ''reflect the Ashley family's place in history on the scales of justice and equality for all people,'' Miss Kaptur said.

Mr. Ashley had been a resident in recent years of Leland, Mich., near Traverse City, but noted in 2008 that his great-grandfather chose to settle in Toledo.

''It's where he was buried, and where I'm going to be buried,'' Mr. Ashley told The Blade. ''Toledo's home.''

Mr. Ashley was first elected to Congress in 1954, defeating incumbent Frazier Reams, Sr., an independent, in a three-way race. He proved a redoubtable vote-getter over the years, dispatching some of the best opponents the Republican Party could muster.

He rose to a position of leadership in the House of Representatives, becoming a close ally and personal friend of House Speaker Thomas P. ''Tip'' O'Neill, Jr.

In 1977, Mr. O'Neill named Mr. Ashley chairman of a special committee created to handle a package of bills submitted by President Jimmy Carter to deal with the energy crisis.

When energy legislation cleared Congress more than a year later, Mr. O'Neill sent Mr. Ashley a letter of praise.

''Somebody said that it couldn't be done, but they didn't know that Tip O'Neill had a friend who had knowledge, ability, toughness, and a never-say-die attitude, and who, when he was put on the first team, could run with the ball,'' the House Speaker wrote.

There were other instances of political courage.

In 1959, more than a decade before President Richard Nixon's landmark visit to the People's Republic of China, Mr. Ashley was one of two House members to openly support that nation's admission to the United Nations.

In 1961, he was one of only six congressmen who voted to cut off funds for the House Un-American Activities Committee.

Mr. Ashley also became a senior and influential member of three permanent House committees: budget; banking, finance, and urban affairs; and merchant marine and fisheries, serving briefly in 1980 as chairman of the latter panel.

Mr. Ashley was known especially for his expertise in housing and community development legislation.

He was chairman of the housing and community development subcommittee of the House banking, finance, and urban affairs committee, and much of the legislation dealing with urban housing and development problems that was passed in the 1970s bore his imprint.

In October, 1979, President Carter, at a White House ceremony marking the anniversary of a community development program, praised Mr. Ashley's legislative abilities.

''He cares about people, and he is superb in his ability to conceive legislative programs and have them passed by Congress,'' President Carter said.

Mr. Ashley loyally supported Democratic presidents, but he had good relations with President Gerald Ford, a Republican, and many Republican members of Congress.

While Mr. Ashley and President George H.W. Bush were Yale undergraduates, the two were tapped to be members of the elite secret student society Skull and Bones. In an old stone building owned by the society and known as the Tomb, the members confessed deep secrets to one another as part of their initiation.

''It allowed us to come to know more about one another,'' Mr. Ashley told The Blade in 1997. And from that sprang a lifelong friendship.

After Mr. Bush was elected president, Mr. Ashley spent many days with him at Camp David and the White House, especially in times of crisis.

In 1990, he went to Camp David to buck up the president after his budget was spurned by Congress, leading to a temporary shutdown of the federal government.

''I have a lifetime of memories of friendship between those two that stretch back to my youngest days,'' Meredith Ashley said yesterday. ''We'd go up to Kennebunkport [Maine] during the summer, well before he became vice president and president, and nothing ever changed in their friendship after he became vice president. If anything, their friendship got stronger.''

Mr. Ashley joined Mr. Bush at the opening of the Bush Presidential Library and Museum in Texas, where the Toledo congressman's name appears prominently in biographies and videos of the 41st president.

Mr. Ashley, born Jan. 11, 1923, to Alida and William Ashley, was raised on Robinwood Avenue in the Old West End and attended Glenwood Elementary School.

His father owned a small steel manufacturing firm on Tracy Road and nearly lost his business during the Great Depression. The business rebounded, and the family moved to Front Street in Perrysburg. His parents sent their son to Kent School in Kent, Conn., from 1939 to 1942.

His older brother William, the heir apparent to the Ashley political legacy, was killed at age 22 in May, 1944, when his Army bomber exploded during a training mission over Massachusetts. All 10 aboard died.

Decades later, Mr. Ashley said he was greatly affected by the loss. ''We were inseparable friends,'' Mr. Ashley said.

Mr. Ashley was a corporal in the Army during World War II, serving in the Pacific Theater.

He graduated from Yale in 1948 and was associated with the Toledo Publicity and Efficiency Commission that year.

Michael DiSalle, then mayor of Toledo and later governor of Ohio, encouraged him to study law, and Mr. Ashley enrolled in the University of Toledo law school. He later transferred to Ohio State University, from which he received a law degree in 1951.

Mr. Ashley was hired to be a special projects coordinator for Radio Free Europe and was stationed briefly in New York City.

In 1954, Mr. DiSalle was looking for a candidate to challenge Mr. Reams, the independent 9th District incumbent. Mr. DiSalle provided Mr. Ashley with considerable advice and aid. Mr. Ashley provided the energy and image in what was the first local campaign to make extensive use of television. Mr. Reams was defeated by 4,000 votes.

In 1980, when he was defeated by Republican challenger Ed Weber, some political analysts linked it to the landslide presidential victory of Ronald Reagan. But Mr. Ashley told The Blade in 1997 that it was his own fault, saying it was ''tough to get enthusiastic about another campaign. And that's when you get beaten. I just didn't get the job done.''

Miss Kaptur defeated Mr. Weber in 1982.

Mr. Ashley was married twice. He and the former Margaret Mary Sherman of Toledo married in August, 1956, in Manassas, Va., but separated that fall.

In 1967, he married Kathleen Lucey, a graduate of Georgetown University law school who'd begun working as an assistant in his office in 1962.

Mr. Ashley was a student of history and politics with a personal library that testified to those passions. He also loved opera and gardening.

His decision to make Leland, Mich., his home came a few years after the death of Kathleen in 1997.

Mr. Ashley was a member of the George H.W. Bush Presidential Library Foundation at the time of his death and earlier served on numerous other boards including those of Fannie Mae and Freddie Mac, the nation's two largest mortgage lenders.

He is survived by sons Meredith (Monica) Ashley of Ho-Ho-Kus, N.J., and Mark Ashley of Washington; daughter, Lise Murphy of Washington; brother, Charles S. Ashley, and sister-in-law Gerry Ashley, of Leland, and many nieces and nephews.

A reception for family and friends will be held from 3–6 p.m. Sunday in the Ashley home, 402 Mill St., Leland. A memorial service will be held later in Washington and interment will be in Toledo's Historic Woodlawn Cemetery.

The family requests that any donations be to the Leland Township Library. Martinson Funeral Home is handling arrangements.

ASHLEYS SERVED WITH HONOR, VIGOR

(By James M. Ashley IV)

This Thursday, Toledo's new federal courthouse will be dedicated to two men—both

past congressmen from our city, both named Ashley. I am proud to claim kinship with both men.

James M. Ashley and Thomas Ludlow Ashley served their constituencies and their country with vigor, honesty, and a firm resolution to achieve what they saw as the best courses of action for the people. They served our state for more than 16 percent of the time from when Ohio was admitted to the United States in 1803 to the present day.

James Ashley served in Congress during the most difficult period of our history, from 1859 through 1869—the era of John Brown, the Civil War, and the impeachment of President Andrew Johnson. He saw slavery firsthand while he worked on riverboats in the South during his youth. He became a passionate and dedicated abolitionist, working within the Underground Railroad.

The turmoil of the decade before the Civil War led to the formation of the Republican Party. Like Abraham Lincoln, James Ashley was stirred into action by the growing national emergency and ran for public office as a Republican. Both men put their strongly held beliefs into action.

In Congress, James Ashley adamantly opposed secession and any compromise on slavery. He worked zealously and skillfully to make the emancipation of America's slaves a reality. Expressing his hard-line outlook and frontier upbringing, he proposed that a congressman who favored a slavery compromise should be ''kicked by a steam Jackass from Washington to Illinois.''

Such no-nonsense dedication was useful to Lincoln in his efforts at emancipation. As president, Lincoln could not express or overtly back anything that might weaken support from border states or moderates within the Union. James Ashley became Lincoln's go-to man in Congress.

When Lincoln issued the Emancipation Proclamation during the Civil War, it immediately freed only a few thousand slaves. But it turned the war from a sectional struggle into a crusade to free the millions of African-Americans who were still held in bondage.

The stage was set for the Constitutional amendment that would finally outlaw chattel slavery throughout the country, forever. James Ashley focused on the complexities of achieving necessary harmony within Congress to pass this monumental amendment.

With help from the president, James Ashley garnered the necessary votes and support. To those who wavered, Lincoln stated that ''whatever Ashley had promised should be performed.''

The Thirteenth Amendment, authored by James Ashley, became the law of the land in 1865. ''Neither slavery nor involuntary servitude'' without due process for crimes committed would ever again stain America.

Thomas Ludlow Ashley, the abolitionist's great-grandson, represented Toledo in Congress as a Democrat from 1955 through 1981. During that time, his influence and impact on both Congress and this community grew immensely.

Toledo's ethnic blue-collar voters provided Lud Ashley's power base during the latter part of the industrial heyday the city enjoyed during the mid-20th century. But instead of riding that wave of prosperity to become part of the industrial establishment, he pursued a congressional career noted for liberal causes.

''I think probably one of the most lasting contributions was my role in housing,'' Thomas Ashley said in retirement. Sen. Edward Kennedy concurred: ''Americans sleep in better homes today because of Lud Ashley.''

Thomas Ashley fought urban sprawl with legislation. He warned his colleagues about the tremendous flight of Americans to suburbs from the inner cities—a crushing fact of national life in the 21st century.

Thomas Ashley's stance on civil rights, community block grants, and enterprise tax zones contributed to his image as an urban liberal. But the late Judge William Skow, a former aide to the congressman, noted that he was a moderate on fiscal issues.

Whatever the label, Thomas Ashley's career centered on fighting racism and poverty. It was a natural extension of his family legacy. Like James Ashley, he fought the good fight.

James M. Ashley IV, of Maumee, is a senior lecturer in sociology and anthropology at the University of Toledo. He is a great-grandson of James M. Ashley and first cousin of Thomas L. Ashley.

THOMAS LUDLOW ASHLEY

The late Sen. Edward Kennedy once said: ''Americans sleep in better homes today because of Lud Ashley.'' He was right.

Mr. Ashley, the longtime Toledo congressman who died this week at age 87, chaired a House committee on housing and community development. For years, he worked hard to provide federal grants to improve low and moderate-income housing nationally, as well as close to home.

Thomas Ludlow Ashley also was important to and instrumental in the development of the city where he was born, which he represented in Congress from 1955 until 1981.

''Lud'' Ashley was the great-grandson of James Ashley, who settled in frontier Toledo, changed political parties because of his opposition to slavery, and represented Toledo in Congress during the Civil War. James Ashley was a co-author of the 13th Amendment, which outlawed slavery. In that tradition, his great-grandson sought to free Americans from the squalor of terrible housing.

Lud Ashley served in the Pacific during World War II before he attended Yale University. He and George H.W. Bush, who would become President decades later, were classmates and fellow members of the ultra-elite secret society Skull and Bones. Though they were of different political parties, the men remained longtime friends.

Mr. Ashley earned a law degree at Ohio State University and worked for Radio Free Europe before he returned home in 1954 to campaign for Congress. He ousted independent Rep. Frazier Reams, in part because of the support of the late Paul Block, Jr., publisher of The Blade, who felt Toledo's interests would be best represented by a member of Congress with ties to a major political party.

During his career, Mr. Ashley landed millions of dollars for public housing in Lucas County. He got a crucial $11 million to improve Toledo's port.

Late in his career, during the energy crisis of the 1970s, Mr. Ashley was chairman of a special committee that successfully steered through Congress a controversial package of bills proposed by President Jimmy Carter that were designed to reduce oil consumption.

That assignment won him some enemies in the auto industry but high praise from then-House Speaker Thomas ''Tip'' O'Neill, who counted Mr. Ashley as a personal friend.

In 1980, Mr. Ashley was defeated for reelection by Republican Ed Weber in a stunning upset. Mr. Ashley fell victim to Ronald Reagan's landslide victory and huge negative feeling against the Carter administration.

His death came days after the federal courthouse in Toledo was renamed in both his and his great-grandfather's honor. That tribute is appropriate.

When the energy bills were passed, Rep. Ashley knew the legislation was unpopular with Jeep. But he responded: ''My view is that my district elected me to represent, when called upon, a wider national interest.''

That is who Thomas Ludlow Ashley was. As he is laid to rest in his hometown, that is how Toldeo's congressman should be remembered.

'GRACIOUS' RIGHT LABEL FOR ASHLEY

It always saddens me when a great warrior dies, and among other things Lud Ashley was a warrior (''Congressman known for aiding housing, civil rights dies at 87,'' June 16).

In the 1980 campaign, we debated at least six times. Although an incumbent's strategy would usually be to deny the opponent the public forum of a debate, Lud never failed to accept any challenge.

Of course, he was well informed, and I believe our joint appearances led to a clarification of the issues and opposing viewpoints in an intelligent and civil manner that we don't always see at election time.

Lud Ashley's name is etched in the history of Toledo and Lucas County. For 26 years, he was an important member of the liberal Democratic wing that controlled the House of Representatives. Always a strong advocate of Toledo, he brought millions of dollars to Toledo and the area during his tenure in office.

He was a likable person, with good friends on both sides of the aisle. At the time of his defeat, he was very gracious to me. Two years later, at the time of my defeat, he was equally gracious and considerate.

It is very fitting that the federal courthouse here is now named for Lud Ashley and his great-grandfather James Ashley, the Republican abolitionist congressman during the Civil War.

ED WEBER.

[From the Washington Post, June 16, 2010]

OHIO CONGRESSMAN AND PUBLIC HOUSING SUPPORTER THOMAS W. LUDLOW ASHLEY DIES AT 87

(By T. Rees Shapiro)

Thomas W. Ludlow Ashley, 87, a 13-term Ohio Democrat in the U.S. House of Representatives who was chiefly known for his work on housing and addressing the energy crisis of the 1970s, died of melanoma June 15 at his home in Leland, Mich.

Mr. Ashley—known colloquially as ''Lud''—served Ohio's 9th District, which includes Lucas County and the city of Toledo, from 1955 to 1981.

As chairman of a House subcommittee on housing and community development, Mr. Ashley was a key supporter of legislation to provide federal grants to cities and counties to improve low- and moderate-income housing.

''Americans sleep in better homes today because of Lud Ashley,'' Sen. Edward M. Kennedy (D-Mass.) once said of Mr. Ashley's extensive work on low-income housing legislation.

In 1977, Mr. Ashley was appointed to an ad hoc energy committee by House Speaker Thomas P. ''Tip'' O'Neill Jr. (D-Mass.), who said he picked Mr. Ashley because he had ''toughness, and a never-say-die attitude, and who, when he was put on the first team, could run with the ball.''

A year later, Mr. Ashley helped the 40-member bipartisan group pass a series of energy bills aimed at reducing the nation's use of oil and increasing the budget for research into alternative energy sources.

Upon his appointment to the position, Mr. Ashley assured critics that he would not be close to the automobile industry. At the time, Toledo housed the headquarters of

many car-parts manufacturers and an American Motors plant that produced Jeeps.

''That district is a part of me,'' Mr. Ludlow told the New York Times in 1977. ''It is responsible for the perspective I bring with me. But my view is that my district elected me to represent, when called upon, a larger national interest.''

Thomas William Ludlow Ashley was born Jan. 11, 1923, in Toledo. His great-grandfather, James Mitchell Ashley, served Ohio's 9th District from 1859 to 1869 as a Republican, having switched from the Democratic Party because he was vehemently opposed to slavery.

The elder Ashley co-authored the 13th Amendment abolishing slavery and led the campaign to impeach President Andrew Johnson, who he claimed had conspired to assassinate Abraham Lincoln in order to assume the presidency. He was also chairman of a committee on territories and helped choose the names for Wyoming and Montana.

After Army service in the Pacific during World War II, the younger Mr. Ashley graduated from Yale University in 1948. At Yale, he became close friends with George H.W. Bush when they were members of the Skull and Bones secret society.

He received a law degree from Ohio State University in 1951 and practiced law for a short time with his father before moving to New York to work for Radio Free Europe.

Before losing his House seat in the Reagan landslide of 1980, the only time Mr. Ashley had come close to being defeated was in 1974. The race occurred only months after he'd been convicted of drunken driving and resisting arrest in Toledo, and Mr. Ashley eked out a victory over his Republican opponent by a margin of 3,500 votes.

Mr. Ashley directed federal funds toward his district, including more than $15 million for public housing units and $11 million for the improvement of the Port of Toledo. By an act of Congress in recent years, the city's federal courthouse was named in his and his great-grandfather's honor.

His marriage to Margaret Mary Sherman ended in divorce. His second wife, Kathleen Lucey Ashley, died in 1997.

He had two children from his first marriage; two children from his second marriage; and a brother.

Mr. BOEHNER. Madam Speaker, Thomas "Lud" Ashley was a tireless public servant who ably served Ohio and our nation for more than a quarter century.

A World War II veteran, Lud was raised in Toledo in a family with deep Ohio roots and a strong sense of patriotism. Lud's brother William was killed in an army training accident in 1944. His great grandfather, James Ashley, represented Toledo and Ohio's 9th Congressional District as a Republican during the Civil War era, co-authoring the 13th Amendment to abolish slavery.

As a member of Congress, Lud added to his great-grandfather's legacy, helping pass the landmark Civil Rights Act of 1964, along with fellow Ohio Republican Congressman Bill McCulloch. Lud was also a strong advocate for the Toledo area. To this day he is remembered for his role in securing federal support to build the Port of Toledo into one of the nation's key hubs for trade and industry.

Though an unabashed Democrat, Lud was well-liked and respected on both sides of the aisle. That George H.W. Bush would count him among his best life-long friends certainly speaks to Lud's character. Lud will be missed, and my thoughts and prayers go out to his family and friends.

Mr. RYAN of Ohio. Madam Speaker, I rise today to commemorate the life and public service of former Congressman Thomas Ludlow Ashley. Representing Ohio's 9th District, "Lud" Ashley served in the House of Representatives for 26 years. Throughout his tenure, Congressman Ashley successfully balanced his loyalty towards his home city of Toledo and his responsibility to the country at large.

As Chairman of the House Subcommittee on Housing and Community Development, Lud was an important figure in passing legislation which provided federal grants that improved low and moderate-income housing nationwide. During the 1970's oil crisis, he was appointed to an Ad Hoc energy committee that passed a series of bills which reduced the nation's oil use and increased the budget for researching alternative energy sources. Among his many other accomplishments, Lud secured millions of dollars in federal grants to improve the Port of Toledo and maintain this vital Midwestern economic pathway.

His achievements were products of his tenacity. Former Speaker of the House Tip O'Neill praised Ashley for his ''toughness, and a never-say-die attitude, and who, when he was put on the first team, could run with the ball.'' Furthermore, Lud did not hesitate to work with Republican lawmakers. He was a lifelong friend of President George H.W. Bush, had a good relationship with President Gerald Ford, and made countless other alliances with members across the aisle. I will remember his commitment to public service and helping the American people.

Ms. KAPTUR. I ask that my colleagues now do rise and remember him and his service with a moment of silence.

The SPEAKER pro tempore. The House will observe a moment of silence.

□ 1650

CALLING CARD CONSUMER PROTECTION ACT

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3993) to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. MATSUI) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 381, nays 41, not voting 10, as follows:

[Roll No. 383]

YEAS—381

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
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
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Gordon (TN)
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
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
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
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)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta

Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuler
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
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—41

Akin
Bishop (UT)
Broun (GA)
Burgess
Campbell
Cantor
Chaffetz
Coble
Conaway
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Goodlatte
Graves (GA)
Hensarling
Herger
Issa
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kingston
Lamborn
Mack
Marchant
McClintock
Miller (FL)
Neugebauer
Nunes
Paul
Petri
Poe (TX)
Price (GA)
Rohrabacher
Rooney
Royce
Schock
Sensenbrenner
Shadegg
Westmoreland
Young (AK)

NOT VOTING—10

Barrett (SC)
Brown (SC)
Castor (FL)
Delahunt
Kennedy
Langevin
Platts
Sestak
Visclosky
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1659

Mr. FRANKS of Arizona changed his vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL HURRICANE PREPAREDNESS WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1388) supporting the goals and ideals of National Hurricane Preparedness Week.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the rules and agree to the resolution.

The question was taken.

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

RECORDED VOTE

Mr. CONNOLLY of Virginia. Madam 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 419, noes 0, not voting 13, as follows:

[Roll No. 384]

AYES—419

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
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
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
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
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
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)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
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
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
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)
Melancon
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
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)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
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
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Barrett (SC)
Boyd
Brown (SC)
Crowley
Delahunt
Ehlers
Franks (AZ)
Kennedy
Platts
Sestak
Visclosky
Wamp
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1708

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. KAPTUR. Madam 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 1-minute speeches dedicated to Congressman Thomas ''Lud'' Ashley.

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

There was no objection.

□ 1710

REQUESTING RETURN OF OFFICIAL PAPERS ON H.R. 5136

Mr. OWENS. Madam Speaker, I offer House Resolution 1467 and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1467

Resolved, That the Clerk of the House of Representatives request the Senate to return to the House the bill (H.R. 5136) entitled ''An Act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING KEY WEST POLICE SERGEANT PABLO RODRIGUEZ

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise today to honor Sergeant Pablo Rodriguez of the Key West Police Department. This dedicated officer has been named the 2009 Key West Police Officer of the Year.

Sergeant Rodriguez has served our community proudly since he joined the department 10 years ago. His commitment to keeping Key West a safe place in which to live and visit has been truly extraordinary. As Police Officer of the Year, Sergeant Rodriguez was specifically recognized for his tireless work to combat the negative influences of illicit drugs. This is an important and noble goal, Madam Speaker, and I know that the entire Keys community is proud of his selfless service.

I thank Sergeant Rodriguez and all of his colleagues in the Key West Police Department for all they have done and will continue to do for our wonderful Monroe County Key West community. Congratulations, Sergeant Rodriguez.

CONGRATULATIONS TO BOB MAYER ON HIS RETIREMENT

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. LINCOLN DIAZ-BALART of Florida. Bob Mayer is south Florida's most tenured television newscaster. He has logged more hours both in the field and at the anchor desk than any other south Florida television journalist.

Bob joined WTVJ News in June of 1969. Over the years, he has held numerous positions at TVJ, such as investigative and consumer reporter, crime reporter, business reporter, general assignment reporter, and talk show cohost. In addition, he served as anchor of TVJ's early evening newscasts, weekend newscasts, and midday morning newscasts. Bob has been coanchoring the NBC 6 morning show ''Today in South Florida'' since 1990. He is an extraordinary journalist.

Bob Mayer retires this week from NBC 6, and our entire community will miss his professionalism and objectivity dearly. Congratulations for a job well done, Bob. The best to you and your family.

CONGRATULATING THE GREY MARE SOCIETY

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to commend the Grey Mare Society, a group of seven women friends who have been riding horses and mules together for as long as 30 years. They are over age 50 and still heading out on the trail together.

When one of their number developed breast cancer, they decided to do something to fight the disease. Across the country there are races and fundraisers, walks, and other proposals, but the Grey Mare Society decided to do what comes natural to them and ride. They came up with an organization, Ride the Trail to a Cure. They raised money for the Pennsylvania Breast Cancer Coalition and Breast Cancer Awareness of Cumberland Valley. The first annual Grey Mare Society trail ride was held on October 14, 2006. Seventy-seven riders from three States brought their horses to the Michaux Forest at Mont Alto, Pennsylvania for an 8-mile ride and they raised more than $10,000.

This year's ride will also be held in the Michaux Forest on Saturday, September 25. The group has the support of the Pennsylvania Equine Council and looks forward to another successful ride.

I congratulate these friends who use their love of riding to add resources to the search for a cure.

CBS SHOULD GIVE AMERICANS ALL THE FACTS

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

Mr. SMITH of Texas. Madam Speaker, most Americans say President Obama lacks a clear plan to deal with the oil spill in the gulf, energy issues, and job creation, according to a new CBS News-New York Times poll. By a 2-to-1 margin, Americans say the President does not have a clear plan to handle the oil spill; 6 in 10 say his response to the disaster was too slow; and less than one-third of Americans have a lot of confidence in the President's ability to handle the crisis. Just 4 in 10 say the President has a clear plan for developing new sources of energy, and only one-third say he has a clear plan to create jobs. But for some reason, CBS News downplayed the results of their own poll.

Monday's CBS Evening News failed to even mention these findings and instead focused on Americans' disapproval of BP's handling of the oil spill. CBS should give Americans all the facts, not conceal their own poll results to protect the President.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. DAHLKEMPER). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

NO BUDGET IS NO ANSWER

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

Mr. PENCE. Well, it's becoming more obvious every day to the American people that this administration was slow to responded in the gulf, and the Democrats still don't have a plan. They don't have a clear plan to contain the sea of oil in the gulf and, remarkably, here on Capitol Hill, Democrats don't even have a plan to contain the sea of red ink in Washington, D.C.

Announcing this week, Majority Leader STENY HOYER confirmed the Democrats' response to runaway Federal spending is to not do a budget. Failing to lead is not leadership. Not doing a budget is not an answer. The Democrats' refusal to write a budget is a shocking abdication of duty and a historic failure of leadership.

There has been a lot of talk these days about governing philosophies here on Capitol Hill, but their governing philosophy? Don't govern. This Congress owes the American people a budget, a list of priorities, and an outline of the hard choices that are necessary to put our fiscal house in order. No budget is no answer.

□ 1720

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.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

A NEW STRATEGY FOR A BETTER RESULT IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, the President has today been given a unique opportunity with the firing of General McChrystal. General McChrystal was the principal author and advocate of the surge of U.S. forces in Afghanistan.

His theory was that it would be a clear hold and transfer—that is, a transfer to the Afghan police, who do not exist, to the Afghan security forces, which are in a state of disarray, and to the Afghan Government, which does not exist meaningfully outside of the capital. He tested his theory in Marjeh this spring.

The U.S. and allied forces performed admirably, with tremendous sacrifice and effort. They did, in fact, go into a very hostile area, and they did, in fact, at least temporarily, drive the Taliban and other dissident elements out or underground.

Then he said he was going to bring in government in a box, that it was ready to come in. Now, there wasn't, unfortunately, any government in a box. There is unbelievable corruption rife through the Karzai regime at the national level, through the police and through the security forces. They brought in some police who were not of the area, not of that tribe, and that didn't work out too well. They brought in security forces who refused to do their mission, and they brought in a few, again, government officials who had no local support. They have since left, and pretty much, Marjeh has devolved to what it was.

Even before he was fired, General McChrystal admitted that this was going to take a lot longer and was going to be a lot harder than he thought, which means President Obama's dictate of beginning the withdrawal next year is a fantasy. That was part of the criticism that General McChrystal and his allies at the Pentagon put forward.

So there is really a choice here—to get into a very long-term, a very high-level engagement in Afghanistan at a cost of $30 billion a year and with tremendous sacrifice by our troops on a strategy that has, thus far, not worked or to rethink that strategy, perhaps more along the lines of Vice President BIDEN's ideas, which were also derided by General McChrystal and by some of his colleagues. Actually, what Vice President BIDEN said was, look, mostly this is an internal issue. It's an inter- and intratribal fight. Yes, there are some radical Taliban elements, and there are some radical Pakistani Taliban elements and very few al Qaeda.

How about we guarantee that we will take care of any intervening forces—that is, terrorist forces—coming in from outside, in any number, with a smaller troop presence and with our technology? How about we let the Afghans work out their intertribal/intratribal conflicts that they have been carrying on about for 600 years, and we encourage them to do that and to adopt policies to help them meaningfully rebuild their country?

Instead, General McChrystal won the day, but now he is gone. Now, I understand that the President has said this does not mean a change in policy. I think that he should step back from that remark and should consult again with all of his best security advisers and with the Vice President, and he should look at the results so far and find out what those critical comments were which were mentioned in that article where, basically, the Pentagon is saying, hey, this is going to be years and years and a much bigger force, and maybe there will have to be a second surge into Afghanistan.

Starting to sound like Vietnam to anybody here?

With huge amounts of money, we prop up a government that has no relationship to the rest of the country. They have huge corruption. They don't have support in the countryside. That government falls, and another one comes in and another one. This echoes that failure.

So, in the strongest terms possible, I would urge the President to reconsider, to reconvene his advisers now that General McChrystal is gone, and to think very carefully about a much less expensive, much less troop-intensive strategy to bring about a better result in Afghanistan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

JUDGE ROBERT CHATIGNY—UNQUALIFIED JUSTICE

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. Madam Speaker, sexual predators, sexual deviates, sexual criminals are the most despicable of all persons in our society. We can see, maybe, why somebody steals, and maybe we can see why people use drugs, but we as a society do not understand, nor should we, why a person would sexually violate somebody else. You see, when a sex offender commits a crime against another person, in many cases, that person loses their dignity. The predator tries to destroy their humanity, tries to destroy their soul.

I spent a lot of time at the courthouse—8 years—prosecuting cases. I saw a lot of those people. I tried death penalty cases and spent 20 years on the bench hearing everything from stealing to killing. During that time, I saw a lot of these victims of sexual predators come to the courthouse. Many of them during that time seemed, after the crimes were over, to have sort of lost their way. They tried. They tried to recover. They tried to recruit their dignity, but they didn't. I even had victims, years after those cases were over with, call me and try to get other bearings in their lives. Some, unfortunately, even committed suicide based upon those sexual crimes committed against them by sexual predators. Society needs to understand that these real people have real emotional problems.

But, Madam Speaker, there is a rogue judge loose who is out of touch with victims. He seems to be a judge who is very sympathetic to the criminal who commits sexual predator crimes. Let me give you some examples.

In the State of Connecticut, that State passed a version of Megan's Law which requires sexual offenders to register after they're convicted. This Federal judge said, Ah, that's unconstitutional because, as he said, ''It stigmatizes the sex offenders.'' In other words, it hurts their little feelings that they have to register on a sexual database. It seems to me that he was a criminal sympathizer, but the United States Supreme Court unanimously overruled the Federal judge and said his actions were wrong; they were in violation of the Constitution and were in poor judgment.

The same judge consistently reduced the sentences of defendants who were connected to crimes regarding child pornography, and he made excuses for these offenders. He said, Well, it's not really their fault. They had bad childhoods.

You know, I was on the bench a long time. I heard a lot of excuses, and this was one of them.

He also said, Well, it wasn't really their fault. They had addictions.

This one I like the best. He said, Well, it's not really their fault because they had posttraumatic stress because of the fact they were being prosecuted and people knew about it.

Well, yeah. Of course. Hopefully, they had some kind of reaction in that they felt like they were being insulted by being prosecuted. It's kind of like those folks in California, the Menendez brothers, who killed their parents and then complained to the judge that they should get sympathy and compassion because they were now orphans. That's what the judge sort of says in these cases.

He also, in those types of cases, reduced the convictions of sex tourism. Those are the guys, the deviates, who get on the Internet and lure girls to have sex with them. He reduced those sentences, saying, Well, they're generally law-abiding citizens.

That's not all.

In the famous case of the Roadside Strangler in Connecticut, Michael Ross, here is the kind of guy he was. He kidnapped, sexually assaulted and murdered eight women in Connecticut. He is tried by jury. The jury gives him the death penalty—yes, even in Connecticut. This was in 1987. Finally, the day of reckoning came in 2004. He is supposed to get executed, and this Federal judge intervenes in this case. The judge excused the killer because he suffered, according to what the judge said, from a disorder of sexual sadism.

□ 1730

What is that? In other words, because of the perversion, he should have a defense? Of course, that is not a legal defense in any court in the country. But the Federal judge said he should be excused from that conduct. So the judge made up a defense for the individual, stayed the execution for a long time, in spite of the jury's verdict that the person should get the death penalty; in spite of the fact that Michael Ross said, If I didn't get caught by the police, I would do it again; in spite of the fact that Michael Ross told the media that he should be executed for the sake of the families. The Supreme Court, rightfully so, overruled the judge, withdrew the stay, and ordered Michael Ross to be executed, and he met his maker in 2005.

And now this judge, Robert Chatigny, is to be appointed to the Federal Court of Appeals at the second circuit appellate court. This judge lacks judgment. This judge doesn't follow the law. This judge is apparently biased in favor of sexual predators. This judge places his personal opinions above the law. And this judge should be in the Judges Hall of Shame, not on the appellate court of the United States hearing cases. The Senate should not confirm this person to be an appellate judge in the United States.

And that's just the way it is.

WHAT YOU DON'T KNOW . . .

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Madam Speaker, according to the latest figures from OSHA, at this time there are over 27,000 workers employed by BP or its contractors and more than 2,000 Federal employees directly involved in the massive cleanup operation now underway in the gulf coast. At a hearing last week, another Federal agency, the CDC, tried to assure Congress that it was doing all it could to keep these workers safe and that it is closely tracking surveillance data across the Gulf Coast States for health effects that may be related to the oil spill. This was good to hear.

But a workshop held by the Institute of Medicine down in New Orleans this week made one thing abundantly clear. When there are that many people engaged in such a complex cleanup effort of such unprecedented size over such an unforeseeably long time, the true danger levels for exposure simply are not known. As a story in USA Today put it: ''While some health officials say they don't think long-term illnesses are likely, they've never seen pollution of this scale, and there are just too many unknowns to say for sure.''

The Institute for Medicine workshop participants noted that proper protective gear can help keep exposure at safe levels, but the problem comes when heat and humidity cause workers to remove their gear. The average daytime high temperatures in New Orleans for the next 2 months is 91, very hot and very humid.

Now, consider an assessment of BP's overall attitude toward worker safety that was contained in a letter sent to BP by an OSHA official back in May: ''The organizational systems that BP has in place, particularly those related to worker safety and health training, protective equipment, and site monitoring, are not adequate for the current situation or the projected increase in cleanup operations.'' The letter also noted that ''these are not isolated problems. They appear to be indicative of a general systematic failure on BP's part to ensure the safety and health of those responding to this disaster.''

The unknowable risks of an environmental disaster of this scale, the foreseeable weather conditions of the near future, and the known failures of BP in the recent past should all raise some great big red warning flags for OSHA, for the Centers for Disease Control, and for NIOSH. I am writing OSHA to ensure that the workers have the proper protective gear, such as respirators, in order to ensure their safety and to protect their health.

This is a region of the country that was previously devastated by a natural disaster that was made worse by the Bush administration's failure to respond with timely assistance and adequate safeguards. Many lost their lives. The gulf coast is now under siege by a manmade disaster. Far too many have already lost their livelihood. The entire region is at risk for losing a way of life. No one should also lose their health simply because we failed to help them when more help was clearly needed.

In my great City of New York, we have witnessed firsthand the terrible price that can be paid over time by those who labor day after day in a toxic environment helping their city recover from a terrible blow on 9/11. I hope that this Congress will do everything in its power to ensure that those who have been asked to clean up this mess and are cleaning up this mess are not asked to pay for their efforts with the loss of their health.

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 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 Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana 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 Virginia (Mr. FORBES) is recognized for 5 minutes.

(Mr. FORBES 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 Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN 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 Texas (Mr. GOHMERT) is recognized for 5 minutes.

(Mr. GOHMERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REMEMBERING ED CLOUGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. PAULSEN) is recognized for 5 minutes.

Mr. PAULSEN. Madam Speaker, I rise to remember an inspiring and patriotic America, Master Sergeant Edward William Clough, of Maple Grove, Minnesota. Edward embodies the love for this Nation that has been critical to American success throughout our history and will serve as an example of dedication and service for generations to come.

Ed was born in the Bronx, raised in the Hell's Kitchen neighborhood of Manhattan, and enlisted in the Army the moment he became eligible for service back in 1949. He served in Korea, where he was injured in battle, and received a Purple Heart; and despite being offered the opportunity to return home, he persevered and overcame painful reconstructive surgeries on both of his feet so that he could continue to serve in the United States Army.

Just as our Nation has overcome many painful challenges, Ed overcame

his injuries and continued to serve with profound distinction and success. He eventually joined the Special Forces and in 1961 became one of the very first 100 Green Berets. He used his success and his knowledge of the Special Forces to great effect as an instructor for many years; and although he was seen as a natural leader, Ed was careful to remain humble while being awarded numerous medals, badges, and commendations. Following his distinguished service, he devoted himself to his wife, children, and extended family. He loved having the freedom to fish with his grandchildren and skydive recreationally periodically, but these were not the only freedoms that stirred Ed's passion.

Too often these days, Congress is overly partisan and forgets our need to focus on issues of importance and getting things done and on service. And now, more than ever, when we are facing as a country great significant issues of national importance, we should absolutely remember the leadership of people Ed Clough and his devotion, when he proudly stated, ''I may not agree with every American's opinion, but I spent my life protecting the freedom they have to express it.''

And now, Madam Speaker, as we approach the Fourth of July holiday and we consider our independence as a Nation and a country, we must pay tribute to citizens like Ed, who have devoted their lives to protecting our sovereignty. We are a Nation of free citizens who may speak honestly and display our beliefs proudly. But without the men and women who bravely serve in our military—men and women like Master Sergeant Clough—none of our cherished freedoms would exist today.

Master Sergeant Clough, I honor you and I thank you for your service. I also thank the family that supported you and loved you throughout your distinguished career. My hope is that today and each day in the future we will be conscious of the dedication and service of the men and women in our Armed Forces. We must always acknowledge the importance of remaining resilient and brave in the face of great challenges, just as Master Sergeant Clough did throughout his entire life.

APPOINTMENT AS MEMBERS TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following members on the part of the House to the Commission on International Religious Freedom:

Ms. Elizabeth W. Prodromou, Boston, Massachusetts, for a 2-year term ending May 14, 2012, to succeed herself And upon the recommendation of the Minority Leader:

Mr. Ted Ven Der Meid, Rochester, New York, for a 2-year term ending May 14, 2012, to succeed Ms. Nina Shea

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HONORING RON GETTELFINGER FOR HIS LEADERSHIP OF THE UAW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Michigan (Mr. DINGELL) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. DINGELL. Madam Speaker, I ask unanimous consent on behalf of my colleagues that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my Special Order.

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

There was no objection.

Mr. DINGELL. Madam Speaker, I rise today to honor a dear friend to many of us and a man that many of us here admire greatly on his retirement as UAW President. I refer to Ron Gettelfinger, a great citizen, a great patriot, a great leader of labor, and a wonderful human being. Ron Gettelfinger did not want to have any recognition of his labors on behalf of working men and women and on behalf of the people at this particular time. But I think he will forgive us if we go on to say a few of the things about the respect in which he is held and why that be so.

For the last 8 years, Ron Gettelfinger has led the UAW as their president, and he has done so both loyally and ably through some of the most difficult economic times facing our Nation or facing the union. Through his hard work and dedication to his brothers and sisters of the UAW, we have witnessed the auto industry to right itself and to begin to come out of some of the worst times which it has confronted in its history. It is interesting to note that as the head of one of the most democratic unions in the world, Ron Gettelfinger was able to lead the union in a way which saved the industry and which enabled the industry to have negotiations about give-backs and other things always difficult to sell to the rank and file.

Elected in 2002 as international president of the UAW, Ron Gettelfinger rose through the ranks, beginning his career first as a member of UAW Local 862 in 1964. He worked in Ford's Louisville assembly plant as a chassis line repairman while he attended Indiana University Southeast at night, and it is the workers there who first recognized Ron's extraordinary qualities and elected him to represent them. He then went on to serve as Region 3 UAW director and UAW vice president.

Throughout his time in these roles, he fought relentlessly and tirelessly to ensure workers had the quality of life they deserve by making health care accessible and affordable to all, ensuring new jobs in industry through the manufacturing of advanced technology vehicles, and addressing workers' rights provisions in fair trade agreements. He gave extraordinary leadership not just to the union and the industry but to the country.

As we have all known, Ron does not back down from a challenge. During the most difficult times in the auto industry, he worked together with business in a very close fashion to assure the survival of the industry and the companies which the UAW had negotiated agreements with. He negotiated a new round of contracts with The Big Three, creating voluntary beneficiary associations to provide health care to retirees in the Big Three and to save huge amounts of money to the auto companies. He was one of the leadership in not only determining that government assistance would be needed but in seeing to it that the union's voice was heard and that the saving of the auto industry was participated in very actively by the UAW and by the members that he served. He once said of himself, We did what we had to do to save the industry. And now, less than a year later, the auto industry is once again profitable and expanding production. In fact, Chrysler is hiring again for the first time in 10 years.

Fortunately, cars from the Big Three, when the companies and the unions and their members work together, are safe and reliable, and this year have earned the highest quality ratings in J.D. Power and Associates' annual Initial Quality Study, beating import brands by satisfying margins. It is the workers and the members and the leaders of the UAW who have worked so hard to ensure that through times of turmoil, our domestic auto industry continues to produce the best and the safest vehicles while increasing in extraordinary ways the productivity of the workplace.

And at a time when union membership is at its lowest in years, it has fought relentlessly to ensure that workers who want to organize can do so. Together with his other colleagues in labor, he has advocated for the Employee Free Choice Act, for legislation which will allow workers to decide if they want to use a majority signup to form a union, protecting them from employer coercion. But he has gone well beyond the needs and the concerns of labor. He has worked for education, for health care, for a clean and wholesome environment, for the health of our young and old, and for the protection of the rights of Americans.

Now, like Ron, I think our country agrees that these things are necessary and helpful; but he understands, as do many of his admirers, that labor's responsibilities and duties go far beyond the simple concerns of labor, and go to seeing to it that this country is the best that we, working together, can make it be.

Ron Gettelfinger and I and most of us here share the belief that the future success of the auto industry is going to be dependent on developing advanced batteries and electric and hybrid cars here at home and other technologies which will enable us to compete in the savagely competitive world marketplace. He is one who has supported training workers in these technologies not only to help the companies and the industry but also to provide workers with continued job opportunities. He has been there through ebbs and flows.

And the one thing that you can always count on Ron Gettelfinger having was honesty, integrity, and steadfastness. Whether he was delivering good news or bad, he always dealt with the facts. It is because of his honesty in his dealings with everyone, his brothers and sisters, business management, and labor join me tonight in praising and pointing out that he has properly earned the trust, admiration, and respect of all with whom he works. Ron Gettelfinger once said, We don't accept the notion that America is a country where a privileged few can live well while the rest of us struggle to meet our daily expenses. We are going to fight for something better. Ron Gettelfinger, you have led a fight for something better since the first day that you entered the labor movement, and I am glad that I was able to be your friend and partner in many of those fights.

I rise today to honor my dear friend Ron Gettelfinger on his retirement as UAW President.

For the last eight years, Ron has led the UAW as their President loyally and ably through some of the most difficult economic times facing our Nation.

Through his hard work and dedication to his brothers and sisters of the UAW, we have witnessed the auto industry right itself.

Elected as UAW President in 2002, Ron rose through the ranks beginning is career first as a member of the UAW Local 862 in 1964. He worked at Ford's Louisville Assembly plant as a chassis line repairman, attending Indiana University Southeast at night. It is the workers there who first elected Ron to represent them.

He then went on to serve as UAW Region 3 Director and UAW Vice President. Throughout his time in these roles he has fought tirelessly to ensure workers have a quality of life they deserve. By making health care accessible and affordable for all, ensuring new jobs in industry through the manufacturing of advanced technology vehicles, and workers' rights provisions in fair trade agreements.

And as we have all seen, Ron does not back down from a challenge.

During the most difficult of times for the auto industry, he has worked together with business to ensure its survival, negotiating through a new round of contracts with the Big Three in 2007, creating a Voluntary Beneficiary Association to provide health care to the retirees in the Big Three, and standing with the Big Three when it was determined government assistance would be needed.

As he has said himself, "We did what we had to do to save the industry." And now, less than a year later the auto industry is once again profitable and expanding production. In fact, Chrysler is hiring again for the first time in ten years.

Fortunately, cars from the Big Three continue to be safe and reliable, and this year have earned higher quality ratings in J.D. Power and Associates' annual Initial Quality Study beating import brands for the first time.

It is the workers and leaders of the UAW who have helped to ensure that throughout times of turmoil, our domestic auto industry continues to produce the safest vehicles and increase productivity in the workplace.

And at a time when union membership is at its lowest in many years, he has fought relentlessly to ensure that workers who want to organize can. Together with his other colleagues in labor, he has advocated for the Employee Free Choice Act or legislation that would allow workers to decide if they want to use majority sign-up to form a union, protecting them from employer coercion.

Like Ron, I believe that this legislation is sorely needed and I am hopeful that this will be passed before November.

Ron and I also share the belief that the future success of the auto industry is going to be dependent on developing advanced batteries and electric and hybrid cars here at home. Together we both supported training workers in these technologies not only to help the auto industry, but also to provide workers with continued job opportunities.

Throughout the ebbs and flows, the one thing you could always count on from Ron was honesty. Whether he was delivering good news or bad, I always knew that Ron was giving me the facts.

It is because of his honesty to me, his brothers and sisters, business management and the Members who join me here tonight, Ron was able to earn the trust, admiration and respect of those he worked with.

Ron once said, "We don't accept the notion that America is a country where a privileged few live well while the rest of us struggle to meet our daily expenses. We're going to fight for something better."

Ron you led the fight for something better, and I am glad I was able to be your partner in that fight.

I now will yield to my good friends from Michigan and from elsewhere around the country who have a desire to express, as do I, compliments for our dear friend who is now retiring. I yield first to my dear friend, Congressman DALE KILDEE of Michigan.

Mr. KILDEE. I thank the gentleman for yielding.

Madam Speaker, I rise today to commend Ron Gettelfinger on his leadership of the United Auto Workers for the past 8 years and to wish him all the best in his retirement.

Since 1964, when Ron joined the UAW as a chassis line repairman in Louisville, Kentucky, he began a lifetime of service that led him to become the international president of the UAW in 2002. As president, Ron's leadership has helped guide the organization through some of the most difficult times the auto industry has faced. With his characteristic straight talk and common sense, he has worked with a broad range of stakeholders and has been willing to negotiate to try to find solutions to the recent downturn in the domestic auto industry and help protect our auto communities.

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This has helped lead to an American auto industry that is well positioned to once again be the economic engine that drives the American recovery. Ron Gettelfinger has been a tireless advocate for American workers and has fought every day to keep American manufacturing jobs from being shipped overseas.

I congratulate Ron on his retirement and thank him for his years of advocacy on behalf of American workers. God bless you, Ron. Thank you for all you have done for the UAW, for all you have done for this country.

Mr. DINGELL. Madam Speaker, I yield now to my distinguished friend from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. I thank the gentleman from Michigan. I thank him for all of his guidance and his advice in this institution, one of which is being that on these swampy, humid, hot days, a son of Detroit can wear seersucker to beat the heat.

The other that I wish to thank him for is his constant reminder to us, through his example, that we work for the people who send us here, and that in very difficult times it is crucial that we look past our perceived differences and be able to come together on behalf of the people who have entrusted us with office to help solve problems for them.

We in Michigan went through this when we saw an entire cherished way of life endangered, and we united to come together to help solve that problem. The crisis has not passed. It continues to this day, but we are on the road to recovery.

Former president of the United Auto Workers, Ron Gettelfinger is a man who understands positions of trust, a man who understands the need to do everything he can to honor that trust. As a democratically elected president of the United Auto Workers, he did everything within his power, in an exceedingly difficult time, to ensure the union's survival, to ensure the survival of the auto industry, and to help ensure Michiganders' cherished way of life as a manufacturing State and as the former arsenal of democracy.

And I think that this is critical not only for us to remember in Michigan as we go forward, but as an example that I hope is set for many others in this country and in this Chamber that in a great and good country we learn more and show our true measure not by being merely able to see the character of our allies, but to see the character and virtues of our now erstwhile opponents.

Ron Gettelfinger's integrity and devotion to the people who trusted him with his position is something that he would not talk about because he is a humble, honest, hardworking man. It is left to us to do it for him, and in some

ways despite him. Having been on the other side of Mr. Gettelfinger, and at times being on the same side, I assure you it is more fun to be his ally than his opponent. But I will tell you this: That from this strange bedfellow, I wish former UAW President Ron Gettelfinger well in his future endeavors, and I have no doubt that whatever the Lord holds in store for him, Mr. Gettelfinger will be up to the challenge, and our country will be the better for it.

I can truly say that I am honored to have known him, and I am glad that he has done his duty to his union and our Nation.

Mr. DINGELL. I thank the gentleman, and I yield now to the distinguished gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK of Michigan. I thank the chairman for yielding.

I rise in honor, respect, and duty to give President Ron Gettelfinger all he deserves for his 30-plus years of hard work as an organizer, as a laborer, and rising to the presidency of the United Auto Workers.

Congratulations, Ron. Congratulations for all the work you have done, for all the coalition building you have done, keeping our workers front and center, in good-paying jobs with benefits that they earned every day, building the best cars in America and around the world right through the workers of the United Auto Workers.

We rise today to say, Good for you. As you go into your retirement with your lovely wife and family, just know that we appreciate all that you have done. Just know that as workers and builders and all of that of America that we might have a strong economy, that your commitment, your dedication to seeing that workers have adequate wages, that workers have clean environments in which to work, that workers are able to earn a great day's pay for the work that they do for our economy and for our country, thank you, Ron Gettelfinger.

Many have come before you as president of the United Auto Workers, and you can bet you are right there with them, having given and served as long as you have. Our recent battle together was the health care debate. You, your leadership, your dedication, working with the leaders in the House and the Senate and the Presidency for the first time to bring to our country a health care bill that will cover 95 percent of Americans, we thank you for that.

No longer will people be charged or not covered for preexisting conditions. Soon, in September, all young people over the age of 21 will now be able to stay on their parents' health care until they are 26. As we know in our economy, many young people who graduate from high school and then on to college are unable to find work. So the health care bill will help them be accessible, be able to be covered.

This health care bill—and Ron Gettelfinger, thank you for your hard work in bringing us to this point—it's not perfect, but it's certainly better than the status quo. Our status quo health care situation in our State is not sustainable. People getting dropped for no reason when they become ill, you stopped that as we worked on this health care bill. Thank you, Ron Gettelfinger.

Our seniors will now be able to have their wellness covered, that they will have preventive health covered. Our seniors, who now because of a Medicare part D program that doesn't always cover their prescriptions as prescriptions go higher and higher, for the first time, Mr. Gettelfinger, working with the coalition and our leaders here in the House and Senate and the Presidency, will now have help paying for their prescription medications. Thank you.

Thank you for your leadership. Fighting for workers, helping to put together, finally, a health care bill that we can all be proud of, being able to be that president that your men and women of the United Auto Workers, as well as all of us, have looked to for leadership, we thank you, Ron. Your mild manner, your smile, and your strength, we will never forget you.

So enjoy your retirement, Mr. President. You have earned it. And we promise, as we work here in the House of Representatives, we will continue to work, as you have worked for all of these 30-plus years, to make sure that all Americans, all Americans have an opportunity to work in a clean environment, to receive adequate pay for a day's work and, yes, have health care benefits to protect them and their family.

Enjoy your retirement. God bless you, Mr. President.

Madam Speaker, in an era in which progressive activists are rarer and rarer, it is my honor to speak in respect, honor and praise of the three decades of service of Mr. Ron Gettelfinger, president of the United Auto Workers or UAW. For over 30 years Mr. Gettelfinger has shown his dedication to the rights and fair treatment of all workers. Rising through the ranks of the United Auto Workers union to his leadership position that he has today, Mr. Gettelfinger embodies the hard work ethic, dedication to a cause bigger than yourself, and respect for family embodied in what the UAW represents. Manufacturing, specifically the automotive industry, is the backbone of the State economy of Michigan. The UAW has been the backbone of the worker. Ron Gettelfinger is known as a fierce advocate and fearless leader in fighting for the people who make this country run—the worker.

From Mr. Gettelfinger's humble beginnings with the union as a line repairman in 1964 at Ford Motor Company's Louisville Assembly Plant, to his leadership role as president of the UAW in 2002, Mr. Gettelfinger has remained faithful to his beliefs. He believes in the fact that we are all created equal. He believes that the everyday line worker is just as valuable as the CEO of the corporations in which they are employed. He has continued to be a voice for the worker, while negotiating new union contracts that were not popular to workers or management. He has championed the cause of the worker, and for that, the worker has championed him.

If not for the unwavering and unyielding belief that all Americans deserve access to affordable health care, sweeping health care reform would still be a dream in the United States of America. Mr. Gettelfinger, like me, believes that all hard working, taxpaying Americans should not face discrimination for pre-existing conditions. If you are in the hospital, you should not be dropped from your health care plan just because you are ill. We are already beginning to see the effects of health care reform, such as seniors receiving subsidies to help pay for prescriptions, children allowed to stay on their parents' plans until the age of 26, and insurance companies not allowed to drop coverage once the patient needs it most. Mr. Gettelfinger has also been instrumental in negotiating fair trade agreements that include provisions for workers' rights and environmental provisions. He has stood strong against what he called the vicious ''corporate global chase for the lowest wages, which creates a race to the bottom, in which no worker can win.'' He has been, and still remains, a powerful, uncompromising voice for all workers.

From access to affordable healthcare, to labor protection in fair trade agreements, to keeping our manufacturing jobs right here in the U.S. by investing in technologically advanced American vehicles, Mr. Gettelfinger has been there. He not only talks, but knows and lives the values of the labor union while working with management to ensure a safe and profitable workplace. During a time in which we saw General Motors and Chrysler file for bankruptcy—two of the largest corporations in our Nation, and the world—Ron Gettelfinger always fought for the protection of workers. He saw both sides of an issue, and negotiated difficult but necessary compromises to the benefit of management and labor. Even with his retirement, this leader's legacy will not be forgotten, it will become legend. God bless and Godspeed to you, Ron Gettelfinger. Madam Speaker, I yield back the balance of my time.

Mr. DINGELL. I thank the distinguished gentlewoman.

And now I yield to my dear friend from Maryland, the Honorable DONNA EDWARDS.

Ms. EDWARDS of Maryland. Thank you.

It's really my pleasure to stand here with my good friend Congressman DINGELL in honoring the incredible life and career and advocacy of Ron Gettelfinger, who retired just last week after a distinguished union career that began in 1964, when I was just a kid. But I will tell you, for the benefits that all of us as Americans and as workers have received for his good work with the United Auto Workers, we are all grateful.

And you don't have to be from Michigan to understand the contributions that Mr. Gettelfinger has made. He has been a fierce advocate on behalf of workers. He understood that in his position as president of the United Auto Workers, he needed to try to address the current needs of his workers as

well as the future needs that may come up.

In 2006, Mr. Gettelfinger pushed to renew America's grasp on technology and innovation. He called for a renewal of America's industrial base through incentives to manufacture energy-saving advanced technology vehicles right here in the United States. And as a member of the Science and Technology Committee, I can assure you that there is a need for America and a desire for our workforce to do exactly what Mr. Gettelfinger has called for, to be on the cutting edge of this technology. And he has been right there pushing all the time for incentives and innovations. And this isn't new.

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Mr. Gettelfinger was one of the loudest voices, and I was happy to sing in his choir for health care reform, for single-payer health care reform, because he understood that health care accessibility and affordability is necessary, not just for the unionized and organized workforce, but for all Americans.

Under his leadership, the UAW has continued its fight for fair trade agreements that include provisions for workers' rights and environmental protection. The union has loudly criticized the corporate global chase for the lowest wage that creates a race to the bottom that no workers in any country can win.

We have to continue Ron Gettelfinger's fight. We know that he is retiring, but we know he is not down and we know his influence will carry across this country as we struggle for the working families of America. So it is with great honor that I stand here to pay tribute to our good friend, to a career of someone who has fought for workers, for equality, justice, and for quality of life.

So thank you, Ron Gettelfinger, for your service and for your career.

Mr. DINGELL. I thank the distinguished gentlewoman from Maryland.

I now yield to the distinguished gentleman from Michigan (Mr. LEVIN), the chairman of the Ways and Means Committee.

Mr. LEVIN. Mr. Speaker, I am privileged to join with JOHN DINGELL, a true champion of the automobile industry of this country for over 50 years, as we join together to honor Ron Gettelfinger.

As we know, he recently retired as president of the United Auto Workers. Through a period of unprecedented difficulty, and I emphasize that, for this industry of ours, Ron Gettelfinger worked tirelessly on behalf of auto workers and helped the industry and the union emerge reinvigorated and more competitive. So it is my privilege to join others to pay tribute to you, Ron, today.

A proud auto worker, Ron Gettelfinger joined the UAW in 1964 as a chassis line repairman at Ford's Louisville assembly plant. The workers at the plant elected him to represent him as committee person, bargaining chair, and in 1984 as president of Local 862. His leadership and vigorous commitment to auto workers soon elevated him to the Ford-UAW bargaining committee; to the head of UAW Region 3 representing Indiana and Kentucky; and to UAW vice president. And in 2002, Ron Gettelfinger was elected president of the union and reelected in 2006.

His tenure as UAW president saw exceptional challenges—to understate it—that critics said neither the union nor the automakers could overcome. This indeed was a period of painful job loss for tens of thousands of families. And during this difficult time, Ron Gettelfinger's dedication to working families never waned as he fought to preserve jobs while helping to keep the industry afloat. I am proud to have been among those who worked with him during this period of great uncertainty. This was a collaborative effort. It took leadership and at times political risk. Key leaders stepped up to the plate, management and labor, and the public sector, led by the President and his administration, and Members of the House and Senate.

In the wake of immense challenge, the American automotive industry is emerging anew. Exciting new vehicle technologies, growing consumer confidence and strong quality and safety ratings offer hope for the new prosperity for the American auto industry and its workers.

Ron Gettelfinger's commitment to the American auto industry and its workers has been unyielding over his career.

Mr. Speaker, I ask my colleagues to join in congratulating Mr. Gettelfinger; his wife, Judy; and their children and grandchildren on the occasion of his retirement from the union he loved so deeply, the UAW.

Mr. DINGELL. I thank my good friend from Michigan, and I yield now to another distinguished gentleman from Michigan (Mr. SCHAUER).

Mr. SCHAUER. I thank you, Mr. DINGELL, and it is an honor to be here during this hour to talk about a man who has shaped our Nation's economy and manufacturing; and it is an honor to follow Congressman SANDY LEVIN, also from Michigan, who has been a fighter for jobs.

Ron Gettelfinger, from my experience I can best describe him in a couple of stories. We are here to congratulate him on his retirement and his legacy with the United Auto Workers. Chairman DINGELL and a bipartisan delegation from the House of Representatives visited the auto show, the North American International Auto Show, at the beginning of this year.

We met with the top leadership of Ford, GM and Chrysler. Ron Gettelfinger was right there. It was apparent, as these companies have worked through a very challenging time, they had a true partnership in their workers; the best workers in the world, and their leader, Ron Gettelfinger, was there as each of the management leaders of Ford, GM and Chrysler talked about their new technology. They talked about their innovations, and they talked about retraining of their workers. They talked about more efficient and cost-efficient manufacturing processes. Ron Gettelfinger was there as a true partner with each of those companies as they talked about their exciting new products made in the United States of America by American workers that Ron Gettelfinger represented. The best products in the world, the best automobiles in the world, that is Ron Gettelfinger.

Another story hits close to home for me. I represent a lot of auto workers and a lot of families that earn their living from manufacturing. I have an automotive assembly plant in my district. It is General Motors Lansing Delta Township Assembly Plant in Eaton County in my congressional district. It is the auto industry's most modern, efficient plant in the world.

Just a year and a half ago or so, that plant was down to just one shift making a crossover vehicle. At that time it was the GMC Acadia; the Buick Enclave; the Saturn Outlook, a great, best in class, most fuel-efficient vehicle in its class. They were down to one shift. Ron Gettelfinger, in partnership with General Motors management, made some important decisions about that plant, about its products, about its company. That plant, which is represented by UAW Local 602, Brian Fredline is their president, now today is back to three shifts plus overtime. And in addition is making the Chevy Traverse. It is a world-class vehicle; and Ron Gettelfinger, through his partnership with this automotive company, has put people to work. In fact, Michigan, which has struggled with high unemployment over the years, actually saw about 450 families move from Tennessee to work in that plant. And I thank Ron Gettelfinger and I thank General Motors for that.

By the way, the Buick version of this vehicle made in my district by UAW Local 602 workers is China's number one imported vehicle.

What Ron Gettelfinger's work and career and his legacy mean to me is he is a champion for manufacturing, and in this country we must fight for manufacturing. It is a national security issue. This is the industry, the auto industry that built our middle class and that is part of Ron's legacy.

Another is fair trade. We must continue to fight for fair trade, as Ron Gettelfinger did in his career, to make sure that our workers, the best workers in the world, the most innovative companies in the world have a chance to compete on a level playing field. Ron Gettelfinger fought for fair labor practices for his workers. He helped transform America's economy. And retirees to Ron Gettelfinger were more than legacy costs, as some consider them. They are real people.

So to Ron Gettelfinger, congratulations and thank you for your commitment to the United States of America for good jobs, a middle class, for advanced manufacturing and an industry that is on its feet again. Bob King will be a very able new president. I wish him well, but I am here today, Chairman DINGELL, to thank Ron Gettelfinger for all he has done for the United States of America.

Mr. DINGELL. I thank my distinguished friend from Michigan.

I yield now to the distinguished gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Thank you, Mr. Chairman. And to the Speaker, whenever JOHN DINGELL raises his voice to join in honoring a leader, you always have to take his affirmation really as an honor of that leader. And so no one wants to be left out when it comes to honoring someone Chairman DINGELL has designated as deserving that honor.

I come far away from Michigan, from Texas, and to be able to say that Ron Gettelfinger is an American hero, and America thanks him, because he understood the various assets of wealth. He might have understood a family in New York or down in Houston, or maybe in Alabama who was able to get that first American-made car, made by the men and women of the United States, and in this instance those who reside in Michigan. Buying a car was a big deal, and I think this president, past president of the UAW, understood that. And I am grateful for him understanding that. That is why he fought for the men and women of the UAW.

And so I rise today to join in this Special Order to honor Ron Gettelfinger and to thank him for caring about America, for those families who work every day all the time to ensure that they might buy that first car, that family car, that they could load up a family of two, three, four, five or more in a car that they knew would work, that had all of the bells and whistles and had the investment of the hard-earning and the hardworking men and women of the UAW. We want to thank him for his hard and exemplary work with organized labor, and we want to acknowledge him at this time of his retirement.

There is no doubt that for his 40 years of service in the interest of the average American worker, he deserves the praise of Congress. He agreed with something I think that I wholeheartedly agree with: it is important for Americans to make things. And how proud we were that we could point to the American automobile industry as being made by the hands of those who worked hard and made good and made good products. America has got to get back to making things; and Mr. Gettelfinger, who was involved in the union and worker activities since 1964, I believe understood that well.

Ever since he was elected to represent Ford's Louisville assembly plant as committee person, bargaining chair and president, he has tirelessly worked for the betterment of the average American worker. It should be noted as the UAW votes rose, as they improved their working conditions, and of course the contractual conditions and agreements, others likewise benefited. His organizing and people skills are legendary, as is his steadfast commitment to the American worker, all of which made him a symbol of the union movement in the United States and an icon to many Americans.

Mr. Gettelfinger first became a member of the Ford United Auto Workers bargaining committee in 1987. Since then, he has held several management positions before being elected to his first term of president of the UAW in 2002. Under his leadership, UAW was able to lobby effectively for labor protections and fair trade agreements, including provisions for workers' rights and environmental protections. He was a visionary. With the voice of the average worker as his motivational mantra, he fervently criticized corporate global initiatives designed to strip workers of their right to a living wage in the face of economic decline. In addition, he toiled to keep American jobs here. He believed in America making things.

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I hope he will leave that legacy, because we've got to get back to making things. Mr. Speaker, this is the kind of man who embodies the American spirit and symbolizes the importance of the average American worker to the success and way of life that we cherish. There is nothing wrong with working with your hands and having a decent living. He believed in technology, better ways of making cars, more efficiency, but he didn't believe in undermining the worker, the American worker. Our democracy has been made stronger by the efforts of this unique individual. It is only fitting that we honor former president of the UAW Ron Gettelfinger for his life's work and give him special praise on his retirement.

Again for these reasons, I rise in support of Chairman DINGELL'S special order and would only leave you to say this: He is a great American. We would do well to follow in the footsteps of this great American and learn that America is at her best when she can make things for the American people and people around the world.

Mr. Speaker, I rise in support of my colleague JOHN DINGELL's special order to honor Ron Gettelfinger, immediate past president of the United Auto Workers, UAW, for his exemplary work with the men and women of organized labor, and on the event of his retirement. There is no doubt that for his 40 years of service in the interest of the average American worker, Mr. Gettelfinger deserves the praise of the Congress.

Mr. Gettlefinger has been involved in union and worker activities since 1964. Ever since he was elected to represent the Ford's Louisville Assembly Plant as committeeperson, bargaining chair, and president, he has tirelessly worked for the betterment of the average American worker. His organizing and people skills are legendary as is his steadfast commitment to the American worker; all of which make him a symbol of the union movement in the United States and an icon to many Americans.

Mr. Gettelfinger first became a member of the Ford-United Auto Workers, UAW, bargaining committee in 1987. Since then, he has held several other management positions before being elected to his first term as president of UAW in 2002. Under his leadership, UAW was able to lobby effectively for labor protections and fair trade agreements, including provisions for workers' rights and environmental protections. With the voice of the average worker as his motivational mantra, he fervently criticized corporate global initiatives designed to strip workers of their right to a living wage in the face of economic decline. In addition, he toiled to keep U.S. jobs here in America.

Mr. Speaker, this is the kind of man who embodies the American spirit and symbolizes the importance of the average American worker to the success and way of life that we cherish. Our democracy has been made stronger by the efforts of this unique individual. It is only fitting that we honor Ron Gettelfinger for his life's work and give him special praise on his retirement.

Again, for these reasons I rise in support of my friend and colleague, JOHN DINGELL's special order.

Mr. DINGELL. I thank the distinguished gentlewoman from Texas.

I yield now to the distinguished gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. I would like to thank Congressman DINGELL for hosting this special hour this evening where we can pay tribute to an outstanding leader, businessman and champion of organized labor, Mr. Ron Gettelfinger.

I came to Congress with the promise of standing up for workers' rights, a mission that Ron has crusaded for since his days as an assemblyman for the Ford Motor Company. His leadership has influenced my approach to policy and enhanced the vision of organized labor.

Ron's 8 years as president of the UAW have ushered in a number of defining accomplishments for the American worker. He fought vigorously to assure worker protections in major trade agreements while understanding that a reformed health care system will better serve America's workforce and our entire country.

Ron's success is defined by a willingness to work with industry and construct bipartisan agreements that achieve results, a strategy I admire and wish we would see more of here in Congress. As we emerge from the worst economic crisis since the Great Depression, Ron's leadership has been stalwart.

As Americans see thousands of jobs headed overseas, Ron made sure that well-paying jobs stayed right here in the United States of America. At a

time when workers' rights were in jeopardy, Ron never thought to back down or make concessions. That's real leadership.

Ron, on behalf of the working men and women of my district in western Pennsylvania and all organized labor, thank you. You leave a wonderful legacy that has shaped a higher standard for the American worker. I wish you the very best in your days ahead. I am proud to stand here with the gentleman from Michigan to honor you here tonight.

Mr. DINGELL. I thank the distinguished gentlewoman.

I yield now with a great deal of pleasure and respect to my good friend from New York, the Honorable EDOLPHUS TOWNS.

Mr. TOWNS. Thank you very much.

I am delighted to come and participate in this special order this evening, to be here with the longest serving member of the United States House of Representatives, John Dingell. We come tonight to say thank you to Ron Gettelfinger for 40 years of service to the UAW, and 8 years as its president. So I rise in order to honor him tonight because of the outstanding job that Ron was able to do.

It is easy to admire Ron by just looking back over his long career. From his early work as a chassis line repairman in 1964 at a Louisville assembly plant to being elected to the United Auto Workers top leadership post in 2002, where he became the face of one of the largest and most diverse unions in North America, he has shown a remarkable drive and work ethic that made him a role model as he fought for health care and so many issues that improved the quality of life for so many.

Ron was not a selfish person. He felt that if I can help somebody, then my living is not in vain. In addition to his work in the auto industry, he has had a positive effect on Federal and State public policy. Mr. Gettelfinger is a hardworking individual who has been an outspoken advocate for so many good causes.

Under his leadership, the UAW also lobbied for new technologies and environmental standards, supporting smart policies for solid jobs, and, of course, clean air. These are issues that have been and continue to be very important to me and the people of the 10th Congressional District.

Ron was once quoted as saying, ''We don't accept the notion that America is a country where a privileged few live while the rest of us struggle to meet our daily expenses. We're going to fight for something better.'' And I want you to know he did.

And, of course, we look back tonight and we say, Ron, thank you. Thank you for the outstanding job that you did on behalf of the UAW. Thank you for the outstanding job that you have done on behalf of the people of this Nation. We thank you for the leadership; and as a result, people throughout were able to see you as a role model.

So I come tonight to say thank you again and we wish you Godspeed. We know that you will be out there doing some things in a positive way which will continue to improve the quality of life.

Mr. DINGELL. I want to thank my dear friend from New York for his kindness, his fine words, and for his great patience. He is my dear friend.

Mr. Speaker, I have the remarks of many of our other colleagues which will be inserted into the RECORD paying tribute to our great friend, Ron Gettelfinger.

I simply want to observe two things: first, we are saying good-bye tonight to a giant, a patriot, a wonderful human being, a man who cared about his fellow Americans and who spent his lifetime making it the best he could for his fellow Americans, especially members of the trade union movement.

He was never afraid to give leadership to causes that were important, and he never was afraid to speak the truth, including to work with me and with the companies to address problems that those companies had here in Washington, and he was never afraid to tell the truth, even to his own members when that was necessary to be done.

I am pleased to report that in his leaving of office, he leaves behind him a great and respected trade union movement, and a wonderful union in the UAW. And I am pleased to report to my colleagues that his successor, the new president, Bob King, will serve with great distinction and as a worthy successor in all aspects of this very important leadership responsibility. I congratulate him and wish him well.

Mr. TIERNEY. Mr. Speaker, on behalf of working men and women of the Sixth District of Massachusetts, I rise today to commend Ron Gettelfinger for his extraordinary service and leadership during his recently completed tenure as president of the United Auto Workers of America.

Over the last 8 years, Ron Gettelfinger has helped steer his brothers and sisters in organized labor through one of the most difficult economic periods in history with great statesmanship and considerable care. And despite the unprecedented challenges the auto industry has faced, the UAW has emerged from the recent crisis well-positioned for the future thanks in no small measure to Ron's vision and leadership.

Ron's tenure at the UAW was marked by a string of victories for American workers and their families. An outspoken advocate to make health care accessible and affordable for all Americans, Ron played a critical role in helping to see health care reform enacted into law. He fought for children's health insurance and fair pay legislation, labor protections in fair trade agreements, and championed retaining manufacturing jobs here in the United States through investments in advanced technology vehicles. And through the most serious economic downturn since the Great Depression and the loss of thousands of jobs to companies overseas, Ron Gettelfinger always worked to ensure that UAW workers and their families were treated fairly.

Though he rose to the very top of the UAW leadership, Ron Gettelfinger never forgot where he came from. He was most proud simply to be known as a chassis line repairman. A member of UAW since 1964, it was the needs and perspectives of the workers at Ford's Louisville Assembly plant with whom he worked side-by-side for so many years that always shaped his priorities and concerns.

With profound appreciation for Ron Gettelfinger's consensus-building among business and labor leaders that has helped to preserve a vibrant American auto industry for millions of American workers and their families, I join my colleagues in thanking Ron for his service and wishing him and his family well in the years ahead.

Ms. KAPTUR. Mr. Speaker, please allow me to express my sincerest gratitude to UAW President Ron Gettelfinger for his leadership during this extraordinary moment of transition for the U.S. auto industry. His strength, composure, intellect, and resolve have turned a new day for this bedrock U.S. industry.

Ronald A. Gettelfinger, born August 1, 1944, was elected to his first term as president of the UAW at the 33rd Convention in 2002. He was elected to a second term on June 14, 2006, at the UAW's 34th Convention in Las Vegas. A son of the midwest, Ron Gettelfinger is a 1976 graduate of Indiana University Southeast in New Albany, Indiana.

He began his union involvement in 1964 in Louisville, Kentucky, at the Louisville Assembly Plant run by Ford Motor Company while working as chassis line repairman.

The workers at Ford's Louisville Assembly plant elected Gettelfinger to represent them as committeeperson, bargaining chair and president. He was elected president of local union 862 in 1984. In 1987, he became a member of the Ford-UAW bargaining committee. Afterwards, he held other positions: director of UAW Region 3 and the UAW chaplaincy program. For six years he served as the elected director of UAW Region 3, which represents UAW members in Indiana and Kentucky, before being elected a UAW vice president in 1998.

Ron has been an outspoken advocate for national single-payer health care in the United States. Under his leadership, the UAW has lobbied for fair trade agreements that include provisions for workers' rights and environmental provisions; and the union has loudly criticized what it calls ''the corporate global chase for the lowest wage which creates a race to the bottom that no workers, in any country, can win''.

Mr. Gettelfinger's leadership of the UAW has led to a more competitive American auto industry. His stalwart and trustworthy negotiations gave new hope to a beleagured industrial sector.

The U.S. auto industry, long the backbone of the American economy, reached an important milestone last week—and I think this accomplishment did not get the coverage that it deserved.

The respected J.D. Power & Associates initial quality study revealed that U.S. automakers defeated the imports in what the L.A. Times calls ''a key benchmark of quality.''

That's right. The American automakers are Number One again.

It has been a long, tough road, but they have gotten the job done—and they did it in extremely difficult circumstances.

This achievement involved a lot of sacrifice and a good measure of ''tough love,'' but it has paid off. A cornerstone industry of the American economy has turned the corner.

We congratulate the UAW, because a lot of people—including Members of this body—said it couldn't be done. A lot of people said the automakers weren't worthy of our support. A lot of people wrote them off—and the hundreds of thousands of jobs that the auto industry supports in this country.

Truly, the autoworkers, auto dealers, parts suppliers—and all the people who support this giant industry—deserve our commendation.

Mr. Speaker, this has never happened before. In the quarter of a century that J.D. Power quality surveys have been conducted, the U.S. automakers never defeated the foreign competition. Until this year.

As a J.D. Power official told the L.A. Times: ''This is a landmark in the quality history of the auto industry.'' He got that right. It is a landmark event, and it's a landmark event with great implications for our nation.

The day when the buying public regarded imported cars as superior to American cars? It's over.

The American automakers have been steadily closing the gap on their foreign competition for several years. And this year, they finally passed them.

If you want quality, buy American. Take it from J.D. Power.

There is still a lot of work ahead, but make no mistake: the American carmakers are back. Our confidence in them and their workers has been rewarded.

And Ron Gettelfinger, as he officially retires, can be confident his life made a difference to millions and millions of others, and to communities across our nation that depended on him to lead his great union into a new era for the U.S. auto industry.

Thank you, Ron, for your effort, your service, your patriotism and your achievements. May God bless you and yours in the coming years.

Mr. SERRANO. Mr. Speaker, today, I rise to honor Ron Gettelfinger, who retired last week from being president of the United Auto Workers. Mr. Gettelfinger first joined the UAW as a line repairman in 1964 and has now spent a lifetime fighting for the best interests of working Americans.

Mr. Gettelfinger was elected to the Presidency of the UAW in 2002 and provided excellent leadership through a difficult time in the history of the auto industry in the United States. The auto industry faced great hardships during his tenure and as a whole needed to make a lot of changes. Mr. Gettelfinger recognized the great changes that needed to be made and ably defended his members while working hard to address the long term needs of the industry. He understood that the automakers and the unions needed to work together to insure that they both could go forward stronger than before.

During his time as President he worked hard not only for his own members, but for the rights of all American workers and of all workers around the world. In addition to his efforts working for workers, he understood the importance of universal health care to having a healthy and competitive workforce and he spoke out in favor of health care for all Americans. While I think that he and I would both have liked to see even more extensive reaching reform, we have taken an important step and I applaud his efforts on behalf of healthcare reform.

Mr. Gettelfinger has spent a lifetime of serving working Americans and making sure that they are given a fair chance at a fair wage and fair work. I wish him the best of luck in whatever he does next, which I am sure will include continuing efforts to defend the rights of workers and all Americans.

Mr. GONZALEZ. Mr. Speaker, I rise today to salute Ronald A. Gettelfinger as he steps down after eight years as president of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America. Since 1964, Mr. Gettelfinger has been a part of the American automotive industry. When Bob King assumed the presidency of UAW on June 15, 2010, it marked the end of an era.

As a chassis line repairman, after his election by his fellow UAW members to represent the workers at Ford's Louisville Assembly plant, and his during his twelve years in the leadership of UAW, Ron Gettelfinger has worked to ensure that his workers, American workers, get a fair deal. He has fought to protect a strong manufacturing sector in the United States of America, so that the Arsenal of Democracy could continue to lead the world, not just through our production but through the standards we hold dear. His priorities have been a just and decent wage for honest work. Recognizing the importance of ending our dependence on foreign and fossil fuels, as President of UAW he pushed for a national investment in new technologies to produce energy-saving vehicles.

These past 44 years have seen great changes in the automotive industry. There have been good times and bad. Through it all, Ron Gettelfinger never forgot for whom he worked. The past two years may have been some of the toughest. But the reorganizations of General Motors and Chrysler have marked a turning point and things are looking up. The new GM is leaner and tougher than we have seen in years, with the Chevrolet Volt leading the way into a bright future. We all look forward to that bright future, and I trust that Ron Gettelfinger looks to it with pride in the role he played in making it possible.

Mr. ANDREWS. Mr. Speaker, I rise today to honor Ronald Gettelfinger, president of the United Auto Workers, and longtime advocate of workers everywhere. I stand to recognize him for his vision for America.

Mr. Gettelfinger's first experience with Ford Motor Company's labor unions occurred in 1964 when he started working as a chassis line repairman at the Louisville Assembly Plant. After a few years, his co-workers elected him committeeperson, bargaining chair, and president of the local union. He worked his way up through UAW Region 3, was elected national vice president in 1988, and president in 2002. His second term as president will expire with the election of a new president at the UAW convention in Detroit later this week.

Mr. Gettelfinger's down-to-earth personality has been a huge asset to him as UAW president. He has stood by the Union's mission to secure economic and social justice for all people, and believes that every person and every job is important.

Mr. Speaker, Ron Gettelfinger's leadership as president of the United Auto Workers and advocate for health care reform should not go unrecognized. I wish him the best of luck in his future endeavors.

Mr. DOYLE. Mr. Speaker, I rise today to honor a man of great dedication and loyalty to the working men and women of America. Mr. Ron Gettelfinger recently retired from his position as President of the United Auto Workers and I want to take this opportunity to honor him for his longtime advocacy for the American worker.

Mr. Gettelfinger began his union involvement in 1964 as a chassis line repairman at the Ford Motor Company's Louisville Assembly Plant in Louisville, Kentucky. Twenty years later, following his election as committeeperson and, soon thereafter, bargaining chair, he was elected president of Local Union 862. He took on greater and greater responsibility in the UAW, serving as director, vice president, and starting in 2002, president of the union. He was reelected for second term in 2006. However, in 2009, he announced he would retire at the end of his second term as president.

Mr. Gettelfinger's accomplishments include, but certainly are not limited to, his steadfast determination which aided him in his fight for both labor protection in fair trade agreements and affordable health care for all. Most notably, Mr. Gettelfinger proved himself a strong leader during the most serious economic downfall in decades, when he negotiated tirelessly with corporate leaders in order to protect his workers' rights.

Mr. Gettelfinger has served the working men and women of the UAW with skill and dedication for decades, and I want to take this opportunity to commend him for all his efforts as a determined advocate for American workers. I want to congratulate Mr. Gettelfinger, and extend to him and his family best wishes for a well-deserved retirement.

Mr. ENGEL. Mr. Speaker, I rise today to honor Ron Gettelfinger for his tremendous leadership and to congratulate him on the good work he has done representing the members of the United Auto Workers (UAW). Ron served the UAW as President, Vice President, and as a member of the Local 862. I wish him all the best retirement has to offer.

Since 1964, Ron Gettelfinger has been a proud member of the UAW, and served as President since 2002. During this time he advanced the rights of working men and women by securing fair wages, better working conditions, and fairer trade deals. Ron Gettelfinger also guided the UAW through the tough times of the past several years, when the auto industry was struggling and our nation's economy was in a deep recession. He made sure that his workers were treated fairly during these difficult times.

As the son of a lifelong iron worker, I am a strong supporter of a worker's right to engage in collective bargaining through membership in labor unions. I have, and will continue to assist them in achieving common goals such as fair wages, safe workplaces and enhanced job opportunities.

I ask my colleagues to join with me in congratulating Ron Gettelfinger and wishing him all the best in his retirement.

Mr. OBERSTAR. Mr. Speaker, I rise today to offer my sincere appreciation of the enormous contributions that Ron Gettelfinger has made to our nation and to the labor movement as President of the United Auto Workers

(UAW). Thank you, Ron, for your unmatched record, and your superb service as an effective labor leader.

As a result of your tireless and dedicated leadership, you succeeded in making our vital domestic auto industry able to compete in the global auto marketplace. Your vision to secure a sound future for the auto industry was not limited to just your membership; your skilled efforts also benefitted our steelworkers on the Iron Range in Minnesota who work in the taconite mines to produce the ore for our domestic steel industry. I am profoundly grateful for your contributions that will never be forgotten, and your quote ''We did what we had to do to get to tomorrow'' is a testament to your lasting legacy of leadership.

I hope your retirement is filled with many years of continued growth and good health, and that you never cease to share your ability to lead and inspire. I know that you will continue to apply your trademark dedication and energy to all your endeavors in the future.

It is indeed a pleasure to send my very best wishes to a man who has touched the lives of so many people in as many ways as you have.

Congratulations, Ron, on your retirement and your extraordinary work for working men and women.

Ms. BALDWIN. Mr. Speaker, I rise today to join my colleagues in paying tribute to a great man much beloved around the country, including in my home state of Wisconsin: I speak of Ron Gettelfinger.

Anyone who has ever needed a friend knows the difference between the fair-weather friend and the friend who stands by you in your time of need. Ron Gettelfinger has stood by his UAW brothers and sisters in their time of need.

When my constituents talk about Ron, they talk about him as a fighter for working men and women. Over the past 8 years, while he served as the president of the United Auto Workers, Ron saw the auto industry challenged as never before. He saw its workers beaten down.

Hundreds of my constituents lost their jobs when the GM plant in Janesville, Wisconsin closed down. Ron and the UAW stood by those workers, providing them with support, assistance and advocacy to bridge the gap to new employment.

But Ron didn't just stand by the workers without jobs—he knew something needed to be done to stop the bleeding and help save the auto industry. So he did the unpopular thing, and helped renegotiate General Motors contract with the auto workers. It was such a difficult decision in a difficult time—but we are beginning to see the positive results from it now. The auto industry seems to be turning around.

As president of the UAW, Ron has been a champion for all American workers. He has worked tirelessly for labor protections in fair trade agreements, accessible and affordable health care for all, and protection of American jobs through investments in advance technology vehicles.

So my gratitude and my admiration go to Ron, on behalf of the thousands of Wisconsinites he represented so bravely and ably for the past 8 years.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to join my good friend, the gentleman from Michigan (Mr. DINGELL) in recognizing Mr. Ronald A. Gettelfinger on his well-deserved retirement.

A few weeks ago, I had the opportunity to be with Mr. Gettelfinger and the UAW members to celebrate their 75th anniversary. They have been stalwart partners in the movement for civil rights and social change. It was truly a homecoming, and I was proud to be with Ron during one of his last official acts as UAW president.

For nearly half a century, Mr. Gettelfinger has dedicated himself to the rights of American auto workers. Ron began his career as chassis line repairman in 1964. When his colleagues at Ford's Louisville Assembly plant elected him as their committeeperson, bargaining chair, and president, he rose to the challenge and went on to serve in various leadership positions for the United Auto Workers (UAW) membership for the next 26 years.

During his tireless years as a UAW leader, Mr. Gettelfinger constantly recommitted himself to the values that were so important to—as he would say—my ''sisters and brothers''. Through trials and tribulation, the UAW has defended human dignity in the auto industry and been a strong ally in the struggle for social justice both in the United States and around the world. Mr. Gettelfinger embodied these values and was a constant, vocal advocate for health care, workers' rights, and trade policy reforms. I thank him for his service and for his commitment to the forgotten, the underserved, and the backbone of our global economy—America's workers.

Again, let me congratulate Ron, his wife Judy, and their family on this momentous occasion and exciting new chapter in their life. Mr. Speaker, Mr. DINGELL, as you know, his leadership will be missed, but never forgotten.

Mr. HARE. Mr. Speaker, I rise today to celebrate the achievements of Mr. Ron Gettelfinger, President of the United Auto Workers, and to thank him for his unwavering commitment to the American worker. His retirement is surely a bittersweet moment for us all. Through his eight years as President of UAW, Mr. Gettelfinger navigated some of the most difficult and trying times that the labor movement has faced in recent history. During the economic downturn and with countless jobs moving overseas, his steadfast leadership has helped restore faith in our auto industry and has helped workers feel secure during this period of great instability and change. I am deeply moved by Mr. Gettelfinger's unwavering resolve in his fight for labor protections, accessible and affordable health care for all, and his push for keeping manufacturing jobs in the United States.

I speak today on behalf of the Illinois members of the UAW in thanking Mr. Gettelfinger for all of his work. Workers throughout Illinois have played a large role in supplying our automakers and are one small part in a much larger supply chain. Because of this connection, the UAW itself has deep roots in Illinois, and Mr. Gettelfinger's work has touched countless Illinois families. I would like to thank Mr. Gettelfinger for his efforts to make life better for workers across my home state of Illinois and across the United States. The people of Illinois will not soon forget what Mr. Gettelfinger has accomplished for them.

Mr. Speaker, it is with pride and admiration that I offer my thanks and recognition to Mr. Ron Gettelfinger for his service to the UAW and to our nation.

Mr. COHEN. Mr. Speaker, I rise today to recognize Ron Gettelfinger for his leadership at the United Auto Workers, UAW, and to congratulate him on his retirement after a lifelong dedication to the auto industry. He is a former chassis line repairman at a Ford factory in Indiana and a former director of UAW Region 3 which represents Indiana and Kentucky. A member of the UAW Local 862 since 1964, Mr. Gettelfinger was the right man to lead the UAW during the worst economic downturn in recent years for the automobile industry and our country. He is proof that optimism and dedication during tough times can yield positive results.

Ron Gettelfinger was first elected president of the UAW at the 33rd Constitutional Convention in 2002 and re-elected to a second term in 2006. During the economic downturn of 2006 and 2007, he had to make tough and sometimes unpopular decisions to ultimately save America's Big Three auto companies. He reached agreements to provide buyouts and other retirement incentives for tens of thousands of workers, forfeited holiday pay and bonuses, and applied overtime pay only to work weeks exceeding 40 hours as opposed to work days exceeding 8 hours.

In a continued effort to save the auto industry and foreseeing the effect of globalization on manufacturing wages, Mr. Gettelfinger agreed to job layoffs and contract concessions that would make it easier for the Big Three to secure the help they needed. In 2008 and 2009, he made the tough decision to end lifetime job guarantees, traditional pension plans and carefree retiree health insurance plans. He also agreed to end the UAW's job bank program which allowed laid-off workers to continue collecting almost full pay—a program that was often seen as paying workers for not working. As a result of these and other measures taken to address the effects on wages, a study by the Center for Automotive Research concluded that the Detroit Three will achieve ''labor cost superiority'' by 2015 and will hire thousands of new workers.

Ron Gettelfinger worked tirelessly on behalf of automobile manufacturing workers and felt a sense of responsibility to them and the country as a whole. He advocated for incentives to manufacture energy-saving advanced technology vehicles and their key components in the United States. He fought for fair trade agreements that included provisions for workers' rights and environmental protections. He was also critical of ''race to the bottom'' practices whereby corporations sought to maximize profits by paying the lowest wages possible.

Mr. Gettelfinger was a supporter of accessible and affordable health care for every man, woman, and child here in America. In order to save the financial books of GM and Chrysler and still provide pensioners' health care coverage, UAW assumed the health care cost through a trust known as Voluntary Employees' Beneficiary Associations, VEBA.

While in my hometown of Memphis, Tennessee, Ron Gettelfinger spoke at the conservative Economic Club of Memphis in early 2009. He was introduced by his cousin, Mr. Tom Gettelfinger—a practicing ophthalmologist in Memphis. Ron Gettelfinger acknowledged the important role shared by the auto industry and Tennessee, which ranks 9th in the United States in terms of auto industry employment with an annual $2.8 billion payroll. While in the

lion's den, Mr. Gettelfinger spoke on U.S. banks and investment firms as the foundation of the global system and the disarray they were in. He spoke on the need for the government to jump-start the economy and to address the thousands of Americans loosing their jobs and their homes to foreclosures. Mr. Gettelfinger told attendees that President Obama and Congress did the right thing by passing the economic stimulus package and that the plan would put money back into the hands of the American people and would energize the lagging economy. We are seeing all of these things come to fruition today.

Ron Gettelfinger pulled our automobile manufacturing industry from the brink of devastation and saved hundreds of thousands of jobs. By saving the Detroit Three, Mr. Gettelfinger played a pivotal role in keeping the American economy away from total disaster. Mr. Speaker, I ask all of my colleagues to join me today in wishing Ron Gettelfinger the best and congratulating him on his retirement from the United Auto Workers.

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to a hero of the American workforce: Ron Gettelfinger. For the past eight years Mr. Gettelfinger has dedicated himself to fighting for our Nation's auto workers as president of the UAW. Many of the fights that Mr. Gettelfinger undertook helped not only his constituency but Americans as a whole.

Mr. Gettelfinger's priorities are not unique to the UAW but are shared by many members of this body, myself included. Whether fighting for single-payer healthcare, labor protections, or investment in America's industry Mr. Gettelfinger had made it his life's work to advocate for the American worker.

I am proud to rise today to honor a fine man on the occasion of his retirement and commend him for the excellent work he's done. Mr. Speaker, it is because of individuals like Ron Gettelfinger that our workforce functions as well as it does.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to join our distinguished Dean of the House, Representative JOHN DINGELL, to honor Ron Gettelfinger for his years of service to the United Auto Workers (UAW). Ron recently announced that he will retire after serving as President since 2002, and a lifelong commitment of service to the organization. As President, he worked closely over the years with my regional UAW Directors, outgoing Director Bob Madore and his predecessor Phil Wheeler, on issues important to Connecticut. Ron presided during a time of economic difficulty and a historic health reform debate, and did so with great poise and a never subsiding commitment to the men and women he represented. I once again commend him on his years of service and join with my colleagues in saluting him.

Mr. PETERS. Mr. Speaker, today I would like to honor Mr. Ron Gettelfinger, a lifelong champion of the American labor movement and President of the United Auto Workers Union, on his retirement after forty-five years of dedicated service. As a Member of Congress it is both my privilege and honor to recognize President Gettelfinger for his many years of service and his contributions which have enriched and strengthened our country, the State of Michigan, and Oakland County.

In his career, President Gettelfinger has been a tireless advocate for working families and workers' rights. In 1964, he was hired at Ford's Louisville Assembly plant as a chassis line repairman and a member of UAW Local 862. As a member of UAW Local 862, he was elected to serve as a committeeperson, bargaining chair and eventually president. In 1992, he was elected as the director of UAW Region 3, representing members in Indiana and Kentucky and served in that role for six years. In 1998, he was elected as a UAW National Vice President under then UAW President Steven Yokich. In 2002, Mr. Gettelfinger was elected as President of the UAW International Union, the position he has held until his retirement.

The American auto industry has faced unprecedented challenges in recent years. During this time, President Gettelfinger has provided steadfast, thoughtful, and effective leadership. During his tenure, the American auto companies have faced their greatest challenges since the Great Depression. Following the economic downturn of September 2008, in which irresponsible decisions on Wall Street created an economic crisis for businesses and families across the United States, President Gettelfinger's bold action and leadership was critical in securing the future of the American auto industry. He was instrumental in the forging of a set of sustainable contracts, which have allowed the American automakers to remain globally competitive. President Gettelfinger's leadership has saved hundreds of thousands of American jobs, while upholding the ideals and standards of a hard day's work for a fair day's pay.

Mr. Speaker, I ask my colleagues to join me today to honor President Ron Gettelfinger for his many contributions to our community and his leadership at the United Auto Workers Union. I wish him many more years of health, happiness, and productive service.

Mr. STARK. Mr. Speaker, I rise to recognize retiring United Auto workers President Ron Gettelfinger. Mr. Gettelfinger has dedicated his career to advancing the interests of working people around our country and the world. He has worked for safer and more equitable workplaces and to make the idea that hard work should translate into a good wage and a stable job a reality. His work has also directly benefited my district.

The UAW has represented nearly 5,000 autoworkers at the NUMMI plant in Fremont, California for nearly 30 years. With the UAW's representation, these workers were able to earn a good wage and benefits that allowed them to build solid middle class lives. In turn, they built some of the best cars in the world and won numerous awards for quality and craftsmanship.

Unfortunately, the NUMMI plant ceased production in April. Mr. Gettelfinger and the UAW worked tirelessly to keep the plant open. Since the closure, I've worked with Mr. Gettelfinger to secure job training and Trade Adjustment Assistance for the many workers who have lost their jobs. Recently, Tesla Motors purchased the NUMMI factory and they will be building electric cars there. I will keep working with the UAW and incoming President Bob King to ensure that the UAW is recognized and former NUMMI workers are hired to fill the new jobs.

It has been a pleasure to work with Mr. Gettelfinger. On behalf of the thousands of my constituents that have benefited from his service, I say "thank you."

Mr. COURTNEY. Mr. Speaker, I rise today to honor Ron Gettelfinger who recently retired as President of the United Auto Workers. Ron has been President of UAW since 2002, though his ardent support for the American worker extends back to his days as a rank and file UAW member and chassis line repairman at Ford's Louisville plant.

Ron led his members through one of the most devastating economic downturns since the Great Depression. He should be particularly lauded for his efforts to fight for those employees in the auto industry who have lost their jobs in recent years. He worked tirelessly to secure opportunities for and ensure the fair treatment of his members during this time and I thank him for those efforts.

Ron has also been a staunch advocate for expansive and affordable health care in this country. He should be proud of his role in supporting and passing the expansion of SCHIP in 2009 and the historic health care reform package passed earlier this year. When I led the effort in the House of Representatives to oppose the excise tax on health care plans, I was proud to have Ron and his members working side by side with me to protect the benefits of working families in our country.

In my state of Connecticut, I have worked closely with the men and women of the UAW. Whether they are the men and women who work at Foxwoods casino or those helping design the next generation of submarines at Electric Boat in Groton, UAW members are among the hardest working individuals in our country.

I commend Ron for his service to improve the quality of life for so many American working families and I ask my colleagues to join me in thanking Ron for his work and wishing him a happy retirement.

THE ECONOMY AND OTHER CURRENT ISSUES

The SPEAKER pro tempore (Mr. CARSON of Indiana). Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Thank you very much, Mr. Speaker. I appreciate a moment here to get our charts lined up and to talk about a subject that we have been talking about for some time but which is very much on the minds and hearts of people in America, and that is the situation of jobs, the economy, and the condition of our solvency as a nation, and the challenges to leadership and the way forward.

Now in order to try to get a perspective on where we are, it's helpful to look back a little bit and to see where we have come from. Those of us perhaps who have been paying a little attention to what has been going on over the last couple of years, there have been some changes, changes of a recession that has come, changes in terms of unemployment, people having trouble making their mortgage payments, people having trouble keeping or getting jobs, and also a sense that the economy is not all that it should be. These things didn't happen just by accident. They were a result to a large degree of government policy. Many of the problems that we are experiencing actually

were caused by decisions that were made right here in this Chamber, and some of those decisions now turn out to be not wise at all.

I would like to go back a number of years to part of what created this entire real estate bubble which then collapsed our economy and put us in the condition that we are now. I hope to conclude with some very positive suggestions as to what we have to do to go forward. America is not in someplace that we haven't been before. We're not in over our head, but we're getting close to it. There are things that we can do to mediate and to take care of some of the problems that have been created, but we must act decisively and we're going to have to act immediately.

Going back a little bit, it became popular over a couple of different administrations to allow people who couldn't really make their mortgage payments to get mortgages to buy houses. So what we did was we created a law that actually said to bankers and to people who were going to give people home loans that you have to give loans to people who can't afford to pay some of them, or who may be a bad credit risk would be a better way to state it. And so we had these laws saying that a certain percent of loans have to be given to people who were bad credit risks. Over a period of time, what happened was those percentages were increased. In President Clinton's last year in office, they increased those percentages up. In the meantime, the economy had a series of different things that occurred with Greenspan creating a great deal of liquidity because of the recession in 2000–2001. So what you had was this real estate bubble where a lot of people were putting money into houses, the housing prices were going up rapidly, everybody was flipping these home loans and making lots of money. As long as the music continued to play, everybody was happy. When the music stopped, there were a lot of people without chairs to sit down in. Well, this tremendous bubble that ended up bursting in the home mortgage area was not something that took everybody by surprise. Many people took advantage of it. Many people were hurt very badly by it. But it was not something that people didn't understand was going on. In fact, on September 11 in 2003, which goes back quite a number of years now, President Bush saw this coming; and so he is recorded here in the New York Times, not exactly a conservative oracle, saying that ''the Bush administration today recommended the most significant regulatory overhaul in the housing finance industry since the savings and loan crisis a decade ago.''

□ 1830

What the President wanted was more authority to regulate Freddie and Fannie because he saw that Freddie and Fannie were out of control. But that's not such an easy thing to do to control Freddie and Fannie. They were quasi-private agencies that were loaning money like mad to people that wanted to buy houses. The trouble was they had just lost a billion here or there, so things weren't going quite right for Freddie and Fannie.

But Freddie and Fannie had a way to fight back. They had many, many lobbyists in Washington, D.C., and they gave lots of money away to Senators and other political people. So the President is asking for authority to control Freddie and Fannie. The President got the bill through because Republicans controlled the House at the time, got a bill through the House, it went to the Senate. But because the Republicans did not have 60 votes in the Senate, the bill was killed by the Democrats in the Senate.

In the meantime, the congressional Democrats disagreed with the idea of regulating Freddie and Fannie more. And of course Congressman FRANK, who is now the one in charge of this committee, saw it very different than President Bush did. He said, these two entities, Freddie and Fannie, are not facing any kind of financial crisis. The more people exaggerate these problems, the more pressure there is on these companies and the less we'll see in terms of affordable housing. So he did not want to regulate Freddie and Fannie. He didn't see a particular financial problem; he said they're just fine financially. This is the same article, New York Times, September 11, 2003. Of course as it turns out, through the eye of history we can look back and say of course Congressman FRANK was completely wrong and President Bush was right; we should have done something about Freddie and Fannie.

So you start to get this real estate collapse and mortgage problem. So the economy starts to go down and a lot of people blamed President Bush for it. But anyway, the economy starts going down, it's because of this congressional policy of allowing these mortgages to be made to people who couldn't afford to pay. What happened was of course Wall Street took them, chopped the mortgages up into little pieces, packaged it all up into these mortgage-backed securities and sold them all over the world. The whole crisis was compounded by the different ratings agencies like Standard & Poor's and Moody's, giving them all Triple A ratings—in fact, these things were not Triple A at all; they were a lot of trouble waiting to happen.

So the real estate crisis then drug the rest of the financial market into trouble, along with some accounting rules that were so rigid and strict that they couldn't deal with the situation that occurred. Following that, of course, President Obama is elected and the economy is going down. And so he proposes a series of solutions and things that hopefully are going to make things better. Part of his solution, of course, was a whole lot of taxes and a whole lot of spending.

And so his policies started out, first of all—actually, it started out with the stimulus package. The stimulus package was one of these things that were supposed to help us get some jobs. He told us what we were going to do with the stimulus package, we were going to spend—it was originally $787 billion, but as it turned out it was $800 billion in the stimulus package. And here's what was said by the President about it. Our stimulus plan will likely save or create 3 to 4 million jobs. Ninety percent of these jobs will be created by the private sector, the remaining 10 percent mainly public sector jobs.

So this looked like a pretty good deal. We were told if you don't pass the stimulus bill, what's going to happen is you may get 8 percent unemployment if you don't pass it. And so because the Democrats were totally in charge, we passed it. The Republicans all voted no. We had seen this before. It was not even a legitimate stimulus package. It was a whole lot of big spending on a lot of giveaway government programs, but it was not going to do anything to improve the economy, we believed. Now we've had a chance to see how did that $800 billion go? Well, it went to pay the pensions of a lot of States that had been irresponsible and had not managed their pensions properly.

And so now we've seen how that worked. Well, the private sector has lost nearly 8 million jobs since 2008. The government has gained 656,000 jobs—mostly the census-type jobs—and there was very, very little job creation in the private sector. Well, is it because Republicans were such wizards that they could figure out it wasn't going to work? Well, no, we just know something about history. In fact, we would have hoped that the Democrats might have learned from history from the days of FDR, who took a recession and turned it into the Great Depression.

These are the comments from a Keynesian economist in a way, he was somebody that was about the same time period historically as Little Lord Keynes. His name was Henry Morgenthau, he was FDR's head of Treasury. He said, We have tried spending money. We have spent more money than we've ever spent before—this is after 8 years of the Federal Government spending lots of money—it doesn't work. I'd say after 8 years of the administration we have just as much unemployment as when we started, and an enormous debt to boot.

So, so much for the stimulus bill. It wasn't even FDR kinds of concrete and asphalt types of pork; a lot of it was just giveaways to various States that had mismanaged their budget. So that's what happened. So we could have learned. And the Republicans did know that the stimulus bill didn't work, we didn't vote for it. And what was the result of it? Well, we should have learned at least from Henry Morgenthau because here's the results. This is when the stimulus bill was put

in. It was projected that we're going to have unemployment going down. If you pass the stimulus bill, it's going to go down here; if you don't pass it, it may get up to 8 or 9. In fact, we passed the stimulus bill, it gets to 9.7.

If you take a look at the other graphs—I don't know that I have that graph here today—what you find is that the employment in the private sector has been going steadily down and the government employment has been going steadily up. So, so much for the first step of economic policies in the administration. That was followed, of course, by all of these different nifty big tax increases. Now, that says something's wrong when you have a recession and you're doing tax increases.

I'm joined in the Chamber tonight by a fellow that is very aware of how these things interact, has done a fantastic job for his district, and I'd like to invite him to join me in our discussion tonight, Congressman SCALISE, please.

Mr. SCALISE. I'd like to thank my friend from Missouri for leading tonight's discussion about the economic problems that we're facing today in our country. And of course, as you showed those comments from Henry Morgenthau, who was the Treasury Secretary under FDR, who in fact not only pointed out the problems of the massive spending back then, but really was kind of prescient because some of the things he talked about back then are still as relevant, if not more, today because he predicted the problems, he discussed the problems of government spending and spending and borrowing and borrowing with no results, and in fact with detrimental results because of the damage it's done. And of course here we are today seeing the results of that same failed policy of history, unfortunately, repeating itself.

Mr. AKIN. We just didn't learn.

Mr. SCALISE. And of course those who are running things right now—the liberals who are not only in the White House, but here in Congress—have not learned the lesson of history. And there is that saying that if you don't learn from history, then you're doomed to repeat it. Unfortunately, we've been trying to prevent history from repeating itself, and yet we're seeing that happen right now.

I represent southeast Louisiana, and of course we are battling this devastating oil disaster——

Mr. AKIN. Maybe I should just interrupt for a moment and recognize, gentleman, you have really studied up on the whole oil spill situation and shown tremendous leadership there. I'm very thankful for the fact that you have stepped into what appears to many Americans and many conservative Congressmen as a leadership vacuum. You have really stepped in, and I'm very thankful for you doing that. I would encourage you to make the connections here.

Mr. SCALISE. I thank the gentleman for his kind comments. All I've been trying to do is not only represent the people of my district and my State, but also to make sure that the President is meeting his responsibility under the law. And of course under the law in this case, with the Oil Pollution Act, the President himself is responsible for directing the recovery, and the responsible party, BP, is responsible for paying.

BP ought to be paying. The problem is the President is allowing BP to still run the show on the ground in too many different areas, which is not his job. And now something that has really added insult to injury is that the President came out a few weeks ago with this ban, this moratorium on offshore drilling across the board, not focusing on finding out what went wrong on that rig, why the Horizon exploded—and we still continue to battle this oil today. In many cases our local leaders tell me, including just yesterday, our local leaders are spending more time fighting the Federal Government than fighting the oil, which is inexcusable, and it's still going on to this day.

Mr. AKIN. Could you hold that right there for a minute because I think you're on something that I think we ought to be exploring a little bit here tonight, but we do have an item of business.

I yield to the gentleman from New York (Mr. ARCURI).

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5175, DEMOCRACY IS STRENGTHENED BY CASTING LIGHT ON SPENDING IN ELECTIONS ACT

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111–511) on the resolution (H. Res. 1468) providing for consideration of the bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE ECONOMY AND OTHER CURRENT ISSUES

Mr. AKIN. Mr. Speaker, I think we were just talking a little bit about the situation in the gulf that's gotten everybody's attention.

My background is engineering, gentleman, and my first reaction when there's a problem is, how do you fix it? That's the first thing I'm saying. What has puzzled me and actually made me pretty frustrated is it seems that the administration is more interested in affixing blame than they are in fixing the problem.

I recall that President Bush took a whale of a beating after Hurricane Katrina because it took him about 2 or 3 days after he had been rebuffed by the Governor and the Mayor of New Orleans, it took him a couple of days before they sort of got going. And then of course our FEMA didn't respond very well; the Federal response was a bit weak in terms of the magnitude of the disaster. And yet, by comparison, what we're dealing with here in the gulf is it took 50 days for the President to call the head of BP. Now, he had the power, if I'm not mistaken, is it right, he had the power to basically declare that a national emergency, get together a team of people, a fusion cell, get the very top resources in America. They could have pulled that together, they could have processed the different questions, sorted through the conflicting claims and started to put this thing together, put together a series of, We're going to do this, this and this. If this doesn't work, this backup plan is already getting set up.

We could have managed the process. Instead, after 50 days he calls the head of BP and just wants to ream the guy out. Well, BP did a terrible job, but after the crisis started it was the administration's problem to deal with, and I didn't see it fixing the problem. Am I mistaken in that? I mean, that's just an outsider looking in. I'm up in Missouri, we don't have too much coastline up there.

Mr. SCALISE. Well, obviously you've been studying this. I know you, and I have spoken about the problems on the ground, and I appreciate your concern and the interest you have in trying to help us. I wish that the President had that much interest in helping us in the day-to-day problems we're facing. Just the other day I was talking to one of the local fire chiefs who was there on the ground after Katrina, who is there on the ground right now battling the oil, and he said that the level of government dysfunction is higher today—more dysfunction today—than it was during Katrina. A case in point just happened yesterday when this sand barrier plan that our Governor and our entire congressional delegation fought for over 3 weeks to get the President to finally approve. In fact, last week, when the President gave his address to the Nation from the Oval Office, he actually bragged about the fact that he approved this sand barrier plan. Well, yesterday the Federal Government shut it down.

Mr. AKIN. Wait. The President approved the sand barrier plan that we've been waiting a month to get approved, and now it's been shut down by the Federal Government?

□ 1845

Mr. SCALISE. It was shut down yesterday by the Federal Government. Spoke to our Governor's office about it. They basically said it was a Federal agency that shut them down. I talked to the Federal agency today, and they said they didn't shut them down. We went round and round, and of course

they were shut down by the Federal agency. Again, this is a classic problem we have had every day.

Mr. AKIN. The Federal agency said they didn't shut them down. Yet, in fact, they weren't telling the truth. They did shut them down.

Mr. SCALISE. Yes. I don't know whether the people in D.C. didn't know what their Federal agents on the ground in south Louisiana knew what they were doing, but it's happening every single day. It seems like we have problems like this every day, so you can't just say it's miscommunication. Clearly, it's a lack of leadership. The President, under the law, is responsible for that leadership, and clearly, he is not doing his job, and he is not engaged.

Mr. AKIN. It is a vacuum of leadership, isn't it?

Mr. SCALISE. It is very sad that it is a vacuum of leadership, because the law is clear that, under the Oil Pollution Act, when there is a spill, the President is responsible for directing the recovery, and the responsible party, in this case BP, is responsible for writing the check.

Now, for whatever reason, the President is allowing BP to still make decisions on the ground even though they have proven they are incompetent. Yet he is not doing his job. The President is not doing his job under the law. Now, if he doesn't like that law, he should try to repeal it, but in the meantime, he ought to follow the law.

Mr. AKIN. The thing that struck me about it was—because I heard about this sand barrier thing. I mean there are a lot of different ways you could try to mitigate the oil that is in the water. There are dispersants. You can put hay in the water. There are a lot of things. One thing you could do is you could dredge up a little sandbar, which is very flexible. I mean you could pump it away a week later if you wanted to. That sandbar could protect these very delicate ecosystems along the edge of the water. They could trap the oil.

You know, some years ago, there was a place that had some good food in Missouri. It was one of those truck stop-type places, and it had a picture that was kind of a cute one. It had a beautiful John Deere green wagon, and it had these two little kids dressed up in the high-bibbed, blue-and-white-striped overalls. One of them had a handle on the wagon and was pulling on it. The other one was pushing. Apparently, the wagon had sort of gotten stuck in a bump, so he is looking back over his shoulder, and the caption reads, ''Are you pulling or pushing back there?''

I've got to think of poor Governor Jindal. You're trying to get permission to build a sand barrier to try to protect your environment, which is what the Federal Government is supposed to be demanding that we do. We have all of these expensive bills to supposedly protect our environment. He says let us build a simple sandbar to catch the oil on it, and then we can take it away later. Yet it takes the government a month to try to make a decision. The oil is already into all of these delicate ecosystems while the Federal Government is dithering around, trying to make a decision.

If I were the Governor of that State, I'd be jumping up and down mad. It's just a vacuum of leadership is what we've seen. Now you're saying the President said they could build them, and then they can't build them. There is no one in charge, it seems like.

Mr. SCALISE. You know, the gentleman is correct about not only the Governor but about the people, who all throughout the gulf coast are jumping up mad because they're seeing this kind of dysfunction, this lack of leadership from the President, every day in different ways, and there is no reason for it. The President is giving speeches, talking about how he is in charge, but any time anything goes wrong, you can't find anybody who is in charge. Nobody takes responsibility. Nobody wants to be held accountable. Yet nobody wants to actually help us solve the problem.

You were talking about food. Just Monday, I was in New Orleans. I ate at one of the great restaurants, Drago's, and I was eating my shrimp po-boy. The seafood is still great to eat. Unfortunately, a lot of the seafood beds are closed right now. There are still seafood beds open, and when you can find good seafood, it's still good to eat, and the shrimp po-boy I ate was wonderful. The problem, though, is with some of those seafood beds we've been trying to protect. Just weeks ago, some of those seafood beds had no oil. Today, oil is starting to come in.

That's what this whole barrier plan is about—protecting our marshes, our estuaries, and the pelican nesting areas. In some of the other areas that haven't been affected by oil, we are trying to keep the oil out, and so we've come up with a plan. Unfortunately, the Federal Government didn't have a plan. So you would think that they would be working with us to help us implement our plan. In fact, they've been fighting us. It took us over 3 weeks to get the President to finally approve the Governor's plan, but he only approved 25 percent of it. He spoke last week in his national address as if he'd approved the whole plan. There is still 75 percent of that sand barrier plan that has not been approved, so there are still a whole lot of seafood beds and marshes that haven't been protected.

Here we had at least 25 percent that we were working with to build up these barriers. Then yesterday the Federal Government comes and shuts it down. Again, this is something we fought for for over 3 weeks, and the Federal Government finally permitted. They were so successful, supposedly, that the President bragged about it on national TV. Then yesterday they just shut it down quietly, but we're not going to let this go by quietly because this is something that is their job, and they're not doing it.

Mr. AKIN. The question that raises my blood pressure is it seems to me like President Bush was almost accused for bringing on Hurricane Katrina. Yet we've got one of the biggest leadership vacuums in terms of this oil spill every time you hear about something. There was also that moratorium about we're not going to drill any more wells at all. The equivalent would be, if an airplane falls down, we're going to cancel every air flight in America. You know, there were some reasons there was this disaster. From what we're hearing, there were enough coverups and different things, so we don't really know exactly what happened. Though, apparently, the equipment, at least if it's functioning properly and has been properly checked out, should work. So there was some human error involved, clearly, and possibly some equipment that was not properly inspected. There are some problems, but that doesn't mean you shut every oil rig in the gulf down while you're trying to figure out who did something wrong.

Wasn't it over 100,000 jobs that were just going to, all of a sudden, disappear?

Mr. SCALISE. That's exactly correct.

In fact, when the President came out with this ban—and he calls it a temporary pause—if they do what the President said he wanted to do, which is for 6 months to allow no drilling in the gulf, ultimately, those rigs, each of them, will lose about $1 million a day. They're being lured by other countries, countries that want these valuable assets and the skilled workers that go with them. Now some of them are starting to go to places like Brazil and West Africa. So, over the next couple of weeks, you will see a chipping away of not only the ability to generate natural resources in America, which provides billions—$6 billion by last estimates—of Federal revenues that will go away but of also the jobs. In Louisiana alone, it will be over 40,000 jobs that we will lose.

Mr. AKIN. Is that 40,000 jobs just in the oil industry alone?

Mr. SCALISE. Just directly related to those rigs. Of course, you've got service industries, and you've got restaurants. You've got all of the secondary spending that goes along that you can't even calculate because it's so big. These are high-paying jobs. These are skilled jobs that will leave our country, and some of them are already starting to.

Ultimately, if you go back, the President is trying to say this is a fight between safety and jobs. Unfortunately, he probably—or maybe he hasn't even read the recommendations of his own scientists who came up with a report. Right after the explosion on the rig, they asked to have a panel of scientific experts, who were assembled by the President and by the Secretary of the Interior, put together a report. They asked for a 30-day report. Sure enough, this panel of scientists came back with

a 30-day report of specific recommendations to increase safety, to make sure you go and you inspect every rig. For the ones that are working, fine, like every other one is, and you allow them to do what they're doing. If there are any problems you find, you address those problems, but you don't shut down an entire industry because one company didn't follow the rules.

In fact, the Federal regulator, under President Obama, didn't enforce the laws that were on the books. The recommendation came back and said to look at these safety guidelines we're giving you, but don't shut the industry down. Well, the President conveniently discarded, threw away, the recommendations of the scientific panel, and he recommended the moratorium. They actually pointed out, No, we didn't. You're misstating what we said. They apologized for that, but they still went forward with this moratorium.

Then, just yesterday, a Federal judge in New Orleans said, You cannot have this moratorium because it's not based on fact; it's not based on science, and it doesn't help safety. In fact, it could decrease safety. Yet they still continue to ignore the fact that they are throwing away science and are trumping it with politics. They are playing politics with this decision, and they are still going to try to ignore now a ruling of a Federal judge and of their own scientific experts to run 40-plus thousand jobs in Louisiana and over 150,000 good, high-paying jobs in this country to foreign countries and are going to make us more dependent on Middle Eastern oil.

Mr. AKIN. Just from what we've talked about in 10 minutes tonight in terms of this leadership vacuum, we are seeing a threat to 40,000 jobs. Just in your State alone, it's 40,000. We're not talking about the barbers and the restauranteurs and all of the other people who are supported by it. It's just 40,000 hard jobs which are being thrown down the drain when a panel of people who really have studied and know the industry are simply saying, Look, go out to the different oil rigs. Make sure that they're inspected and up to spec because, by the way, MMS, the Federal agency supposedly doing this, has not done that. Make sure that they're up to spec, and then let them go ahead because there is nothing wrong.

We have drilled thousands of wells in water, and they have worked fine. Just because one goes bad, you don't shut the whole industry down. So we are threatening 40,000 jobs. Also, in spite of what the panel recommended the President do, we are continuing to endanger the environment, and they are always screaming they care so much about the environment. Though, they are the very ones preventing you from trying to protect the environment.

The thing that strikes me is: Why do we put so much trust in the competence of the Federal Government? That's what is striking me. That's part of the reason I thought it was good to take off a little bit and talk about the gulf situation.

We've got this proposal now. The President wants to use the fact that a company mismanaged its oil well and that he and his administration have made a complete mess of the management of that crisis to say now what we need to do is to have the Federal Government do this cap-and-tax bill, which is more taxes, more red tape and government regulation. When the last government agencies didn't even do their jobs, now he wants us to buy more of this, not to mention the fact that we've already passed this huge tax increase for health care. Now we're supposed to trust the Federal Government to take care of our own bodies. We took a look at what it's doing down there in the gulf. I sure don't want the Federal Government tampering with my body. I'll end up with two left arms, which would be a pretty terrible fate for a conservative like me.

Mr. SCALISE. You know, if you look at what the President said in his speech last week, I and many others were angered by the fact that he spent almost as much time trying to exploit this crisis to promote his cap-and-trade energy tax as he did in talking about the oil spill and how we can battle the oil and keep it out of our marsh. In fact, if he just were doing his job and were focusing on what his responsibility is under the law, then he actually would be focusing exclusively on helping us battle the oil instead of, not only blocking our attempts on the ground, but of then diverting it and trying to exploit it to talk about this cap-and-trade energy tax.

Then you go into so many of the other things that are happening on the ground that are causing so much frustration for our local leaders, who should all be not only working with the government to battle the oil, but they should be empowered. They should be given ideas from Federal agencies.

Look, I'm for smaller government. Right now, we've got the largest government in the history of our country, but whether you're for bigger government or for smaller government, I think we should all be able to expect competent government. Clearly, we are not getting that now.

Mr. AKIN. Well, you know, the thing that strikes me—and maybe it's because I'm an engineer and I see it this way. For most Americans I know, if you've got this big hole in the middle of the gulf and if it's pouring out all of this oil all over the place, the reaction of most people is, Well, let's fix it. You know? Let's get the job done. Whether you believe in big government or in little government, what you want to do as Americans is to have this ''can do'' attitude. Well, we made a problem. Now we've got to get in and fix it. We've got to figure out what we did wrong. We've got to make sure we don't make those mistakes again, and we're going to move forward.

I don't like being negative. I like fixing problems, and I know you're the same kind of temperament. We've been kind of complaining about the fact of a vacuum of leadership in the administration, and it's a vacuum that's evident in the gulf oil spill. It's evident in Afghanistan, and it's evident in a lot of policies. Let's stop for a minute. I don't want to be negative. Okay. Let's say that we are President and that we have this oil spill. What would be an appropriate response?

My thinking is I know the military has these things they call ''fusion cells.'' They're teams of people who get together. It's a clearinghouse for all kinds of information. You get the top resources all over America of what you need in different areas. You put a plan together and say, This is our first attempt to stop this well up. If this doesn't work, we're going to do this. That means we've got to have this, this, and this piece of equipment ready to go. It means we've got to clear this, this, and this with this agency.

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We've got Governor this; Governor this; Governor this asking for permission. We've got to consider that, take a look at the law, move fast if we have to change the law or change some policy, and we need to get back to them within 12 hours. And you've got a whole team that is on top of it, managing this thing. That's my sense of where we would be going. You have to be able to look at all of the data, get the right people in the loop, and make decisions. We're not seeing any of that.

Mr. SCALISE. No. Another thing that needs to happen is you need to have a real clear command structure on the ground where decisions are made quickly and decisively; and if things go wrong, there are people you can hold accountable to go fix them. Not to sit around and point fingers, but to get things done. The problem that we continue to have—and we're over 2 months into this now and there was no excuse for these kinds of delays 3 or 4 days after the rig exploded, but especially 2 months later, when everybody knows how important this is, how much national significance it has not only for the 11 lives lost, for the environmental damage, but now for the economic and energy security issues that are being raised, you would think that this would be the number one priority of this President and he would be focusing all of his resources.

And when local leaders have ideas like our local leaders have had ideas, the Federal Government is right there working with them saying, How do we get this done today instead of 3 weeks going by, fighting with the Federal Government to get approval for things that should have been approved on day one, if this was the top focus. And then where the Federal Government is even coming up with ideas.

I watched the movie ''Apollo 13,'' and it's an inspiring movie. It's one of those movies you watch if you really want to get your juices boiling. And

you can see what American ingenuity is all about. This was a case where the American spirit was alive and well and those NASA folks sat in that room and said, We're not leaving until we get our men back home safely. ''No'' was not going to be an answer and no excuse was going to be accepted. You don't have that same can-do spirit today by the Federal bureaucrats, who continue to block our attempts to protect our marsh, to keep the oil out of those seafood beds, to protect those pelicans and the other wildlife that are threatened every day, when we have ideas to protect them.

Again, if they've got a better idea, wonderful. We'd love to hear. Unfortunately, not only did they not have any ideas to help us, but they're spending their time blocking our attempts to save our marsh. And there's no excuse for that.

Mr. AKIN. It's got to be terribly, terribly frustrating. As I took a look at it, my daughter actually was taking a biology class and she did a paper on the whole oil spill and some of the different technologies for mitigating all this really raunchy oil that's floating around. One of the things is there's a company that has in barrels a powder-like yeast—these little critters that will eat that oil. When the critters eat the oil, when they get done eating it, if there's no more oil, they just die because there's no more food and other creatures can eat them, and the whole thing just cleans up the mess biologically, naturally.

Now, I don't know whether that's a great solution or not, but it sure seems to make a lot of sense. And then you've got other people in the Midwest areas, we've got plenty of straw and hay. And there's even these YouTubes and people are saying, Here's one way to fix it. Put a bunch of straw and stuff in this water. All of this very sticky oil clings to the straw, you bring it in, pile it up, and burn it in an incinerator or whatever. But Americans have ideas how to do this, and our government is standing around saying, You can't do it. No, we don't like that idea either. In the meantime, the oil is piling up on the shores, and we're just asking for some legitimate government.

My friend, Congressman BROUN from Georgia, is here, a medical doctor and also a guy with some strong ideas and a lot of common sense. It's a pleasure to have you.

Mr. BROUN of Georgia. Thank you, Mr. AKIN. I appreciate you yielding me some time. As you were talking about putting straw or hay on the oil, we can make electricity out of that. Just think about that. What better source of electricity than doing that?

Before Mr. SCALISE leaves, I want to just tell him just for his edification—I think he knows what I'm fixing to tell the American people and Madam Speaker—is that we recently—in fact, just in the last day—sent a letter to the Internal Revenue Service to ask them to give a special exemption for taxes on the money of all the people who are being harmed economically by this disastrous oil spill. They won't have to pay taxes on the money they get, which is absolutely fair.

We saw that happen. The Internal Revenue Service was going to tax the recipients money that they received in Hurricane Katrina, as you know, in your own home city there in New Orleans. And Congress had to act to say to the Internal Revenue Service, Don't tax that money. But I wrote the Internal Revenue Service and said, Please give a special exemption to all those businesses and individuals that have been harmed. And it's absolutely critical because these people have been out of work, many of them for 2 months now. They're struggling just to make ends meet. And it's absolutely critical.

And I hope that the Internal Revenue Service and this administration will immediately give a special exemption to all those people who are harmed—those businesses and those individuals that are harmed. And I hope that the American people will just have a tremendous outcry and have a heart for those that are harmed and say to this Federal Government, to the Internal Revenue Service, Don't tax these folks. And I've made an appeal to the Internal Revenue Service and hope you all will join me in trying to get the Internal Revenue Service to not tax these people who are already damaged and already hurt, and it's only fair to those people.

I just wanted to tell my good friend from Louisiana that we're fighting for folks—not only those in Louisiana, but those in Alabama, Mississippi, and Florida, and all over the gulf coast. It may even affect people on the east coast. It may even affect my own home State of Georgia. So we're fighting for those folks, and hopefully the administration will come forward to say, Don't tax these benefits because they're not benefits. They're actually moneys to just try to help them get their lives back on track.

Mr. AKIN. That all goes to the same thing we're just talking about. I don't really naturally like to be dumping on people for mismanaging something, but this is so outrageous. I mean, the only thing that could top the outrageousness of BP is the outrageousness of the administration to be sitting here 2 months after this situation without a clear-cut plan. I would think the President would have some boards like this and say, Look, the first thing we've got to do—and this is just like somebody has been hit in an automobile accident. They're bleeding. You're a doctor, Dr. BROUN. And you stop the bleeding, is one of the first things you do.

I would say, Well, we've got to stop that oil coming out of the floor of the ocean, and here's the plan to do it and we'll do this, this, this, and this, in this order. And it's going to require these resources and we're putting the team together and the plan to do that. Now we've got this situation with jobs down there. And Congressman BROUN's got an idea to help on the income tax side of it. Congressman SCALISE has got a plan as to what to do with some sand berms to stop this oil from coming into the harbor. And you put the team together to make decisions and deal with this. And so instead of fixing blame, you fix the problem. And all we've heard is the government getting in the way.

My understanding is private companies have more oil booms out there to collect oil than the Federal Government did. And there are types of booms—I heard they're called fire booms—where they're a material that's more or less fireproof. It corrals the oil. Light the oil on fire and they can burn the stuff up before it drifts onto the shore and causes a lot of trouble.

And the thing that drives me crazy is here is this example of the government just totally failing and the gall of the administration to turn around and say we've got to pass a great big tax increase and we're going to give the Federal Government power to tell you you've got to put a 220-volt plug in your garage for your electric car and you can't build a wing on your house without making sure the carbon footprint is right and we're going to tax anybody every time you flip a light switch and we're going to try and pass this piece-of-trash bill, and the excuse for this is the fact that we haven't dealt with the problem in the ocean. I don't understand how people can have such great, great faith in the Federal Government. It just blows my mind.

And, of course, you know, gentleman, the health care bill. Every day that comes out, we find more and more problems, all things that we were saying were going to happen. And it shows that the real objective here isn't health care at all. That's the ironic thing. This Obama benchmark progress report. Here's the thing about jobs. Is it going to help with jobs? No. It fails this measurement. Costs. Today, I want to lay out the details of a plan that not only guarantees coverage for every American but also brings down health care costs. Is it going to bring down health care costs? No. The whole thing is a scam because all it does is businesses will dump their employees in the Federal Government.

And so why do we have so much trust the Federal Government should be entrusted with health care? You're a doctor. Would you want to trust your body to the Federal Government when we've seen this record?

Mr. BROUN of Georgia. Mr. AKIN, you're exactly right. The American people get it, though. The administration doesn't. That's the problem. In fact, whether it's the oil spill and the disaster that's going on there and their disastrous response to that or forcing ObamaCare through against the will of the American people, all this administration is showing the American people is its arrogance, its ignorance, and its incompetence. That's exactly what the

American people have seen. In fact, just on the oil spill, just the other day I was talking to a fireman in my district and he asked me about this oil disaster and the poor response that this administration has shown. This working guy, just a guy trying to make a living and take care of his family and struggling to make ends meet, asked me if this administration was purposely not responding to this oil spill just so that they could force through their cap-and-trade. I call it tax-and-trade. Because President Obama himself said this was about revenue. He had to have that revenue from this energy tax to pay for his health care plan for ObamaCare. And that's what we see over and over again.

And the American people get it. They understand that this administration is bungling the oil spill, the ObamaCare, and you're talking about a budget. We're asking, Where's the budget? Back in the ObamaCare debate, the leadership here in the House said that they were going to deem and pass. Deem and pass. That sounds like a bad place in a spaghetti western where the bad guys are setting up to ambush the good guys. And that's exactly what was happening.

Now, on the budget, Leader HOYER is saying that we're not going to have a budget and that they're going to deem the budget. So we're having another deem and pass by the leadership in the House to not even set forth a budget. And why? Because Democrats don't want to—a lot of the Democrats, particularly Blue Dogs, don't want to vote and those vulnerable Democrats don't want to vote for the massive debt that's being created and incurred—or already incurred, actually. Tremendous debt that's already incurred by this administration and by this leadership in the House and the Senate. They don't want to have to vote on that again because they're scared what the American people are going to do in November.

Mr. AKIN. The funny thing is, the very words they spoke kind of come back to condemn them. They're kind of condemning themselves because here's the Democratic whip, Congressman HOYER, he's saying, Budget is the most basic responsibility of governing. That's 2006. The most basic responsibility of governing is what? The budget.

Mr. BROUN of Georgia. Passing a budget.

Mr. AKIN. And here's the guy in charge of the budget, Congressman SPRATT, If you can't budget, you can't govern. So this is what they're saying in 2006. And now we take a look at what's coming forward and we say, Where's the budget? Here's the Hill: Skipping a budget resolution this year would be unprecedented. The House has never failed to pass an annual budget resolution since the current budget rules were put into place in 1974, according to a Congressional Research Service report.

So, since 1974, Republicans and Democrats have met in this Chamber and every year they put a budget together. Some of them were a lot better than others. Some were tighter. Some tried to balance the budget. But they have always had a budget. Didn't always get passed. Didn't get taken care of. But they always had a budget. Until when? Until this year. And why? Why is it Democrat leadership says it's absolutely essential to have a budget, and they don't have one this year? Why do you think that is?

Mr. BROUN of Georgia. Before you take that down, if the gentleman would yield.

Mr. AKIN. I do yield.

Mr. BROUN of Georgia. The folks watching on C–SPAN tonight, Mr. AKIN, may wonder if Congressional Research Service is some far-out right-wing group that might be trying to hammer the Democrats and trying to castigate them in a negative light. But that's not so, is it?

Mr. AKIN. The Congressional Research Service is a bunch of professionals that are paid by the U.S. Congress and they try to be as objective as they can. They're not always right. But they at least have very good access to historical records and the history of the Congress. This statement that the House has never failed to pass an annual budget resolution, that's a historic fact.

So what we're seeing here is we're in uncharted ground, at least since 1974, that there is no budget. Well, why is there not a budget? You made reference to it. And here's the nasty little picture. We were told that George Bush spent too much money. President Bush.

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Mr. BROUN of Georgia. And he did.

Mr. AKIN. And he did spend too much money. In fact, you and I, gentleman, voted ''no'' on some of the things he wanted to spend money on. His worst budget, though, was when Speaker PELOSI was in charge of this Congress in 2008, right here. That was his worst deficit, $459 billion in deficit that year. Not proud of that, $459 billion. The people said that Bush spent too much money. And here we come to the very first year of President Obama, and it's $1.4 trillion. That's three times the worst Bush deficit. And so if you had that followed by an even bigger deficit this year, you had unemployment at 9 percent, if you were one of the Democrats, would you want to pass a budget right now? I think they're running for cover.

You know, we have an expression in Missouri, it's called ''hunkered down''—''hunkered down like a toad in a hail storm.'' It seems like to me, if I had anything to do with that level of deficit spending, I would be hunkered down. In fact, I think I would have resigned and gone to try to do something else with my time because this is totally destructive to our country.

And you raised the question, Is the objective to precipitate such a crisis that they consolidate power in the Federal Government? At least it seems like to me the American people are going to go, Oh, my goodness. You're going to need to create an awful good crisis for us to ever trust the Federal Government with the kind of quality of leadership that we've been seeing.

Mr. BROUN of Georgia. Mr. AKIN, if you would yield.

Mr. AKIN. I do yield.

Mr. BROUN of Georgia. Saul Alinsky in his book ''Rules for Radicals''—and I am reading the book to try to garner some information about the battle plan of the progressives. There's another word for progressives in my opinion; it's socialists, Marxists. You can use other terms.

Mr. AKIN. Well, Saul Alinsky was a Communist, wasn't he?

Mr. BROUN of Georgia. He was.

Mr. AKIN. And that's a historic fact that he was a Communist. And Obama studied under him, right?

Mr. BROUN of Georgia. That's what I understand. In fact, he dedicated the book ''Rules for Radicals'' to the first great radical, Lucifer.

Mr. AKIN. The first great radical, Lucifer, Satan.

Mr. BROUN of Georgia. It is right there in the book. That is the first thing I looked at.

Mr. AKIN. Did he have all of his bolts together? What was his problem?

Mr. BROUN of Georgia. Well, Lucifer rebelled against our creator, God, and was thrown out of heaven. And we're trying to fight all of those spiritual wars today because of that. But the thing is, what the progressives or radicals or socialists—whatever you want to call them—are trying to do or the proposal from people like Saul Alinsky and others is that you just totally destroy your enemy, and then you build up a socialistic society out of it.

I've had person after person in my district, just working folks—not politicians, just working folks, say to me, PAUL, why is President Obama trying to destroy the free enterprise system? Because that's exactly what he's doing. I hear that over and over again from lower middle class working people all the way up to small businessmen and -women who are just saying, Why are we trying to destroy the free enterprise system? Why are we creating all this debt? And the people in my district in Georgia are just seriously questioning all this huge debt. What this chart shows is the deficits for each year. That doesn't reflect the debt that's accumulated. The debt would be an exponential curve if we showed that.

Mr. AKIN. Yes. Now an average guy on the street—let's just say they're reading some newspaper headlines over the last 18 months. Now what's the impression they get? First of all, there's this huge bailout, a Wall Street bailout. So you get these firms on Wall Street that are getting billions of dollars of taxpayers' money. That, of

course, makes people get really happy and excited about that. So we're bailing out Wall Street first of all. Now there are people that are making a case that the economy was in very bad shape and that we had to drop $700 billion. We didn't vote for that. But there are people that make the case that, Well, there were these things that were failing.

So we drop all this money into Wall Street. We bail out banks. We bail out insurance companies. And then the bailout fever really gets started, which we predicted would happen if the Federal Government basically opens the kitty to any group that wants to bail out anything, and we start buying out Government Motors—I think it used to be called General Motors before—and Chrysler. So we're doing that. And then we decide, Hey, it would be a great idea if we bailed out college kids who want to get loans. The government's going to take that over. And now the government is in the process of collecting other things that it can own. Of course notably, 17 percent of the free side of the economy which used to be where you worked, Doctor, in health care. So now the government's taking over 17 percent of the U.S. economy in the health care area. They're nibbling and just salivating about taking over the energy business.

So if you're an average guy on the street, and you start connecting the dots—which many people may not. But when you start to think about it, the government's taking over everything. So it's not an odd thing for somebody just taking a look at the headlines and looking back at the last 18 months to say, Holy smokes, what's going on here?

Mr. BROUN of Georgia. In fact, it's my understanding that we've nationalized more of our private economy in our country just since the Obama administration took over from the Bush administration—we've nationalized more of our private economy under this administration than Hugo Chavez has in Venezuela, in the whole time the Communist dictator Hugo Chavez has in his country down there in Venezuela.

Mr. AKIN. I know America likes to win, but I don't know that we want to do better than Hugo Chavez. That's not exactly where most Americans want to be going, I don't think.

Mr. BROUN of Georgia. Well, during the Bush administration, we had the TARP funds, the Troubled Asset Relief Program that the Bush administration promoted. It was actually through his Secretary of the Treasury, Hank Paulson, who came to us and said, The sky is falling, we had to pass a TARP or the economy would crash. I voted against that because I wasn't in favor of bailing out the incompetent Wall Street bankers for their malfeasance. I want to bail out Main Street, small businessmen and -women. I want to bail out the small community banks by getting the Federal regulatory burden off them so that they can compete in an open marketplace.

I believe very firmly that the free marketplace, unencumbered by government regulation and taxes, is the best way to control quality, quantity, and costs of all goods and services, whether it's banking services or health care, in my business as a medical doctor, or selling tires and gasoline and automobile parts and appliances, like my dad did, or any other good or service. The best way to control it is through an open marketplace unencumbered by taxes and regulations. And the more taxes and regulations we put on business and industry, the higher the price goes, the quality goes down, and we have less of those things for the people who are consuming. And we're going to see that in health care.

Mr. AKIN. Well, I appreciate, gentleman, your perspective on all of these things, and I appreciate you sharing what a lot of your constituents are telling you because it very much reflects what I am hearing when I go home. And the question mark is, Really, what is the game plan of this administration? It seems that one thing you can say, whether it is the Katrina oil spill, whether it is the attempt to try to do the cap-and-tax or cap-and-trade or whatever you want to call it—a government takeover of energy is what I would call it—and whether you want to talk about socialized medicine, whether you want to talk about a whole series of different things, it seems like the pattern is that every single thing the administration does is to try to create an entitlement class, a victim class, a group of people that are totally dependent on the government. And perhaps the worst of all of those things, as you know, Doctor, is the socialized medicine, because if your body is physically dependent on the government to give you your health care, it makes you truly one of these dependent classes. And it seems like the government is trying to turn all of us into a bunch of people totally dependent to the government—in fact, slaves to the government. It reminds me as we start approaching the Fourth of July how it was that the people in this country said, We really don't want the government to be our master. We don't really believe the philosophy that the government should provide everything for everybody. And I think the public is waking up to this.

I would be happy to yield you a minute if you'd like, gentleman.

Mr. BROUN of Georgia. Well, thank you. I appreciate you yielding back. We have got about 2 more minutes left. I just wanted to add something to what you just said about being enslaved. My good friend Star Parker who, by the way, is running for Congress in California, in Los Angeles, whose welfare mom got saved. She accepted Jesus Christ as her own Lord and Savior. She started looking at her lifestyle, and she started trying to break out of that welfare state that she was in and had a great deal of difficulty. She wrote a book called ''Uncle Sam's Plantation'' where she described all that. And she's been a great voice against this government largesse—socialism, if you will, because she knows how it destroys families, it destroys communities, it destroys everything. And we are headed in a direction in this country where freedom is being taken away from the American people.

The American people need to stand up and say ''no'' to the steamroller of socialism and say ''yes'' to freedom. Let's stop all this government spending. Let's stop all this bigger government and government takeover, and let's put us back on the course of the Constitution with limited government. And that's what the Tea Party movement is all about. I yield back.

Mr. AKIN. I really appreciate you mentioning Star Parker. She is really a fun person. She has a great personality, is a lot of fun. She's cute, and she is very articulate. And she has an amazing story about how the government tried to trap her into all of this welfare stuff and all of the behaviors that would destroy her life. She came out of it through the power of Jesus Christ, started her own business. Now the government gives her trouble. While she is trying to run a business, doing the right thing, the government is taking shots at her. And she says, Whose side are you on, government? You know, when I was doing the wrong stuff, you were encouraging me. When I am doing the right things, you are giving me a hard time. What's the story here?

As I said, I started with a picture of that little green wagon and those two kids. One of them pulling, the other one pushing. The guy looking over his shoulder said, Are you pushing or pulling back there? You know, it just seems like, is the government trying to help us or is it trying to destroy us? And it seems like every decision we have seen is more dependency on Big Government.

Thank you, Doctor. It's a pleasure to join you, and God bless America.

CONFERENCE REPORT ON H.R. 2194, COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010

Mr. BERMAN (during the Special Order of Mr. AKIN) submitted the following conference report and statement on the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran:

CONFERENCE REPORT (H. REPT. 111–512)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2194), to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran, having met, after full and free conference, have agreed to

recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010''.

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

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The illicit nuclear activities of the Government of Iran, combined with its development of unconventional weapons and ballistic missiles and its support for international terrorism, represent a threat to the security of the United States, its strong ally Israel, and other allies of the United States around the world.

(2) The United States and other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability.

(3) The International Atomic Energy Agency has repeatedly called attention to Iran's illicit nuclear activities and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of Iran to suspend those activities and comply with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty'').

(4) The serious and urgent nature of the threat from Iran demands that the United States work together with its allies to do everything possible—diplomatically, politically, and economically—to prevent Iran from acquiring a nuclear weapons capability.

(5) The United States and its major European allies, including the United Kingdom, France, and Germany, have advocated that sanctions be strengthened should international diplomatic efforts fail to achieve verifiable suspension of Iran's uranium enrichment program and an end to its nuclear weapons program and other illicit nuclear activities.

(6) The Government of Iran continues to engage in serious, systematic, and ongoing violations of human rights, including suppression of freedom of expression and religious freedom, illegitimately prolonged detention, torture, and executions. Such violations have increased in the aftermath of the fraudulent presidential election in Iran on June 12, 2009.

(7) The Government of Iran has been unresponsive to President Obama's unprecedented and serious efforts at engagement, revealing that the Government of Iran is not interested in a diplomatic resolution, as made clear, for example, by the following:

(A) Iran's apparent rejection of the Tehran Research Reactor plan, generously offered by the United States and its partners, of potentially great benefit to the people of Iran, and endorsed by Iran's own negotiators in October 2009.

(B) Iran's ongoing clandestine nuclear program, as evidenced by its work on the secret uranium enrichment facility at Qom, its subsequent refusal to cooperate fully with inspectors from the International Atomic Energy Agency, and its announcement that it would build 10 new uranium enrichment facilities.

(C) Iran's official notification to the International Atomic Energy Agency that it would enrich uranium to the 20 percent level, followed soon thereafter by its providing to that Agency a laboratory result showing that Iran had indeed enriched some uranium to 19.8 percent.

(D) A February 18, 2010, report by the International Atomic Energy Agency expressing ''concerns about the possible existence in Iran of past or current undisclosed activities related to the development of a nuclear payload for a missile. These alleged activities consist of a number of projects and sub-projects, covering nuclear and missile related aspects, run by military-related organizations.''.

(E) A May 31, 2010, report by the International Atomic Energy Agency expressing continuing strong concerns about Iran's lack of cooperation with the Agency's verification efforts and Iran's ongoing enrichment activities, which are contrary to the longstanding demands of the Agency and the United Nations Security Council.

(F) Iran's announcement in April 2010 that it had developed a new, faster generation of centrifuges for enriching uranium.

(G) Iran's ongoing arms exports to, and support for, terrorists in direct contravention of United Nations Security Council resolutions.

(H) Iran's July 31, 2009, arrest of 3 young citizens of the United States on spying charges.

(8) There is an increasing interest by State governments, local governments, educational institutions, and private institutions, business firms, and other investors to disassociate themselves from companies that conduct business activities in the energy sector of Iran, since such business activities may directly or indirectly support the efforts of the Government of Iran to achieve a nuclear weapons capability.

(9) Black market proliferation networks continue to flourish in the Middle East, allowing countries like Iran to gain access to sensitive dual-use technologies.

(10) Economic sanctions imposed pursuant to the provisions of this Act, the Iran Sanctions Act of 1996, as amended by this Act, and the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), and other authorities available to the United States to impose economic sanctions to prevent Iran from developing nuclear weapons, are necessary to protect the essential security interests of the United States.

SEC. 3. SENSE OF CONGRESS REGARDING THE NEED TO IMPOSE ADDITIONAL SANCTIONS WITH RESPECT TO IRAN.

It is the sense of Congress that—

(1) international diplomatic efforts to address Iran's illicit nuclear efforts and support for international terrorism are more likely to be effective if strong additional sanctions are imposed on the Government of Iran;

(2) the concerns of the United States regarding Iran are strictly the result of the actions of the Government of Iran;

(3) the revelation in September 2009 that Iran is developing a secret uranium enrichment site on a base of Iran's Revolutionary Guard Corps near Qom, which appears to have no civilian application, highlights the urgency that Iran—

(A) disclose the full nature of its nuclear program, including any other secret locations; and

(B) provide the International Atomic Energy Agency unfettered access to its facilities pursuant to Iran's legal obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty'') and Iran's safeguards agreement with the International Atomic Energy Agency;

(4) because of the involvement of Iran's Revolutionary Guard Corps in Iran's nuclear program, international terrorism, and domestic human rights abuses, the President should impose the full range of applicable sanctions on—

(A) any individual or entity that is an agent, alias, front, instrumentality, representative, official, or affiliate of Iran's Revolutionary Guard Corps; and

(B) any individual or entity that has conducted any commercial transaction or financial transaction with an individual or entity described in subparagraph (A);

(5) additional measures should be adopted by the United States to prevent the diversion of sensitive dual-use technologies to Iran;

(6) the President should—

(A) continue to urge the Government of Iran to respect the internationally recognized human rights and religious freedoms of its citizens;

(B) identify the officials of the Government of Iran and other individuals who are responsible for continuing and severe violations of human rights and religious freedom in Iran; and

(C) take appropriate measures to respond to such violations, including by—

(i) prohibiting officials and other individuals the President identifies as being responsible for such violations from entry into the United States; and

(ii) freezing the assets of the officials and other individuals described in clause (i);

(7) additional funding should be provided to the Secretary of State to document, collect, and disseminate information about human rights abuses in Iran, including serious abuses that have taken place since the presidential election in Iran on June 12, 2009;

(8) with respect to nongovernmental organizations based in the United States—

(A) many of such organizations are essential to promoting human rights and humanitarian goals around the world;

(B) it is in the national interest of the United States to allow responsible nongovernmental organizations based in the United States to establish and carry out operations in Iran to promote civil society and foster humanitarian goodwill among the people of Iran; and

(C) the United States should ensure that the organizations described in subparagraph (B) are not unnecessarily hindered from working in Iran to provide humanitarian, human rights, and people-to-people assistance, as appropriate, to the people of Iran;

(9) the United States should not issue a license pursuant to an agreement for cooperation (as defined in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(b))) for the export of nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to such an agreement to a country that is providing similar nuclear material, facilities, components, or other goods, services, or technology to another country that is not in full compliance with its obligations under the Nuclear Non-Proliferation Treaty, including its obligations under the safeguards agreement between that country and the International Atomic Energy Agency, unless the President determines that the provision of such similar nuclear material, facilities, components, or other goods, services, or technology to such other country does not undermine the nonproliferation policies and objectives of the United States; and

(10) the people of the United States—

(A) have feelings of friendship for the people of Iran;

(B) regret that developments in recent decades have created impediments to that friendship; and

(C) hold the people of Iran, their culture, and their ancient and rich history in the highest esteem.

TITLE I—SANCTIONS

SEC. 101. DEFINITIONS.

In this title:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note), as amended by section 102 of this Act.

(3) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(4) FAMILY MEMBER.—The term ''family member'' means, with respect to an individual, a spouse, child, parent, sibling, grandchild, or grandparent of the individual.

(5) IRANIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN.—The term ''Iranian diplomat or representative of another government or military or quasi-governmental institution of Iran'' means any of the Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran (as that term is defined in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note)).

(6) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(7) MEDICAL DEVICE.—The term ''medical device'' has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(8) MEDICINE.—The term ''medicine'' has the meaning given the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(9) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(10) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a citizen or resident of the United States or a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); and

(B) an entity that is organized under the laws of the United States or any State.

SEC. 102. EXPANSION OF SANCTIONS UNDER THE IRAN SANCTIONS ACT OF 1996.

(a) IN GENERAL.—Section 5 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) SANCTIONS WITH RESPECT TO THE DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN, PRODUCTION OF REFINED PETROLEUM PRODUCTS IN IRAN, AND EXPORTATION OF REFINED PETROLEUM PRODUCTS TO IRAN.—

''(1) DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN.—

''(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 3 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010—

''(i) makes an investment described in subparagraph (B) of $20,000,000 or more; or

''(ii) makes a combination of investments described in subparagraph (B) in a 12-month period if each such investment is of at least $5,000,000 and such investments equal or exceed $20,000,000 in the aggregate.

''(B) INVESTMENT DESCRIBED.—An investment described in this subparagraph is an investment that directly and significantly contributes to the enhancement of Iran's ability to develop petroleum resources.

''(2) PRODUCTION OF REFINED PETROLEUM PRODUCTS.—

''(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 3 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, sells, leases, or provides to Iran goods, services, technology, information, or support described in subparagraph (B)—

''(i) any of which has a fair market value of $1,000,000 or more; or

''(ii) that, during a 12-month period, have an aggregate fair market value of $5,000,000 or more.

''(B) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subparagraph are goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or expansion of Iran's domestic production of refined petroleum products, including any direct and significant assistance with respect to the construction, modernization, or repair of petroleum refineries.

''(3) EXPORTATION OF REFINED PETROLEUM PRODUCTS TO IRAN.—

''(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 3 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010—

''(i) sells or provides to Iran refined petroleum products—

''(I) that have a fair market value of $1,000,000 or more; or

''(II) that, during a 12-month period, have an aggregate fair market value of $5,000,000 or more; or

''(ii) sells, leases, or provides to Iran goods, services, technology, information, or support described in subparagraph (B)—

''(I) any of which has a fair market value of $1,000,000 or more; or

''(II) that, during a 12-month period, have an aggregate fair market value of $5,000,000 or more.

''(B) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subparagraph are goods, services, technology, information, or support that could directly and significantly contribute to the enhancement of Iran's ability to import refined petroleum products, including—

''(i) except as provided in subparagraph (C), underwriting or entering into a contract to provide insurance or reinsurance for the sale, lease, or provision of such goods, services, technology, information, or support;

''(ii) financing or brokering such sale, lease, or provision; or

''(iii) providing ships or shipping services to deliver refined petroleum products to Iran.

''(C) EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.—The President may not impose sanctions under this paragraph with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for the sale, lease, or provision of goods, services, technology, information, or support described in subparagraph (B).'';

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the right;

(B) by striking ''The President shall impose'' and inserting the following:

''(1) IN GENERAL.—The President shall impose''; and

(C) in paragraph (1), as redesignated by subparagraph (B) of this paragraph, by striking ''two or more'' and all that follows through ''of this Act'' and inserting ''3 or more of the sanctions described in section 6(a) if the President determines that a person has, on or after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010''; and

(D) by adding at the end the following:

''(2) ADDITIONAL MANDATORY SANCTIONS RELATING TO TRANSFER OF NUCLEAR TECHNOLOGY.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in any case in which a person is subject to sanctions under paragraph (1) because of an activity described in that paragraph that relates to the acquisition or development of nuclear weapons or related technology or of missiles or advanced conventional weapons that are designed or modified to deliver a nuclear weapon, no license may be issued for the export, and no approval may be given for the transfer or retransfer, directly or indirectly, to the country the government of which has primary jurisdiction over the person, of any nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to an agreement for cooperation between the United States and that government.

''(B) EXCEPTION.—The sanctions described in subparagraph (A) shall not apply with respect to a country the government of which has primary jurisdiction over a person that engages in an activity described in that subparagraph if the President determines and notifies the appropriate congressional committees that the government of the country—

''(i) does not know or have reason to know about the activity; or

''(ii) has taken, or is taking, all reasonable steps necessary to prevent a recurrence of the activity and to penalize the person for the activity.

''(C) INDIVIDUAL APPROVAL.—Notwithstanding subparagraph (A), the President may, on a case-by-case basis, approve the issuance of a license for the export, or approve the transfer or retransfer, of any nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to an agreement for cooperation, to a person in a country to which subparagraph (A) applies (other than a person that is subject to the sanctions under paragraph (1)) if the President—

''(i) determines that such approval is vital to the national security interests of the United States; and

''(ii) not later than 15 days before issuing such license or approving such transfer or retransfer, submits to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate the justification for approving such license, transfer, or retransfer.

''(D) CONSTRUCTION.—The restrictions in subparagraph (A) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 and other related laws.

''(E) DEFINITION.—In this paragraph, the term 'agreement for cooperation' has the meaning given that term in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(b)).

''(F) APPLICABILITY.—The sanctions under subparagraph (A) shall apply only in a case in which a person is subject to sanctions under paragraph (1) because of an activity described in that paragraph in which the person engages on or after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.'';

(3) in subsection (c)—

(A) by striking ''(b)'' each place it appears and inserting ''(b)(1)''; and

(B) by striking paragraph (2) and inserting the following:

''(2) any person that—

''(A) is a successor entity to the person referred to in paragraph (1);

''(B) owns or controls the person referred to in paragraph (1), if the person that owns or controls the person referred to in paragraph (1) had actual knowledge or should have known that the person referred to in paragraph (1) engaged in the activities referred to in that paragraph; or

''(C) is owned or controlled by, or under common ownership or control with, the person referred to in paragraph (1), if the person owned or controlled by, or under common ownership or control with (as the case may be), the person referred to in paragraph (1) knowingly engaged in the activities referred to in that paragraph.''; and

(4) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking ''(b)'' and inserting ''(b)(1)''; and

(B) in paragraph (2), by striking ''section 301(b)(1) of that Act (19 U.S.C. 2511(b)(1))'' and inserting ''section 301(b) of that Act (19 U.S.C. 2511(b))''.

(b) DESCRIPTION OF SANCTIONS.—Section 6 of such Act is amended—

(1) by striking ''The sanctions to be imposed'' and inserting the following:

''(a) IN GENERAL.—The sanctions to be imposed'';

(2) in subsection (a), as redesignated by paragraph (1)—

(A) by redesignating paragraph (6) as paragraph (9); and

(B) by inserting after paragraph (5) the following:

''(6) FOREIGN EXCHANGE.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest.

''(7) BANKING TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person.

''(8) PROPERTY TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

''(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the sanctioned person has any interest;

''(B) dealing in or exercising any right, power, or privilege with respect to such property; or

''(C) conducting any transaction involving such property.''; and

(3) by adding at the end the following:

''(b) ADDITIONAL MEASURE RELATING TO GOVERNMENT CONTRACTS.—

''(1) MODIFICATION OF FEDERAL ACQUISITION REGULATION.—Not later than 90 days after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to require a certification from each person that is a prospective contractor that the person, and any person owned or controlled by the person, does not engage in any activity for which sanctions may be imposed under section 5.

''(2) REMEDIES.—

''(A) IN GENERAL.—If the head of an executive agency determines that a person has submitted a false certification under paragraph (1) on or after the date on which the revision of the Federal Acquisition Regulation required by this subsection becomes effective, the head of that executive agency shall terminate a contract with such person or debar or suspend such person from eligibility for Federal contracts for a period of not more than 3 years. Any such debarment or suspension shall be subject to the procedures that apply to debarment and suspension under the Federal Acquisition Regulation under subpart 9.4 of part 9 of title 48, Code of Federal Regulations.

''(B) INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) each person that is debarred, suspended, or proposed for debarment or suspension by the head of an executive agency on the basis of a determination of a false certification under subparagraph (A).

''(3) CLARIFICATION REGARDING CERTAIN PRODUCTS.—The remedies set forth in paragraph (2) shall not apply with respect to the procurement of eligible products, as defined in section 308(4) of the Trade Agreements Act of 1974 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b) of that Act (19 U.S.C. 2511(b)).

''(4) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a determination of a false certification under paragraph (1).

''(5) WAIVERS.—The President may on a case-by-case basis waive the requirement that a person make a certification under paragraph (1) if the President determines and certifies in writing to the appropriate congressional committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, that it is in the national interest of the United States to do so.

''(6) EXECUTIVE AGENCY DEFINED.—In this subsection, the term 'executive agency' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

''(7) APPLICABILITY.—The revisions to the Federal Acquisition Regulation required under paragraph (1) shall apply with respect to contracts for which solicitations are issued on or after the date that is 90 days after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.''.

(c) PRESIDENTIAL WAIVER.—Section 9 of such Act is amended—

(1) in subsection (a), by striking ''5(b)'' each place it appears and inserting ''5(b)(1)''; and

(2) in subsection (c)—

(A) by striking ''section 5(a) or (b)'' each place it appears and inserting ''section 5(a) or 5(b)(1)'';

(B) in paragraph (1), by striking ''important to the national interest'' and inserting ''necessary to the national interest''; and

(C) in paragraph (2), by striking subparagraph (C) and inserting the following:

''(C) an estimate of the significance of the conduct of the person in contributing to the ability of Iran to, as the case may be—

''(i) develop petroleum resources, produce refined petroleum products, or import refined petroleum products; or

''(ii) acquire or develop—

''(I) chemical, biological, or nuclear weapons or related technologies; or

''(II) destabilizing numbers and types of advanced conventional weapons; and''.

(d) REPORTS ON GLOBAL TRADE RELATING TO IRAN.—Section 10 of such Act is amended by adding at the end the following:

''(d) REPORTS ON GLOBAL TRADE RELATING TO IRAN.—Not later than 90 days after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, and annually thereafter, the President shall submit to the appropriate congressional committees a report, with respect to the most recent 12-month period for which data are available, on the dollar value amount of trade, including in the energy sector, between Iran and each country maintaining membership in the Group of 20 Finance Ministers and Central Bank Governors.''.

(e) EXTENSION OF IRAN SANCTIONS ACT OF 1996.—Section 13(b) of such Act is amended by striking ''December 31, 2011'' and inserting ''December 31, 2016''.

(f) CLARIFICATION AND EXPANSION OF DEFINITIONS.—Section 14 of such Act is amended—

(1) in paragraph (2), by striking ''the Committee on Banking and Financial Services, and the Committee on International Relations'' and inserting ''the Committee on Financial Services, and the Committee on Foreign Affairs'';

(2) in paragraph (9), in the flush text following subparagraph (C), by striking ''The term 'investment' does not include'' and all that follows through ''technology.'';

(3) by redesignating paragraphs (12), (13), (14), (15), and (16) as paragraphs (13), (14), (15), (17), and (18), respectively;

(4) by inserting after paragraph (11) the following:

''(12) KNOWINGLY.—The term 'knowingly', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.'';

(5) in paragraph (14), as redesignated by paragraph (3) of this subsection—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and moving such clauses, as so redesignated, 2 ems to the right;

(B) by striking ''The term 'person' means—'' and inserting the following:

''(A) IN GENERAL.—The term 'person' means—'';

(C) in subparagraph (A), as redesignated by this paragraph—

(i) in clause (ii), by inserting ''financial institution, insurer, underwriter, guarantor, and any other business organization,'' after ''trust,''; and

(ii) in clause (iii), by striking ''subparagraph (B)'' and inserting ''clause (ii)''; and

(D) by adding at the end the following:

''(B) APPLICATION TO GOVERNMENTAL ENTITIES.—The term 'person' does not include a government or governmental entity that is not operating as a business enterprise.'';

(6) in paragraph (15), as redesignated by paragraph (3) of this subsection, by striking ''petroleum and natural gas resources'' and inserting ''petroleum, refined petroleum products, oil or liquefied natural gas, natural gas resources, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or liquefied natural gas''; and

(7) by inserting after paragraph (15), as so redesignated, the following:

''(16) REFINED PETROLEUM PRODUCTS.—The term 'refined petroleum products' means diesel, gasoline, jet fuel (including naphtha-type and kerosene-type jet fuel), and aviation gasoline.''.

(g) WAIVER FOR CERTAIN PERSONS IN CERTAIN COUNTRIES; MANDATORY INVESTIGATIONS AND REPORTING; CONFORMING AMENDMENTS.—Section 4 of such Act is amended—

(1) in subsection (b)(2), by striking ''(in addition to that provided in subsection (d))'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''The President may'' and inserting the following:

''(A) GENERAL WAIVER.—The President may''; and

(ii) by adding at the end the following:

''(B) WAIVER WITH RESPECT TO PERSONS IN COUNTRIES THAT COOPERATE IN MULTILATERAL EFFORTS WITH RESPECT TO IRAN.—The President may, on a case by case basis, waive for a period of not more than 12 months the application of section 5(a) with respect to a person if the President, at least 30 days before the waiver is to take effect—

''(i) certifies to the appropriate congressional committees that—

''(I) the government with primary jurisdiction over the person is closely cooperating with the United States in multilateral efforts to prevent Iran from—

''(aa) acquiring or developing chemical, biological, or nuclear weapons or related technologies; or

''(bb) acquiring or developing destabilizing numbers and types of advanced conventional weapons; and

''(II) such a waiver is vital to the national security interests of the United States; and

''(ii) submits to the appropriate congressional committees a report identifying—

''(I) the person with respect to which the President waives the application of sanctions; and

''(II) the actions taken by the government described in clause (i)(I) to cooperate in multilateral efforts described in that clause.''; and

(B) by striking paragraph (2) and inserting the following:

''(2) SUBSEQUENT RENEWAL OF WAIVER.—At the conclusion of the period of a waiver under subparagraph (A) or (B) of paragraph (1), the President may renew the waiver—

''(A) if the President determines, in accordance with subparagraph (A) or (B) of that paragraph (as the case may be), that the waiver is appropriate; and

''(B)(i) in the case of a waiver under subparagraph (A) of paragraph (1), for subsequent periods of not more than six months each; and

''(ii) in the case of a waiver under subparagraph (B) of paragraph (1), for subsequent periods of not more than 12 months each.'';

(3) by striking subsection (d);

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(5) in subsection (e), as redesignated by paragraph (4) of this subsection—

(A) in paragraph (1)—

(i) by striking ''should initiate'' and inserting ''shall initiate''; and

(ii) by striking ''investment activity in Iran as'' and inserting ''an activity'';

(B) in paragraph (2)—

(i) by striking ''should determine'' and inserting ''shall (unless paragraph (3) applies) determine''; and

(ii) by striking ''investment activity in Iran as'' and inserting ''an activity''; and

(C) by adding at the end the following:

''(3) SPECIAL RULE.—The President need not initiate an investigation, and may terminate an investigation, under this subsection if the President certifies in writing to the appropriate congressional committees that—

''(A) the person whose activity was the basis for the investigation is no longer engaging in the activity or has taken significant verifiable steps toward stopping the activity; and

''(B) the President has received reliable assurances that the person will not knowingly engage in an activity described in section 5(a) in the future.''.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall—

(A) take effect on the date of the enactment of this Act; and

(B) except as provided in this subsection or section 6(b)(7) of the Iran Sanctions Act of 1996, as amended by subsection (b) of this section, apply with respect to an investment or activity described in subsection (a) or (b) of section 5 of the Iran Sanctions Act of 1996, as amended by this section, that is commenced on or after such date of enactment.

(2) APPLICABILITY TO ONGOING INVESTMENTS PROHIBITED UNDER PRIOR LAW.—A person that makes an investment described in section 5(a) of the Iran Sanctions Act of 1996, as in effect on the day before the date of the enactment of this Act, that is commenced before such date of enactment and continues on or after such date of enactment, shall, except as provided in paragraph (4), be subject to the provisions of the Iran Sanctions Act of 1996, as in effect on the day before such date of enactment.

(3) APPLICABILITY TO ONGOING ACTIVITIES RELATING TO CHEMICAL, BIOLOGICAL, OR NUCLEAR WEAPONS OR RELATED TECHNOLOGIES.—A person that, before the date of the enactment of this Act, commenced an activity described in section 5(b) of the Iran Sanctions Act of 1996, as in effect on the day before such date of enactment, and continues the activity on or after such date of enactment, shall be subject to the provisions of the Iran Sanctions Act of 1996, as amended by this Act.

(4) APPLICABILITY OF MANDATORY INVESTIGATIONS TO INVESTMENTS.—The amendments made by subsection (g)(5) of this section shall apply on and after the date of the enactment of this Act—

(A) with respect to an investment described in section 5(a)(1) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, that is commenced on or after such date of enactment; and

(B) with respect to an investment described in section 5(a) of the Iran Sanctions Act of 1996, as in effect on the day before the date of the enactment of this Act, that is commenced before such date of enactment and continues on or after such date of enactment.

(5) APPLICABILITY OF MANDATORY INVESTIGATIONS TO ACTIVITIES RELATING TO PETROLEUM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by subsection (g)(5) of this section shall apply on and after the date that is 1 year after the date of the enactment of this Act with respect to an activity described in paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, that is commenced on or after the date that is 1 year after the date of the enactment of this Act or the date on which the President fails to submit a certification that is required under subparagraph (B) (whichever is applicable).

(B) SPECIAL RULE FOR DELAY OF EFFECTIVE DATE.—

(i) REPORTING REQUIREMENT.—Not later than 30 days before the date that is 1 year after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report describing—

(I) the diplomatic and other efforts of the President—

(aa) to dissuade foreign persons from engaging in activities described in paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section; and

(bb) to encourage other governments to dissuade persons over which those governments have jurisdiction from engaging in such activities;

(II) the successes and failures of the efforts described in subclause (I); and

(III) each investigation under section 4(e) of the Iran Sanctions Act of 1996, as amended by subsection (g)(5) of this section and as in effect pursuant to subparagraph (C) of this paragraph, or any other review of an activity described in paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, that is initiated or ongoing during the period beginning on the date of the enactment of this Act and ending on the date on which the President is required to submit the report.

(ii) CERTIFICATION.—If the President submits to the appropriate congressional committees, with the report required by clause (i), a certification that there was a substantial reduction in activities described in paragraphs (2) and (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, during the period described in clause (i)(III), the effective date provided for in subparagraph (A) shall be delayed for a 180-day period beginning after the date provided for in that subparagraph.

(iii) SUBSEQUENT REPORTS AND DELAYS.—The effective date provided for in subparagraph (A) shall be delayed for additional 180-day periods occurring after the end of the 180-day period provided for under clause (ii), if, not later than 30 days before the 180-day period preceding such additional 180-day period expires, the President

submits to the appropriate congressional committees—

(I) a report containing the matters required in the report under clause (i) for the period beginning on the date on which the preceding report was required to be submitted under clause (i) or this clause (as the case may be) and ending on the date on which the President is required to submit the most recent report under this clause; and

(II) a certification that, during the period described in subclause (I), there was (as compared to the period for which the preceding report was submitted under this subparagraph) a progressive reduction in activities described in paragraphs (2) and (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section.

(iv) CONSEQUENCE OF FAILURE TO CERTIFY.—If the President does not make a certification at a time required by this subparagraph—

(I) the amendments made by subsection (g)(5) of this section shall apply on and after the date on which the certification was required to be submitted by this subparagraph, with respect to an activity described in paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, that—

(aa) is referenced in the most recent report required to be submitted under this subparagraph; or

(bb) is commenced on or after the date on which such most recent report is required to be submitted; and

(II) not later than 45 days after the date on which the certification was required to be submitted by this subparagraph, the President shall make a determination under paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996 (as the case may be), as amended by subsection (a) of this section, with respect to relevant activities described in subclause (I)(aa).

(C) APPLICABILITY OF PERMISSIVE INVESTIGATIONS.—During the 1-year period beginning on the date of the enactment of this Act and during any 180-day period during which the effective date provided for in subparagraph (A) is delayed pursuant to subparagraph (B), section 4(e) of the Iran Sanctions Act of 1996, as amended by subsection (g)(5) of this section, shall be applied, with respect to an activity described in paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, by substituting ''should'' for ''shall'' each place it appears.

(6) WAIVER AUTHORITY.—The amendments made by subsection (c) shall not be construed to affect any exercise of the authority under section 9(c) of the Iran Sanctions Act of 1996, as in effect on the day before the date of the enactment of this Act.

SEC. 103. ECONOMIC SANCTIONS RELATING TO IRAN.

(a) IN GENERAL.—Notwithstanding section 101 of the Iran Freedom Support Act (Public Law 109–293; 120 Stat. 1344), and in addition to any other sanction in effect, beginning on the date that is 90 days after the date of the enactment of this Act, the economic sanctions described in subsection (b) shall apply with respect to Iran.

(b) SANCTIONS.—The sanctions described in this subsection are the following:

(1) PROHIBITION ON IMPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no good or service of Iranian origin may be imported directly or indirectly into the United States.

(B) EXCEPTIONS.—The exceptions provided for in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), including the exception for information and informational materials, shall apply to the prohibition in subparagraph (A) of this paragraph to the same extent that such exceptions apply to the authority provided under section 203(a) of that Act.

(2) PROHIBITION ON EXPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no good, service, or technology of United States origin may be exported to Iran from the United States or by a United States person, wherever located.

(B) EXCEPTIONS.—

(i) PERSONAL COMMUNICATIONS; ARTICLES TO RELIEVE HUMAN SUFFERING; INFORMATION AND INFORMATIONAL MATERIALS; TRANSACTIONS INCIDENT TO TRAVEL.—The exceptions provided for in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), including the exception for information and informational materials, shall apply to the prohibition in subparagraph (A) of this paragraph to the same extent that such exceptions apply to the authority provided under section 203(a) of that Act.

(ii) FOOD; MEDICINE; HUMANITARIAN ASSISTANCE.—The prohibition in subparagraph (A) shall not apply to the exportation of—

(I) agricultural commodities, food, medicine, or medical devices; or

(II) articles exported to Iran to provide humanitarian assistance to the people of Iran.

(iii) INTERNET COMMUNICATIONS.—The prohibition in subparagraph (A) shall not apply to the exportation of—

(I) services incident to the exchange of personal communications over the Internet or software necessary to enable such services, as provided for in section 560.540 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling);

(II) hardware necessary to enable such services; or

(III) hardware, software, or technology necessary for access to the Internet.

(iv) GOODS, SERVICES, OR TECHNOLOGIES NECESSARY TO ENSURE THE SAFE OPERATION OF COMMERCIAL AIRCRAFT.—The prohibition in subparagraph (A) shall not apply to the exportation of goods, services, or technologies necessary to ensure the safe operation of commercial aircraft produced in the United States or commercial aircraft into which aircraft components produced in the United States are incorporated, if the exportation of such goods, services, or technologies is approved by the Secretary of the Treasury, in consultation with the Secretary of Commerce, pursuant to regulations issued by the Secretary of the Treasury regarding the exportation of such goods, services, or technologies, if appropriate.

(v) GOODS, SERVICES, OR TECHNOLOGIES EXPORTED TO SUPPORT INTERNATIONAL ORGANIZATIONS.—The prohibition in subparagraph (A) shall not apply to the exportation of goods, services, or technologies that—

(I) are provided to the International Atomic Energy Agency and are necessary to support activities of that Agency in Iran; or

(II) are necessary to support activities, including the activities of nongovernmental organizations, relating to promoting democracy in Iran.

(vi) EXPORTS IN THE NATIONAL INTEREST.—The prohibition in subparagraph (A) shall not apply to the exportation of goods, services, or technologies if the President determines the exportation of such goods, services, or technologies to be in the national interest of the United States.

(3) FREEZING ASSETS.—

(A) IN GENERAL.—At such time as the President determines that a person in Iran, including an Iranian diplomat or representative of another government or military or quasi-governmental institution of Iran (including Iran's Revolutionary Guard Corps and its affiliates), satisfies the criteria for designation with respect to the imposition of sanctions under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the President shall take such action as may be necessary to freeze, as soon as possible—

(i) the funds and other assets belonging to that person; and

(ii) any funds or other assets that person transfers, on or after the date on which the President determines the person satisfies such criteria, to any family member or associate acting for or on behalf of the person.

(B) REPORTS TO THE OFFICE OF FOREIGN ASSETS CONTROL.—The action described in subparagraph (A) includes requiring any United States financial institution that holds funds or assets of a person described in that subparagraph or funds or assets that person transfers to a family member or associate described in that subparagraph to report promptly to the Office of Foreign Assets Control information regarding such funds and assets.

(C) REPORTS TO CONGRESS.—Not later than 14 days after a decision is made to freeze the funds or assets of any person under subparagraph (A), the President shall report the name of the person to the appropriate congressional committees. Such a report may contain a classified annex.

(D) TERMINATION.—The President shall release assets or funds frozen under subparagraph (A) if the person to which the assets or funds belong or the person that transfers the assets or funds as described in subparagraph (A)(ii) (as the case may be) no longer satisfies the criteria for designation with respect to the imposition of sanctions under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(E) UNITED STATES FINANCIAL INSTITUTION DEFINED.—In this paragraph, the term ''United States financial institution'' means a financial institution (as defined in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note)) that is a United States person.

(c) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this section or regulations prescribed under this section to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(d) REGULATORY AUTHORITY.—

(1) IN GENERAL.—The President shall prescribe regulations to carry out this section, which may include regulatory exceptions to the sanctions described in subsection (b).

(2) APPLICABILITY OF CERTAIN REGULATIONS.—No exception to the prohibition under subsection (b)(1) may be made for the commercial importation of an Iranian origin good described in section 560.534(a) of title 31, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act), unless the President—

(A) prescribes a regulation providing for such an exception on or after the date of the enactment of this Act; and

(B) submits to the appropriate congressional committees—

(i) a certification in writing that the exception is in the national interest of the United States; and

(ii) a report describing the reasons for the exception.

SEC. 104. MANDATORY SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN TRANSACTIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Financial Action Task Force is an intergovernmental body whose purpose is to develop and promote national and international policies to combat money laundering and terrorist financing.

(2) Thirty-three countries, plus the European Commission and the Cooperation Council for the Arab States of the Gulf, belong to the Financial Action Task Force. The member countries of the Financial Action Task Force include the United States, Canada, most countries in western Europe, Russia, the People's Republic of China, Japan, South Korea, Argentina, and Brazil.

(3) In 2008 the Financial Action Task Force extended its mandate to include addressing ''new and emerging threats such as proliferation

financing'', meaning the financing of the proliferation of weapons of mass destruction, and published ''guidance papers'' for members to assist them in implementing various United Nations Security Council resolutions dealing with weapons of mass destruction, including United Nations Security Council Resolutions 1737 (2006) and 1803 (2008), which deal specifically with proliferation by Iran.

(4) The Financial Action Task Force has repeatedly called on members—

(A) to advise financial institutions in their jurisdictions to give special attention to business relationships and transactions with Iran, including Iranian companies and financial institutions;

(B) to apply effective countermeasures to protect their financial sectors from risks relating to money laundering and financing of terrorism that emanate from Iran;

(C) to protect against correspondent relationships being used by Iran and Iranian companies and financial institutions to bypass or evade countermeasures and risk-mitigation practices; and

(D) to take into account risks relating to money laundering and financing of terrorism when considering requests by Iranian financial institutions to open branches and subsidiaries in their jurisdictions.

(5) At a February 2010 meeting of the Financial Action Task Force, the Task Force called on members to apply countermeasures ''to protect the international financial system from the ongoing and substantial money laundering and terrorist financing (ML/TF) risks'' emanating from Iran.

(b) SENSE OF CONGRESS REGARDING THE IMPOSITION OF SANCTIONS ON THE CENTRAL BANK OF IRAN.—Congress—

(1) acknowledges the efforts of the United Nations Security Council to impose limitations on transactions involving Iranian financial institutions, including the Central Bank of Iran; and

(2) urges the President, in the strongest terms, to consider immediately using the authority of the President to impose sanctions on the Central Bank of Iran and any other Iranian financial institution engaged in proliferation activities or support of terrorist groups.

(c) PROHIBITIONS AND CONDITIONS WITH RESPECT TO CERTAIN ACCOUNTS HELD BY FOREIGN FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations to prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the Secretary finds knowingly engages in an activity described in paragraph (2).

(2) ACTIVITIES DESCRIBED.—A foreign financial institution engages in an activity described in this paragraph if the foreign financial institution—

(A) facilitates the efforts of the Government of Iran (including efforts of Iran's Revolutionary Guard Corps or any of its agents or affiliates)—

(i) to acquire or develop weapons of mass destruction or delivery systems for weapons of mass destruction; or

(ii) to provide support for organizations designated as foreign terrorist organizations under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) or support for acts of international terrorism (as defined in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note));

(B) facilitates the activities of a person subject to financial sanctions pursuant to United Nations Security Council Resolution 1737 (2006), 1747 (2007), 1803 (2008), or 1929 (2010), or any other resolution that is agreed to by the Security Council and imposes sanctions with respect to Iran;

(C) engages in money laundering to carry out an activity described in subparagraph (A) or (B);

(D) facilitates efforts by the Central Bank of Iran or any other Iranian financial institution to carry out an activity described in subparagraph (A) or (B); or

(E) facilitates a significant transaction or transactions or provides significant financial services for—

(i) Iran's Revolutionary Guard Corps or any of its agents or affiliates whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

(ii) a financial institution whose property or interests in property are blocked pursuant to that Act in connection with—

(I) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

(II) Iran's support for international terrorism.

(3) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under paragraph (1) of this subsection to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(d) PENALTIES FOR DOMESTIC FINANCIAL INSTITUTIONS FOR ACTIONS OF PERSONS OWNED OR CONTROLLED BY SUCH FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations to prohibit any person owned or controlled by a domestic financial institution from knowingly engaging in a transaction or transactions with or benefitting Iran's Revolutionary Guard Corps or any of its agents or affiliates whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(2) PENALTIES.—The penalties provided for in section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)) shall apply to a domestic financial institution to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act if—

(A) a person owned or controlled by the domestic financial institution violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under paragraph (1) of this subsection; and

(B) the domestic financial institution knew or should have known that the person violated, attempted to violate, conspired to violate, or caused a violation of such regulations.

(e) REQUIREMENTS FOR FINANCIAL INSTITUTIONS MAINTAINING ACCOUNTS FOR FOREIGN FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall prescribe regulations to require a domestic financial institution maintaining a correspondent account or payable-through account in the United States for a foreign financial institution to do one or more of the following:

(A) Perform an audit of activities described in subsection (c)(2) that may be carried out by the foreign financial institution.

(B) Report to the Department of the Treasury with respect to transactions or other financial services provided with respect to any such activity.

(C) Certify, to the best of the knowledge of the domestic financial institution, that the foreign financial institution is not knowingly engaging in any such activity.

(D) Establish due diligence policies, procedures, and controls, such as the due diligence policies, procedures, and controls described in section 5318(i) of title 31, United States Code, reasonably designed to detect whether the Secretary of the Treasury has found the foreign financial institution to knowingly engage in any such activity.

(2) PENALTIES.—The penalties provided for in sections 5321(a) and 5322 of title 31, United States Code, shall apply to a person that violates a regulation prescribed under paragraph (1) of this subsection, in the same manner and to the same extent as such penalties would apply to any person that is otherwise subject to such section 5321(a) or 5322.

(f) WAIVER.—The Secretary of the Treasury may waive the application of a prohibition or condition imposed with respect to a foreign financial institution pursuant to subsection (c) or the imposition of a penalty under subsection (d) with respect to a domestic financial institution on and after the date that is 30 days after the Secretary—

(1) determines that such a waiver is necessary to the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

(g) PROCEDURES FOR JUDICIAL REVIEW OF CLASSIFIED INFORMATION.—

(1) IN GENERAL.—If a finding under subsection (c)(1), a prohibition, condition, or penalty imposed as a result of any such finding, or a penalty imposed under subsection (d), is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the Secretary of the Treasury may submit such information to the court ex parte and in camera.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to confer or imply any right to judicial review of any finding under subsection (c)(1), any prohibition, condition, or penalty imposed as a result of any such finding, or any penalty imposed under subsection (d).

(h) CONSULTATIONS IN IMPLEMENTATION OF REGULATIONS.—In implementing this section and the regulations prescribed under this section, the Secretary of the Treasury—

(1) shall consult with the Secretary of State; and

(2) may, in the sole discretion of the Secretary of the Treasury, consult with such other agencies and departments and such other interested parties as the Secretary considers appropriate.

(i) DEFINITIONS.—

(1) IN GENERAL.—In this section:

(A) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(B) AGENT.—The term ''agent'' includes an entity established by a person for purposes of conducting transactions on behalf of the person in order to conceal the identity of the person.

(C) FINANCIAL INSTITUTION.—The term ''financial institution'' means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Y) of section 5312(a)(2) of title 31, United States Code.

(D) FOREIGN FINANCIAL INSTITUTION; DOMESTIC FINANCIAL INSTITUTION.—The terms ''foreign financial institution'' and ''domestic financial institution'' shall have the meanings of those terms as determined by the Secretary of the Treasury.

(E) MONEY LAUNDERING.—The term ''money laundering'' means the movement of illicit cash or cash equivalent proceeds into, out of, or through a country, or into, out of, or through a financial institution.

(2) OTHER DEFINITIONS.—The Secretary of the Treasury may further define the terms used in this section in the regulations prescribed under this section.

SEC. 105. IMPOSITION OF SANCTIONS ON CERTAIN PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF IRAN OR THEIR FAMILY MEMBERS AFTER THE JUNE 12, 2009, ELECTIONS IN IRAN.

(a) IN GENERAL.—The President shall impose sanctions described in subsection (c) with respect to each person on the list required by subsection (b).

(b) LIST OF PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN CERTAIN HUMAN RIGHTS ABUSES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons who are officials of the Government of Iran or persons acting on behalf of that Government (including members of paramilitary organizations such as Ansar-e-Hezbollah and Basij-e Mostaz'afin), that the President determines, based on credible evidence, are responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members on or after June 12, 2009, regardless of whether such abuses occurred in Iran.

(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than 270 days after the date of the enactment of this Act and every 180 days thereafter; and

(B) as new information becomes available.

(3) FORM OF REPORT; PUBLIC AVAILABILITY.—

(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(4) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the list required by paragraph (1), the President shall consider credible data already obtained by other countries and nongovernmental organizations, including organizations in Iran, that monitor the human rights abuses of the Government of Iran.

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are ineligibility for a visa to enter the United States and sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), including blocking of property and restrictions or prohibitions on financial transactions and the exportation and importation of property, subject to such regulations as the President may prescribe, including regulatory exceptions to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.

(d) TERMINATION OF SANCTIONS.—The provisions of this section shall terminate on the date on which the President determines and certifies to the appropriate congressional committees that the Government of Iran has—

(1) unconditionally released all political prisoners, including the citizens of Iran detained in the aftermath of the June 12, 2009, presidential election in Iran;

(2) ceased its practices of violence, unlawful detention, torture, and abuse of citizens of Iran while engaging in peaceful political activity;

(3) conducted a transparent investigation into the killings, arrests, and abuse of peaceful political activists that occurred in the aftermath of the June 12, 2009, presidential election in Iran and prosecuted the individuals responsible for such killings, arrests, and abuse; and

(4) made public commitments to, and is making demonstrable progress toward—

(A) establishing an independent judiciary; and

(B) respecting the human rights and basic freedoms recognized in the Universal Declaration of Human Rights.

SEC. 106. PROHIBITION ON PROCUREMENT CONTRACTS WITH PERSONS THAT EXPORT SENSITIVE TECHNOLOGY TO IRAN.

(a) IN GENERAL.—Except as provided in subsection (b), and pursuant to such regulations as the President may prescribe, the head of an executive agency may not enter into or renew a contract, on or after the date that is 90 days after the date of the enactment of this Act, for the procurement of goods or services with a person that exports sensitive technology to Iran.

(b) AUTHORIZATION TO EXEMPT CERTAIN PRODUCTS.—The President is authorized to exempt from the prohibition under subsection (a) only eligible products, as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b) of that Act (19 U.S.C. 2511(b)).

(c) SENSITIVE TECHNOLOGY DEFINED.—

(1) IN GENERAL.—The term ''sensitive technology'' means hardware, software, telecommunications equipment, or any other technology, that the President determines is to be used specifically—

(A) to restrict the free flow of unbiased information in Iran; or

(B) to disrupt, monitor, or otherwise restrict speech of the people of Iran.

(2) EXCEPTION.—The term ''sensitive technology'' does not include information or informational materials the exportation of which the President does not have the authority to regulate or prohibit pursuant to section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

(d) GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON EFFECT OF PROCUREMENT PROHIBITION.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, a report assessing the extent to which executive agencies would have entered into or renewed contracts for the procurement of goods or services with persons that export sensitive technology to Iran if the prohibition under subsection (a) were not in effect.

SEC. 107. HARMONIZATION OF CRIMINAL PENALTIES FOR VIOLATIONS OF SANCTIONS.

(a) IN GENERAL.—

(1) VIOLATIONS OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS IMPOSING SANCTIONS.—Section 5(b) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(b)) is amended—

(A) by striking ''find not more than $10,000'' and inserting ''fined not more than $1,000,000''; and

(B) by striking ''ten years'' and all that follows and inserting ''20 years, or both.''.

(2) VIOLATIONS OF CONTROLS ON EXPORTS AND IMPORTS OF DEFENSE ARTICLES AND DEFENSE SERVICES.—Section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)) is amended by striking ''ten years'' and inserting ''20 years''.

(3) VIOLATIONS OF PROHIBITION ON TRANSACTIONS WITH COUNTRIES THAT SUPPORT ACTS OF INTERNATIONAL TERRORISM.—Section 40(j) of the Arms Export Control Act (22 U.S.C. 2780(j)) is amended by striking ''10 years'' and inserting ''20 years''.

(4) VIOLATIONS OF THE TRADING WITH THE ENEMY ACT.—Section 16(a) of the Trading with the enemy Act (50 U.S.C. App. 16(a)) is amended by striking ''if a natural person'' and all that follows and inserting ''if a natural person, be imprisoned for not more than 20 years, or both.''.

(b) STUDY BY UNITED STATES SENTENCING COMMISSION.—Not later than 1 year after the date of the enactment of this Act, the United States Sentencing Commission, pursuant to the authority under sections 994 and 995 of title 28, United States Code, and the responsibility of the United States Sentencing Commission to advise Congress on sentencing policy under section 995(a)(20) of title 28, United States Code, shall study and submit to Congress a report on the impact and advisability of imposing a mandatory minimum sentence for violations of—

(1) section 5(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(a));

(2) sections 38, 39, and 40 of the Arms Export Control Act (22 U.S.C. 2778, 2779, and 2780); and

(3) the Trading with the enemy Act (50 U.S.C. App. 1 et seq.).

SEC. 108. AUTHORITY TO IMPLEMENT UNITED NATIONS SECURITY COUNCIL RESOLUTIONS IMPOSING SANCTIONS WITH RESPECT TO IRAN.

In addition to any other authority of the President with respect to implementing resolutions of the United Nations Security Council, the President may prescribe such regulations as may be necessary to implement a resolution that is agreed to by the United Nations Security Council and imposes sanctions with respect to Iran.

SEC. 109. INCREASED CAPACITY FOR EFFORTS TO COMBAT UNLAWFUL OR TERRORIST FINANCING.

(a) FINDINGS.—Congress finds the following:

(1) The work of the Office of Terrorism and Financial Intelligence of the Department of the Treasury, which includes the Office of Foreign Assets Control and the Financial Crimes Enforcement Network, is critical to ensuring that the international financial system is not used for purposes of supporting terrorism and developing weapons of mass destruction.

(2) The Secretary of the Treasury has designated, including most recently on June 16, 2010, various Iranian individuals and banking, military, energy, and shipping entities as proliferators of weapons of mass destruction pursuant to Executive Order 13382 (50 U.S.C. 1701 note), thereby blocking transactions subject to the jurisdiction of the United States by those individuals and entities and their supporters.

(3) The Secretary of the Treasury has also identified an array of entities in the insurance, petroleum, and petrochemicals industries that the Secretary has determined to be owned or controlled by the Government of Iran and added those entities to the list contained in Appendix A to part 560 of title 31, Code of Federal Regulations (commonly known as the ''Iranian Transactions Regulations''), thereby prohibiting transactions between United States persons and those entities.

(b) AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE.—There are authorized to be appropriated to the Secretary of the Treasury for the Office of Terrorism and Financial Intelligence—

(1) $102,613,000 for fiscal year 2011; and

(2) such sums as may be necessary for each of the fiscal years 2012 and 2013.

(c) AUTHORIZATION OF APPROPRIATIONS FOR THE FINANCIAL CRIMES ENFORCEMENT NETWORK.—Section 310(d)(1) of title 31, United States Code, is amended by striking ''such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005'' and inserting ''$100,419,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 and 2013''.

(d) AUTHORIZATION OF APPROPRIATIONS FOR BUREAU OF INDUSTRY AND SECURITY OF THE DEPARTMENT OF COMMERCE.—There are authorized to be appropriated to the Secretary of Commerce for the Bureau of Industry and Security of the Department of Commerce—

(1) $113,000,000 for fiscal year 2011; and

(2) such sums as may be necessary for each of the fiscal years 2012 and 2013.

SEC. 110. REPORTS ON INVESTMENTS IN THE ENERGY SECTOR OF IRAN.

(a) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report—

(A) on investments in the energy sector of Iran that were made during the period described in paragraph (2); and

(B) that contains—

(i) an estimate of the volume of energy-related resources (other than refined petroleum), including ethanol, that Iran imported during the period described in paragraph (2); and

(ii) a list of all significant known energy-related joint ventures, investments, and partnerships located outside Iran that involve Iranian entities in partnership with entities from other countries, including an identification of the entities from other countries; and

(iii) an estimate of—

(I) the total value of each such joint venture, investment, and partnership; and

(II) the percentage of each such joint venture, investment, and partnership owned by an Iranian entity.

(2) PERIOD DESCRIBED.—The period described in this paragraph is the period beginning on January 1, 2006, and ending on the date that is 60 days after the date of the enactment of this Act.

(b) UPDATED REPORTS.—Not later than 180 days after submitting the report required by subsection (a), and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report containing the matters required in the report under subsection (a)(1) for the 180-day period beginning on the date that is 30 days before the date on which the preceding report was required to be submitted by this section.

SEC. 111. REPORTS ON CERTAIN ACTIVITIES OF FOREIGN EXPORT CREDIT AGENCIES AND OF THE EXPORT-IMPORT BANK OF THE UNITED STATES.

(a) REPORT ON CERTAIN ACTIVITIES OF EXPORT CREDIT AGENCIES OF FOREIGN COUNTRIES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on any activity of an export credit agency of a foreign country that is an activity comparable to an activity described in subsection (a) or (b) of section 5 of the Iran Sanctions Act of 1996, as amended by section 102 of this Act.

(2) UPDATES.—The President shall update the report required by paragraph (1) as new information becomes available with respect to the activities of export credit agencies of foreign countries.

(b) REPORT ON CERTAIN FINANCING BY THE EXPORT-IMPORT BANK OF THE UNITED STATES.—Not later than 30 days (or, in extraordinary circumstances, not later than 15 days) before the Export-Import Bank of the United States approves cofinancing (including loans, guarantees, other credits, insurance, and reinsurance) in which an export credit agency of a foreign country identified in the report required by subsection (a) will participate, the President shall submit to the appropriate congressional committees a report identifying—

(1) the export credit agency of the foreign country; and

(2) the beneficiaries of the financing.

SEC. 112. SENSE OF CONGRESS REGARDING IRAN'S REVOLUTIONARY GUARD CORPS AND ITS AFFILIATES.

It is the sense of Congress that the United States should—

(1) persistently target Iran's Revolutionary Guard Corps and its affiliates with economic sanctions for its support for terrorism, its role in proliferation, and its oppressive activities against the people of Iran;

(2) identify, as soon as possible—

(A) any foreign individual or entity that is an agent, alias, front, instrumentality, official, or affiliate of Iran's Revolutionary Guard Corps;

(B) any individual or entity that—

(i) has provided material support to any individual or entity described in subparagraph (A); or

(ii) has conducted any financial or commercial transaction with any such individual or entity; and

(C) any foreign government that—

(i) provides material support to any such individual or entity; or

(ii) conducts any commercial transaction or financial transaction with any such individual or entity; and

(3) immediately impose sanctions, including travel restrictions, sanctions authorized pursuant to this Act or the Iran Sanctions Act of 1996, as amended by section 102 of this Act, and the full range of sanctions available to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), on the individuals, entities, and governments described in paragraph (2).

SEC. 113. SENSE OF CONGRESS REGARDING IRAN AND HEZBOLLAH.

It is the sense of Congress that the United States should—

(1) continue to counter support received by Hezbollah from the Government of Iran and other foreign governments in response to Hezbollah's terrorist activities and the threat Hezbollah poses to Israel, the democratic sovereignty of Lebanon, and the national security interests of the United States;

(2) impose the full range of sanctions available to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) on Hezbollah, affiliates and supporters of Hezbollah designated for the imposition of sanctions under that Act, and persons providing Hezbollah with commercial, financial, or other services;

(3) urge the European Union, individual countries in Europe, and other countries to classify Hezbollah as a terrorist organization to facilitate the disruption of Hezbollah's operations; and

(4) renew international efforts to disarm Hezbollah and disband its militias in Lebanon, as called for by United Nations Security Council Resolutions 1559 (2004) and 1701 (2006).

SEC. 114. SENSE OF CONGRESS REGARDING THE IMPOSITION OF MULTILATERAL SANCTIONS WITH RESPECT TO IRAN.

It is the sense of Congress that—

(1) in general, effective multilateral sanctions are preferable to unilateral sanctions in order to achieve desired results from countries such as Iran; and

(2) the President should continue to work with allies of the United States to impose such sanctions as may be necessary to prevent the Government of Iran from acquiring a nuclear weapons capability.

SEC. 115. REPORT ON PROVIDING COMPENSATION FOR VICTIMS OF INTERNATIONAL TERRORISM.

Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on equitable methods for providing compensation on a comprehensive basis to victims of acts of international terrorism who are citizens or residents of the United States or nationals of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

TITLE II—DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN

SEC. 201. DEFINITIONS.

In this title:

(1) ENERGY SECTOR OF IRAN.—The term ''energy sector of Iran'' refers to activities to develop petroleum or natural gas resources or nuclear power in Iran.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) IRAN.—The term ''Iran'' includes the Government of Iran and any agency or instrumentality of Iran.

(4) PERSON.—The term ''person'' means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in subparagraph (A) or (B).

(5) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(6) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State, and any agency or instrumentality thereof;

(C) any other governmental instrumentality of a State or locality; and

(D) any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 202. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES THAT INVEST IN IRAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support the decision of any State or local government that for moral, prudential, or reputational reasons divests from, or prohibits the investment of assets of the State or local government in, a person that engages in investment activities in the energy sector of Iran, as long as Iran is subject to economic sanctions imposed by the United States.

(b) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (d) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran described in subsection (c).

(c) INVESTMENT ACTIVITIES DESCRIBED.—A person engages in investment activities in Iran described in this subsection if the person—

(1) has an investment of $20,000,000 or more in the energy sector of Iran, including in a person that provides oil or liquified natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquified natural gas, for the energy sector of Iran; or

(2) is a financial institution that extends $20,000,000 or more in credit to another person, for 45 days or more, if that person will use the credit for investment in the energy sector of Iran.

(d) REQUIREMENTS.—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

(1) NOTICE.—The State or local government shall provide written notice to each person to which a measure is to be applied.

(2) TIMING.—The measure shall apply to a person not earlier than the date that is 90 days after the date on which written notice is provided to the person under paragraph (1).

(3) OPPORTUNITY FOR HEARING.—The State or local government shall provide an opportunity to comment in writing to each person to which a measure is to be applied. If the person demonstrates to the State or local government that the person does not engage in investment activities in Iran described in subsection (c), the measure shall not apply to the person.

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to avoid erroneously targeting the person and has verified that the person engages in investment activities in Iran described in subsection (c).

(e) NOTICE TO DEPARTMENT OF JUSTICE.—Not later than 30 days after adopting a measure pursuant to subsection (b), a State or local government shall submit written notice to the Attorney General describing the measure.

(f) NONPREEMPTION.—A measure of a State or local government authorized under subsection (b) or (i) is not preempted by any Federal law or regulation.

(g) DEFINITIONS.—In this section:

(1) ASSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''assets'' refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term ''assets'' does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(2) INVESTMENT.—The ''investment'' includes—

(A) a commitment or contribution of funds or property;

(B) a loan or other extension of credit; and

(C) the entry into or renewal of a contract for goods or services.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) or subsection (i), this section applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act.

(2) NOTICE REQUIREMENTS.—Except as provided in subsection (i), subsections (d) and (e) apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

(i) AUTHORIZATION FOR PRIOR ENACTED MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of this section or any other provision of law, a State or local government may enforce a measure (without regard to the requirements of subsection (d), except as provided in paragraph (2)) adopted by the State or local government before the date of the enactment of this Act that provides for the divestment of assets of the State or local government from, or prohibits the investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran (determined without regard to subsection (c)) or other business activities in Iran that are identified in the measure.

(2) APPLICATION OF NOTICE REQUIREMENTS.—A measure described in paragraph (1) shall be subject to the requirements of paragraphs (1) and (2) and the first sentence of paragraph (3) of subsection (d) on and after the date that is 2 years after the date of the enactment of this Act.

SEC. 203. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

(a) IN GENERAL.—Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)(1)) is amended to read as follows:

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company, or any employee, officer, director, or investment adviser thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that the investment company determines, using credible information available to the public—

''(A) conduct or have direct investments in business operations in Sudan described in section 3(d) of the Sudan Accountability and Divestment Act of 2007 (50 U.S.C. 1701 note); or

''(B) engage in investment activities in Iran described in section 202(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.''.

(b) SEC REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Securities and Exchange Commission shall issue any revisions the Commission determines to be necessary to the regulations requiring disclosure by each registered investment company that divests itself of securities in accordance with section 13(c) of the Investment Company Act of 1940 to include divestments of securities in accordance with paragraph (1)(B) of such section, as added by subsection (a) of this section.

SEC. 204. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

It is the sense of Congress that a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines engages in investment activities in Iran described in section 202(c) of this Act, without breaching the responsibilities, obligations, or duties imposed upon the fiduciary by subparagraph (A) or (B) of section 404(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(a)(1)), if—

(1) the fiduciary makes such determination using credible information that is available to the public; and

(2) the fiduciary prudently determines that the result of such divestment or avoidance of investment would not be expected to provide the employee benefit plan with—

(A) a lower rate of return than alternative investments with commensurate degrees of risk; or

(B) a higher degree of risk than alternative investments with commensurate rates of return.

SEC. 205. TECHNICAL CORRECTIONS TO SUDAN ACCOUNTABILITY AND DIVESTMENT ACT OF 2007.

(a) ERISA PLAN INVESTMENTS.—Section 5 of the Sudan Accountability and Divestment Act of 2007 (Public Law 110–174; 50 U.S.C. 1701 note) is amended—

(1) by striking ''section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104)'' and inserting ''subparagraph (A) or (B) of section 404(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(a)(1))''; and

(2) by striking paragraph (2) and inserting the following:

''(2) the fiduciary prudently determines that the result of such divestment or avoidance of investment would not be expected to provide the employee benefit plan with—

''(A) a lower rate of return than alternative investments with commensurate degrees of risk; or

''(B) a higher degree of risk than alternative investments with commensurate rates of return.''.

(b) SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.—

(1) IN GENERAL.—Section 13(c)(2)(A) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)(2)(A)) is amended to read as follows:

''(A) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to create, imply, diminish, change, or affect in any way whether or not a private right of action exists under subsection (a) or any other provision of this Act.''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply as if included in the Sudan Accountability and Divestment Act of 2007 (Public Law 110–174; 50 U.S.C. 1701 note).

TITLE III—PREVENTION OF DIVERSION OF CERTAIN GOODS, SERVICES, AND TECHNOLOGIES TO IRAN

SEC. 301. DEFINITIONS.

In this title:

(1) ALLOW.—The term ''allow'', with respect to the diversion through a country of goods, services, or technologies, means the government of the country knows or has reason to know that the territory of the country is being used for such diversion.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) COMMERCE CONTROL LIST.—The term ''Commerce Control List'' means the list maintained pursuant to part 774 of the Export Administration Regulations (or any corresponding similar regulation or ruling).

(4) DIVERT; DIVERSION.—The terms ''divert'' and ''diversion'' refer to the transfer or release, directly or indirectly, of a good, service, or technology to an end-user or an intermediary that is not an authorized recipient of the good, service, or technology.

(5) END-USER.—The term ''end-user'', with respect to a good, service, or technology, means the person that receives and ultimately uses the good, service, or technology.

(6) EXPORT ADMINISTRATION REGULATIONS.—The term ''Export Administration Regulations'' means subchapter C of chapter VII of title 15, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(7) GOVERNMENT.—The term ''government'' includes any agency or instrumentality of a government.

(8) INTERMEDIARY.—The term ''intermediary'' means a person that receives a good, service, or technology while the good, service, or technology is in transit to the end-user of the good, service, or technology.

(9) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term ''International Traffic in Arms Regulations'' means subchapter M of chapter I of title 22, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(10) IRAN.—The term ''Iran'' includes the Government of Iran and any agency or instrumentality of Iran.

(11) IRANIAN END-USER.—The term ''Iranian end-user'' means an end-user that is the Government of Iran or a person in, or an agency or instrumentality of, Iran.

(12) IRANIAN INTERMEDIARY.—The term ''Iranian intermediary'' means an intermediary that is the Government of Iran or a person in, or an agency or instrumentality of, Iran.

(13) STATE SPONSOR OF TERRORISM.—The term ''state sponsor of terrorism'' means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).

(14) UNITED STATES MUNITIONS LIST.—The term ''United States Munitions List'' means the list maintained pursuant to part 121 of the International Traffic in Arms Regulations (or any corresponding similar regulation or ruling).

SEC. 302. IDENTIFICATION OF COUNTRIES OF CONCERN WITH RESPECT TO THE DIVERSION OF CERTAIN GOODS, SERVICES, AND TECHNOLOGIES TO OR THROUGH IRAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the President, the Secretary of Defense, the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the appropriate congressional committees a report that identifies each country the government of which the Director believes, based on all information available to the Director, is allowing the diversion through the country of goods, services, or technologies described in subsection (b) to Iranian end-users or Iranian intermediaries.

(b) GOODS, SERVICES, AND TECHNOLOGIES DESCRIBED.—Goods, services, or technologies described in this subsection are goods, services, or technologies—

(1) that—

(A) originated in the United States;

(B) would make a material contribution to Iran's—

(i) development of nuclear, chemical, or biological weapons;

(ii) ballistic missile or advanced conventional weapons capabilities; or

(iii) support for international terrorism; and

(C) are—

(i) items on the Commerce Control List or services related to those items; or

(ii) defense articles or defense services on the United States Munitions List; or

(2) that are prohibited for export to Iran under a resolution of the United Nations Security Council.

(c) UPDATES.—The Director of National Intelligence shall update the report required by subsection (a)—

(1) as new information becomes available; and

(2) not less frequently than annually.

(d) FORM.—The report required by subsection (a) and the updates required by subsection (c) may be submitted in classified form.

SEC. 303. DESTINATIONS OF DIVERSION CONCERN.

(a) DESIGNATION.—

(1) IN GENERAL.—The President shall designate a country as a Destination of Diversion Concern if the President determines that the government of the country allows substantial diversion of goods, services, or technologies described in section 302(b) through the country to Iranian end-users or Iranian intermediaries.

(2) DETERMINATION OF SUBSTANTIAL.—For purposes of paragraph (1), the President shall determine whether the government of a country allows substantial diversion of goods, services, or technologies described in section 302(b) through the country to Iranian end-users or Iranian intermediaries based on criteria that include—

(A) the volume of such goods, services, and technologies that are diverted through the country to such end-users or intermediaries;

(B) the inadequacy of the export controls of the country;

(C) the unwillingness or demonstrated inability of the government of the country to control the diversion of such goods, services, and technologies to such end-users or intermediaries; and

(D) the unwillingness or inability of the government of the country to cooperate with the United States in efforts to interdict the diversion of such goods, services, or technologies to such end-users or intermediaries.

(b) REPORT ON DESIGNATION.—Upon designating a country as a Destination of Diversion Concern under subsection (a), the President shall submit to the appropriate congressional committees a report—

(1) notifying those committees of the designation of the country; and

(2) containing a list of the goods, services, and technologies described in section 302(b) that the President determines are diverted through the country to Iranian end-users or Iranian intermediaries.

(c) LICENSING REQUIREMENT.—Not later than 45 days after submitting a report required by subsection (b) with respect to a country designated as a Destination of Diversion Concern under subsection (a), the President shall require a license under the Export Administration Regulations or the International Traffic in Arms Regulations (whichever is applicable) to export to that country a good, service, or technology on the list required under subsection (b)(2), with the presumption that any application for such a license will be denied.

(d) DELAY OF IMPOSITION OF LICENSING REQUIREMENT.—

(1) IN GENERAL.—The President may delay the imposition of the licensing requirement under subsection (c) with respect to a country designated as a Destination of Diversion Concern under subsection (a) for a 12-month period if the President—

(A) determines that the government of the country is taking steps—

(i) to institute an export control system or strengthen the export control system of the country;

(ii) to interdict the diversion of goods, services, or technologies described in section 302(b) through the country to Iranian end-users or Iranian intermediaries; and

(iii) to comply with and enforce United Nations Security Council Resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), and 1929 (2010), and any other resolution that is agreed to by the Security Council and imposes sanctions with respect to Iran;

(B) determines that it is appropriate to carry out government-to-government activities to strengthen the export control system of the country; and

(C) submits to the appropriate congressional committees a report describing the steps specified in subparagraph (A) being taken by the government of the country.

(2) ADDITIONAL 12-MONTH PERIODS.—The President may delay the imposition of the licensing requirement under subsection (c) with respect to a country designated as a Destination of Diversion Concern under subsection (a) for additional 12-month periods after the 12-month period referred to in paragraph (1) if the President, for each such 12-month period—

(A) makes the determinations described in subparagraphs (A) and (B) of paragraph (1) with respect to the country; and

(B) submits to the appropriate congressional committees an updated version of the report required by subparagraph (C) of paragraph (1).

(3) STRENGTHENING EXPORT CONTROL SYSTEMS.—If the President determines under paragraph (1)(B) that is it appropriate to carry out government-to-government activities to strengthen the export control system of a country designated as a Destination of Diversion Concern under subsection (a), the United States shall initiate government-to-government activities that may include—

(A) cooperation by agencies and departments of the United States with counterpart agencies and departments in the country—

(i) to develop or strengthen the export control system of the country;

(ii) to strengthen cooperation among agencies of the country and with the United States and facilitate enforcement of the export control system of the country; and

(iii) to promote information and data exchanges among agencies of the country and with the United States;

(B) training officials of the country to strengthen the export control systems of the country—

(i) to facilitate legitimate trade in goods, services, and technologies; and

(ii) to prevent terrorists and state sponsors of terrorism, including Iran, from obtaining nuclear, biological, and chemical weapons, defense technologies, components for improvised explosive devices, and other defense articles; and

(C) encouraging the government of the country to participate in the Proliferation Security Initiative, such as by entering into a ship boarding agreement pursuant to the Initiative.

(e) TERMINATION OF DESIGNATION.—The designation of a country as a Destination of Diversion Concern under subsection (a) shall terminate on the date on which the President determines, and certifies to the appropriate congressional committees, that the country has adequately strengthened the export control system of the country to prevent the diversion of goods, services, and technologies described in section 302(b) to Iranian end-users or Iranian intermediaries.

(f) FORM OF REPORTS.—A report required by subsection (b) or (d) may be submitted in classified form.

SEC. 304. REPORT ON EXPANDING DIVERSION CONCERN SYSTEM TO ADDRESS THE DIVERSION OF UNITED STATES ORIGIN GOODS, SERVICES, AND TECHNOLOGIES TO CERTAIN COUNTRIES OTHER THAN IRAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that—

(1) identifies any country that the President determines is allowing the diversion, in violation of United States law, of items on the Commerce Control List or services related to those items, or defense articles or defense services on the United States Munitions List, that originated in the United States to another country if such other country—

(A) is seeking to obtain nuclear, biological, or chemical weapons, or ballistic missiles; or

(B) provides support for acts of international terrorism; and

(2) assesses the feasability and advisability of expanding the system established under section 303 for designating countries as Destinations of Diversion Concern to include countries identified under paragraph (1).

(b) FORM.—The report required by subsection (a) may be submitted in classified form.

SEC. 305. ENFORCEMENT AUTHORITY.

The Secretary of Commerce may designate any employee of the Office of Export Enforcement of the Department of Commerce to conduct activities specified in clauses (i), (ii), and (iii) of section 12(a)(3)(B) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(a)(3)(B)) when the employee is carrying out activities to enforce—

(1) the provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(2) the provisions of this title, or any other provision of law relating to export controls, with respect to which the Secretary of Commerce has enforcement responsibility; or

(3) any license, order, or regulation issued under—

(A) the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)); or

(B) a provision of law referred to in paragraph (2).

TITLE IV—GENERAL PROVISIONS

SEC. 401. GENERAL PROVISIONS.

(a) SUNSET.—The provisions of this Act (other than sections 105 and 305 and the amendments made by sections 102, 107, 109, and 205) shall terminate, and section 13(c)(1)(B) of the Investment Company Act of 1940, as added by section 203(a), shall cease to be effective, on the date that is 30 days after the date on which the President certifies to Congress that—

(1) the Government of Iran has ceased providing support for acts of international terrorism and no longer satisfies the requirements

for designation as a state sponsor of terrorism (as defined in section 301) under—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)); and

(2) Iran has ceased the pursuit, acquisition, and development of nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

(b) PRESIDENTIAL WAIVERS.—

(1) IN GENERAL.—The President may waive the application of sanctions under section 103(b), the requirement to impose or maintain sanctions with respect to a person under section 105(a), the requirement to include a person on the list required by section 105(b), the application of the prohibition under section 106(a), or the imposition of the licensing requirement under section 303(c) with respect to a country designated as a Destination of Diversion Concern under section 303(a), if the President determines that such a waiver is in the national interest of the United States.

(2) REPORTS.—

(A) IN GENERAL.—If the President waives the application of a provision pursuant to paragraph (1), the President shall submit to the appropriate congressional committees a report describing the reasons for the waiver.

(B) SPECIAL RULE FOR REPORT ON WAIVING IMPOSITION OF LICENSING REQUIREMENT UNDER SECTION 303(c).—In any case in which the President waives, pursuant to paragraph (1), the imposition of the licensing requirement under section 303(c) with respect to a country designated as a Destination of Diversion Concern under section 303(a), the President shall include in the report required by subparagraph (A) of this paragraph an assessment of whether the government of the country is taking the steps described in subparagraph (A) of section 303(d)(1).

(c) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE AND THE DEPARTMENT OF THE TREASURY.—There are authorized to be appropriated to the Secretary of State and to the Secretary of the Treasury such sums as may be necessary to implement the provisions of, and amendments made by, titles I and III of this Act.

(2) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF COMMERCE.—There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out title III.

SEC. 402. DETERMINATION OF BUDGETARY EFFECTS.

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.

And the Senate agree to the same.

From the Committee on Foreign Affairs, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

HOWARD L. BERMAN,
GARY L. ACKERMAN,
BRAD SHERMAN,
JOSEPH CROWLEY,
DAVID SCOTT,
JIM COSTA,
RON KLEIN,
ILEANA ROS-LEHTINEN,
DAN BURTON,
EDWARD R. ROYCE,
MIKE PENCE,

From the Committee on Financial Services, for consideration of secs. 3 and 4 of the House bill, and secs. 101–103, 106, 203, and 401 of the Senate amendment, and modifications committed to conference:

BARNEY FRANK,
GREGORY W. MEEKS,
SCOTT GARRETT,

From the Committee on Ways and Means, for consideration of secs. 3 and 4 of the House bill, and secs. 101–103 and 401 of the Senate amendment, and modifications committed to conference:

SANDER M. LEVIN,
JOHN S. TANNER,
DAVE CAMP,
Managers on the Part of the House.

CHRISTOPHER J. DODD,
JOHN F. KERRY,
JOSEPH I. LIEBERMAN,
ROBERT MENENDEZ,
RICHARD C. SHELBY,
ROBERT F. BENNETT,
RICHARD G. LUGAR,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2194), to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

SUMMARY AND PURPOSE

H.R. 2194, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, would strengthen the underlying Iran Sanctions Act (ISA) by imposing an array of tough new economic penalties aimed at persuading Iran to change its conduct. The Act reinforces and goes far beyond recently-enacted UN Sanctions. Targets of the Act range from business entities involved in refined petroleum sales to Iran or support for Iran's domestic refining efforts to international banking institutions involved with Iran's Islamic Revolutionary Guards Corps (IRGC) or with Iran's illicit nuclear program or its support for terrorism.

The Conference text would augment the sanctions regime envisioned in the earlier versions of the Act passed by the House and the Senate by supplementing the energy sanctions in those versions with an additional, powerful set of banking prohibitions. The Act would impose severe restrictions on foreign financial institutions doing business with key Iranian banks or the IRGC. In effect, the Act presents foreign banks doing business with blacklisted Iranian entities a stark choice—cease your activities or be denied critical access to America's financial system. The Act also would hold U.S. banks accountable for actions by their foreign subsidiaries (U.S. companies have long been banned from all the activities for which foreign entities will be sanctionable under this Act).

In addition to new financial sector and refined petroleum-focused sanctions, the Act would also provide a legal framework by which U.S. states, local governments, and certain other investors can divest their portfolios of foreign companies involved in Iran's energy sector and establishes a mechanism to address concerns about diversion of sensitive technologies to Iran through other countries. Sanctions under this Act are subject to several waivers with varying thresholds. The sanctions could terminate either in 2016 or, as provided for in the Sunset clause of the Conference text, could terminate once the President certifies to Congress that Iran (1) has ceased its support for acts of international terrorism and no longer satisfies the requirements for designation as a state-sponsor of terrorism under U.S. law; and (2) has ceased its efforts to develop or acquire nuclear, biological, and chemical weapons and ballistic missiles and ballistic-missile launch technology.

The effectiveness of this Act will depend on its forceful implementation. The Conferees urge the President to vigorously impose the sanctions provided for in this Act.

Conferees urge friends and allies of the United States to follow the U.S. lead in cutting off key economic relationships with Iran until Iran terminates its illicit nuclear program. Few objective observers now dispute that Iran's nuclear program represents a threat to global stability. All concur that Iran is pursuing its nuclear program in defiance of the demands of the international community. Conferees believe it is time for responsible actors to cease any economic involvement with Iran that contributes to its ability to finance its nuclear weapons capability.

BACKGROUND AND NEED FOR THE LEGISLATION

Iran poses a significant threat to the United States and its allies in the Middle East and elsewhere. A nuclear Iran would intimidate its neighbors; be further emboldened in pursuing terrorism abroad and oppression at home; represent an imminent threat to Israel and other friends and allies of the United States; and likely spark a destabilizing Middle East arms race that would deal a major blow to U.S. and international non-proliferation efforts and threaten vital U.S. national security interests.

Iran's persistent deception regarding its nuclear program, its general unresponsiveness to diplomacy, and its rejection of international community demands regarding its nuclear program have deepened Congressional concerns about that program. Since 2006 the UN Security Council has been calling on Iran to suspend its uranium enrichment program and increase its cooperation with the International Atomic Energy Agency (IAEA)—to no avail.

Notwithstanding the additional costs imposed on Iran as a result of previous U.S. and UN Security Council sanctions, Iran's development of its nuclear program continues. The International Atomic Energy Agency (IAEA) now estimates that Iran has produced and stockpiled sufficient low-enriched uranium, if further enriched, for two nuclear explosive devices. For these reasons, Conferees assess that additional and tougher sanctions are needed in order to persuade Iran to cease its nuclear program. Conferees believe that the imminence and seriousness of the threat posed to U.S. interests by Iran's nuclear weapons program warrants the enactment of H.R. 2194.

Conferees take note of and applaud recent adoption by the U.N. Security Council of

Resolution 1929 regarding Iran's nuclear program. Conferees believe the resolution is a powerful statement of opposition by the international community to Iran's ongoing illicit nuclear activities and a critical step in strengthening the multilateral sanctions regime intended to persuade Iran to suspend those activities. Conferees believe this legislation will complement UNSCR 1929 and will deepen efforts to thwart Iran's efforts to obtain a nuclear weapons capability.

BACKGROUND: U.S. SANCTIONS

Iran's economy, and Iran's ability to fund its nuclear program, is heavily dependent on the revenue derived from energy exports. Accordingly, an important part of U.S. efforts to prevent Iran from acquiring nuclear weapons has focused on deterring investment in Iran's energy sector.

U.S. individuals and companies have been prohibited from investing in Iran's petroleum sector since Executive Order 12957 was issued on March 15, 1995, by President William J. Clinton as a follow-on to his Administration's assessment that ''the actions and policies of the Government of Iran constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.'' The White House spokesman at that time, Michael McCurry, made clear that the objectionable activities were Iran's pursuit of weapons of mass destruction, its support of international terrorism, and its efforts to undermine the Middle East peace process.

A subsequent executive order, E.O. 12959, issued on May 8, 1995, banned all new investment in Iran by U.S. individuals and companies. The same executive order banned virtually all trade with Iran. In conjunction with the latter executive order, then-Secretary of State Warren Christopher warned the international community that the path Iran was following was a mirror image of the steps taken by other nations that had sought nuclear weapons capabilities. A trade embargo was thus implemented in furtherance of the President's powers exercised pursuant to the International Emergency Powers Act (IEEPA, 50 U.S.C. 1701 et seq.), which authorizes the President to block transactions and freeze assets to deal with the ''unusual and extraordinary threat,'' in this case posed by Iran.

With the U.S. having voluntarily removed itself from the Iran market, Congress in 1996 passed the Iran and Libya Sanctions Act, P.L. 104–172 ('ILSA,' now usually referred to as the Iran Sanctions Act, or 'ISA,' following termination of applicability of sanctions to Libya in 2006), to encourage foreign persons to withdraw from the Iranian market. ILSA authorized the President to impose sanctions on any foreign entity that invested $20 million or more in Iran's energy sector. ILSA was passed in 1996 for a five-year period and has been renewed twice, in 2001 and 2006, for additional five-year periods. (H.R. 2194 would extend ISA another five years, through 2016.)

Although ILSA was enacted more than a decade ago, no Administration has sanctioned a foreign entity for investing $20 million or more in Iran's energy sector, despite a number of such investments. Indeed, on only one occasion, in 1998, did the Administration make a determination regarding a sanctions-triggering investment, but the Administration waived sanctions against the offending persons. Conferees believe that the lack of enforcement of relevant enacted sanctions may have served to encourage rather than deter Iran's efforts to pursue nuclear weapons.

Despite successive Executive Branch failures to implement ISA, the legislation has made a positive contribution to United States national security. Arguably, the supply of capital to the Iranian petroleum sector has been constrained by the mere threat of sanctions. Further, by highlighting the threat from Iran, ISA has emerged as a deterrent to additional investment, and it has encouraged increased international community involvement with the Iranian nuclear issue.

To further strengthen sanctions targeting foreign investment in Iran's energy sector, Congress passed the 'Iran Freedom Support Act' (IFSA), a bill subsequently signed into law (P.L. 109–293) by President George W. Bush in September 2006. Among other provisions, the IFSA strengthened sanctions under ISA, including raising certain waiver thresholds to 'vital to the national security interests of the United States,' enlarging the scope of those who might be subject to sanctions, and enhancing tools for using financial means to address Iran's activities of concern.

In addition, in June 2007, the Senate passed the International Emergency Powers Enhancement Act, with the House following suit and the President's signing it into law (P.L. 110–96) four months later. The Act greatly increased penalties for violators of U.S. sanctions. As a result, U.S. persons who illegally trade with Iran now face civil fines up to $250,000 or twice the amount of the transaction. In addition, the Act increased criminal penalties to $1 million with a maximum jail sentence of 20 years. Unlike ISA, these measures have been exercised extensively by the Department of the Treasury's Office of Foreign Assets Control and the Department of Justice to enforce the U.S. trade embargo on Iran.

MULTILATERAL SANCTIONS EFFORTS

Conferees strongly support multilateral efforts aimed at curbing Iran's nuclear program. The United Nations Security Council (UNSC) has passed a number of resolutions condemning Iran's nuclear activities and urging compliance with its international obligations. For example, on December 23, 2006, UNSC Resolution 1737 was unanimously approved, banning supply of nuclear technology and equipment to Iran and freezing the assets of organizations and individuals involved in Iran's nuclear program, until Iran suspends enrichment of uranium and halts Plutonium reprocessing-related activities. UNSC Resolution 1747 was unanimously approved on March 24, 2007, imposing a ban on Iranian arms sales, expanding the freeze on assets, and setting a deadline for Iranian compliance two months later.

Absent compliance, further sanctions were adopted in UNSC Resolution 1803 on March 3, 2008, including a ban on sales of dual-use items; authorization of inspections of cargo suspected of containing WMD-related goods; an expanded Iranian travel-ban list; and a call to ban transactions with Iran's Bank Melli and Bank Saderat. On August 7, 2008, the European Union (EU) implemented the sanctions specified in Resolution 1803, including an assertion of authority to inspect suspect shipments, and called on its members to refrain from providing new credit guarantees on exports to Iran. On September 27, 2008, the Security Council adopted Resolution 1835, calling on Iran to comply with previous resolutions. On June 9, 2010, Resolution 1929 was adopted, strengthening existing sanctions in a variety of ways, including further targeting Iran's Revolutionary Guard Corps; authorizing an inspection regime for ships suspected to be carrying contraband to Iran; prohibiting countries from allowing Iran to invest in uranium mining and related nuclear technologies, or nuclear-capable ballistic missile technology; banning sales of most heavy arms to Iran; requiring countries to insist that their companies refrain from doing business with Iran if there is reason to believe that such business could further Iran's WMD programs; and adopting other similar measures. Iran has contemptuously dismissed all of these UNSC resolutions, with President Ahmadinejad labeling them ''illegal.''

CONTENTS OF H.R. 2194

H.R. 2194 contains four Titles: Title I (Sanctions), Title II (Divestment from Certain Companies That Invest in Iran); Title III (Prevention of Diversion of Certain Goods, Services, and Technologies to Iran); and Title IV (General Provisions).

TITLE I: SANCTIONS

Title I of H.R. 2194 strengthens the U.S. sanctions regime by requiring severe limitations on U.S. correspondent banking for foreign financial institutions doing business with relevant Iranian banks. The Act further strengthens existing legislation by broadening the categories of transactions that trigger sanctions, increasing the number of sanctions the President can impose on foreign companies whose activities trigger sanctions, and requiring the President to investigate reports of sanctionable activities to determine whether sanctionable activity has indeed occurred.

In broadening the categories of transactions that trigger sanctions, the bill focuses on sales to Iran of refined petroleum and assistance to Iran for its own domestic refining capacity. Under H.R. 2194, companies engaged in either of these activities would be subject to the same sanctions as companies that invest $20 million or more in Iran's energy sector (the original category of sanctionable activity established under ISA). Despite being one of the world's leading oil producers, Iran reportedly imports between 25 and 40 percent of its refined oil needs, due to its limited domestic refining capacity. Accordingly, Conferees believe that imposition of refined-petroleum-related sanctions could have a powerful impact on Iran's economy and, as a result, on its decision-making regarding its nuclear program.

The bill likewise imposes sanctions on companies that sell Iran goods, services, or know-how that assist it in developing its energy sector. As is the case with refined-petroleum-related sanctions, companies that engage in such transactions would be subject to the same sanctions as companies that invest $20 million or more in Iran's energy sector. Furthermore, energy investment now covers the sale of petroleum-related goods, services, and technology to Iran, which was a category of activity that was not previously covered by the U.S. sanctions regime.

The bill also expands in other ways the universe of activities to be considered sanctionable.

H.R. 2194 establishes three new sanctions, in addition to the menu of six sanctions that already exists under ISA. The three new sanctions are, respectively, a prohibition on access to foreign exchange in the U.S., a prohibition on access to the U.S. banking system, and a prohibition on property transactions in the United States. H.R. 2194 requires the President to impose at least three of the nine sanctions on a company involved in sanctionable activity, in addition to other mandatory sanctions.

The bill also toughens the sanctions regime by requiring the President (a) to investigate any report of sanctionable activity for which there is credible evidence; and (b) to make a determination in writing to Congress whether such activity has indeed occurred. The President would then be expected either to impose or waive sanctions. Under current law, the President is authorized to investigate and make a determination but is not required to do so. In fact, the President has

made only one determination under current law, despite at least two dozen credible reports of sanctionable activity. That determination, in 1998, was made for the purpose of waiving sanctions.

H.R. 2194 is designed to impose considerable additional pressure on Iran by mandating a new financial sanction that, if implemented appropriately, will substantially reduce Iran's access to major segments of the global financial system. The Act requires the Secretary of the Treasury to prohibit or impose strict conditions on U.S. banks' correspondent relationships with foreign financial institutions that (1) engage in financial transactions that facilitate Iranian efforts to develop WMD or promote terrorist activities, including through money-laundering or through enabling an Iranian financial institution—including the Central Bank of Iran, for example—to facilitate such efforts; (2) facilitate or otherwise contribute to a transaction or provides financial services for a financial institution that the Office of Foreign Assets Control at the Department of the Treasury has designated to be supporting the proliferation of weapons of mass destruction or financing of international terrorism; or (3) involve the Islamic Revolutionary Guard Corps (IRGC) or its affiliates or agents. In addition, H.R. 2194 prohibits any US financial institution or its foreign subsidiaries from engaging in any financial transaction with IRGC entities.

Indeed, the IRGC, its affiliates, and agents have reportedly extended their reach heavily into various parts of the Iranian economy, dominating critical financial services, construction, energy, shipping, telecommunications, and certain manufacturing sectors throughout the country. Thus, in addition to playing pivotal roles in Tehran's proliferation of weapons of mass destruction, financing of international terrorism, and gross human rights abuses, the IRGC is now a key source of wealth for the Iranian regime. Conferees join the administration and international community in seeking to combat the IRGC's growing power, and to curb the IRGC's access to capital, which is used to further Tehran's various ambitions.

Other major measures in Title I include:

—visa, property, and financial sanctions on Iranians the President determines to be complicit in serious human rights abuses against other Iranians on or after June 12, 2009, the date of Iran's most recent Presidential election;

—a ban on U.S. government procurement contracts for any company that exports to Iran technology used to restrict the free flow of information or to disrupt, monitor, or otherwise restrict freedom of speech;

—an authorization for the President to prescribe regulations for the purpose of implementing Iran-related sanctions in UN Security Council resolutions; and

—an authorization for FY 2011 appropriations of slightly more than $100 million each to the Secretary of the Treasury for the Office of Terrorism and Financial Intelligence; to the Secretary of the Treasury for the Financial Crimes Enforcement Network; and to the Secretary of Commerce for the Bureau of Industry and Security, for the purposes of reinforcing the U.S. trade embargo, combating diversion of sensitive technology to Iran, and preventing the international financial system from being used to support terrorism or develop WMD.

TITLE II: DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN

State and local divestment efforts.—In recent years, there has been increasing interest by U.S. state and local governments, educational institutions, and private institutions to divest from companies and financial institutions that directly or indirectly provide support for the Government of Iran. Financial advisors, policy-makers, and fund managers may find prudential or reputational reasons to divest from companies that accept the business risk of operating in countries subject to international economic sanctions or that have business relationships with countries, governments, or entities with which any United States company would be prohibited from dealing because of economic sanctions imposed by the United States.

In addition to the wide range of diplomatic and economic sanctions that have been imposed by the U.N. Security Council, the U.S. and other national governments, many U.S. states and localities have begun to enact measures restricting their agencies' economic transactions with firms that do business with, or in, Iran. More than twenty states and the District of Columbia have already enacted some form of divestment legislation or otherwise adopted divestment measures, and legislation is pending in additional state legislatures. Other states and localities have taken administrative action to facilitate divestment. Also joining this movement are colleges and universities, large cities, non-profit organizations, and pension and mutual funds.

Conferees concluded that Congress and the President have the constitutional power to authorize states to enact divestment measures and that Federal consent removes any doubt as to the constitutionality of those measures. Thus, the Act explicitly states the sense of Congress that the United States should support the decisions of state and local governments to divest from firms conducting business operations in Iran's energy sector and clearly authorizes divestment decisions made consistent with the standards the legislation articulates. It also provides a 'safe harbor' for changes of investment policies by private asset managers, and it expresses the sense of Congress that certain divestments, or avoidance of investment, do not constitute a breach of fiduciary duties under the Employee Retirement Income Security Act (ERISA). With regard to preemption, the legislation supports state and local efforts to divest from companies conducting business operations in Iran by clearly stating that these efforts are not preempted by any Federal law or regulation.

TITLE III: PREVENTION OF DIVERSION OF CERTAIN GOODS, SERVICES, AND TECHNOLOGIES TO IRAN

In recent years, studies by the Government Accountability Office, the Commerce Department, and others have asserted that Iran continues to circumvent sanctions and receive sensitive equipment, including some of U.S. origin. This equipment, which facilitates Iran's nuclear activities, may be transshipped illegally to Iran via other countries.

Title III is meant to disrupt international black-market proliferation networks that have reportedly thrived for years, even after the discovery and subsequent arrest of notorious weapons technology peddler A. Q. Khan. This provision requires the Director of National Intelligence to report to the President and Congress as to which governments he believes are allowing the re-export, transshipment, transfer, re-transfer, or diversion to Iranians of key goods, services, or technologies that could be used for weapons of mass destruction proliferation or acts of terrorism. Following receipt of that report, the President may designate a country a Destination of Diversion Concern. Such a designation would provide for the U.S. to work with the host government of that country to help it strengthen its export control system. If the President determines that the government of that country is unresponsive or otherwise fails to strengthen its export control system so that substantial re-export, transshipment, transfer, re-transfer, or diversion of certain goods, services, or technologies continues, the President shall impose severe restrictions on U.S. exports to that country.

TITLE IV: GENERAL PROVISIONS

The Act will terminate once the President certifies to Congress that Iran both (1) has ceased its support for acts of international terrorism and no longer satisfies the requirements for designation as a state-sponsor of terrorism under U.S. law; and (2) has ceased its efforts to develop or acquire nuclear, biological, and chemical weapons, as well as ballistic missiles and ballistic-missile launch technology. The Act also provides various waivers related to economic sanctions and exchange of technology. Finally, the Act authorizes such sums as may be necessary for the Departments of State, Treasury, and Commerce to implement the Act.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 2. Findings

This section articulates the findings that frame the basis for the additional sanctions and the purpose of the bill. The findings in section 2 draw from both S. 2799 and H.R. 2194.

Subsection (1) finds that the illicit nuclear activities of the Government of Iran, combined with its development of unconventional weapons and ballistic missiles and its support for international terrorism, represent a threat to the security of the United States, its strong ally Israel, and other allies of the United States around the world.

Subsection (2) asserts that the United States and other responsible countries have a vital interest in working together to prevent the Iranian regime from acquiring a nuclear weapons capability.

Subsection (3) finds that the International Atomic Energy Agency has repeatedly called attention to Iran's illicit nuclear activities and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of Iran to suspend those activities and comply with its obligations under the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty'').

Subsection (4) finds that the serious and urgent nature of the threat from Iran demands that the United States work together with its allies to do everything possible—diplomatically, politically, and economically—to prevent Iran from acquiring a nuclear weapons capability.

Subsection (5) finds the United States and its major European allies, including the United Kingdom, France, and Germany, have advocated that sanctions be strengthened should international diplomatic efforts fail to achieve verifiable suspension of Iran's uranium enrichment program and an end to its nuclear weapons program and other illicit nuclear activities.

Subsection (6) finds that the Government of Iran continues to engage in serious, systematic, and ongoing violations of human rights, including suppression of freedom of expression and religious freedom, illegitimately prolonged detention, torture, and executions. Such violations have increased in the aftermath of the fraudulent presidential election in Iran on June 12, 2009.

Subsection (7) finds that the Iranian regime has been unresponsive to President Obama's unprecedented and serious efforts at engagement, revealing that the Government

of Iran does not appear to be interested in a diplomatic resolution, as made clear by its recent actions detailed in this section.

Subsection (8) finds that there is an increasing interest by State governments, local governments, educational institutions, and private institutions, business firms, and other investors to disassociate themselves from companies that conduct business activities in the energy sector of Iran, since such business activities may directly or indirectly support the efforts of the Government of Iran to achieve a nuclear weapons capability.

Subsection (9) finds that black market proliferation networks continue to flourish in the Middle East, allowing countries like Iran to gain access to sensitive dual-use technologies.

Subsection (10) finds that economic sanctions imposed pursuant to the provisions of this Act, the Iran Sanctions Act of 1996, as amended by this Act, and the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), and other authorities available to the United States to impose economic sanctions to prevent Iran from developing nuclear weapons, are necessary to protect the essential security interest of the United States.

Section 3—Sense of Congress Regarding Illicit Nuclear Activities and Violations of Human Rights in Iran. Section 3 of the Senate bill expresses the Sense of Congress regarding Iran's continuing illicit nuclear activities and ongoing violations of human rights in Iran. The House bill contains no such provision. The House recedes.

Paragraph (1) states that international diplomatic efforts to address Iran's illicit nuclear efforts and support for international terrorism are more likely to be effective if strong additional sanctions are imposed on the Government of Iran.

Paragraph (2) states that concerns of the United States regarding Iran are strictly the result of the Government of Iran's behavior.

Paragraph (3) states that the revelation in September 2009 that Iran is developing a secret uranium enrichment site on a base of Iran's Revolutionary Guard Corps near Qom, which appears to have no civilian application, highlights the urgency for Iran to disclose fully the nature of its nuclear program, including any other secret locations; to provide the International Atomic Energy Agency unfettered access to its facilities pursuant to Iran's legal obligations under the Nuclear Non-Proliferation Treaty and Iran's Safeguards Agreement with the International Atomic Energy Agency.

Paragraph (4) states that due to the Iranian Revolutionary Guard Corps' involvement in Iran's nuclear program, international terrorism activities, and domestic human rights abuses, the President should impose the full range of applicable sanctions against them. Those liable for sanctions would include any individual or entity that is an agent, alias, front, instrumentality, representative, official, or affiliate of Iran's Revolutionary Guard Corps, and any individual or entity that has conducted any commercial or financial transaction with such an individual or entity.

Paragraph (5) states that additional measures should be adopted by the United States to prevent the diversion and transshipment of sensitive dual-use technologies to Iran.

Paragraph (6) outlines Congress' view of appropriate Executive Branch responses to the human rights situation in Iran. It states that the President should continue to press the Government of Iran to respect the internationally-recognized human rights and religious freedoms of its citizens, and identify the officials of the Government of Iran that are responsible for continuing and severe violations of human rights and religious freedom in Iran. The paragraph also urges the President to take appropriate measures to respond to such violations by prohibiting officials the President identifies as being responsible for such violations from entry into the United States and freezing the assets of those officials.

Paragraph (7) states that additional funding should be provided to the Secretary of State to document, collect, and disseminate information about human rights abuses in Iran, including serious abuses that have taken place since the presidential election in Iran conducted on June 12, 2009.

Paragraph (8) states that it is in the national interest of the United States for responsible nongovernmental organizations based in the United States to establish and carry out operations in Iran to promote civil society and foster humanitarian goodwill among the people of Iran and the United States should ensure that such nongovernmental organizations are not unnecessarily hindered from working in Iran.

Paragraph (9) states that the United States should not issue a license pursuant to an agreement for cooperation (a ''123 agreement'' for civil nuclear cooperation) for the export of nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to such an agreement to a country that is providing similar nuclear material, facilities, components, or other goods, services, or technology to another country that is not in full compliance with its obligations under the Nuclear Non-Proliferation Treaty.

Paragraph (10) states that the people of the United States have feelings of friendship for the people of Iran; regret that developments in recent decades have created impediments to that friendship; and hold the people of Iran, their culture, and their ancient and rich history in the highest esteem.

TITLE I—SANCTIONS

Section 101. Definitions. S. 2799 included definitions for sanctions. H.R. 2194 contained no such provisions. Reflecting the approach in S. 2799, this section defines terms used in this title, including: agricultural commodity, executive agency, family member, knowingly, appropriate Congressional Committees, information and informational materials, investment, Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran, United States person, U.S. state, medical device, and medicine.

Section 102. Expansion of Sanctions under the Iran Sanctions Act of 1996.

Summary. The amendments to the ISA in this section address the major role of Iran's oil and gas industry in generating revenue for the regime's proliferation and international terrorism activities; they require the President to impose at least three out of a menu of nine sanctions on 'persons' that knowingly engage in activities related to Iran's refined petroleum industry, in addition to other mandatory sanctions. These activities include making an 'investment' of more than $20 million annually in Iran's energy sector; selling, leasing or providing to Iran goods, services, or other support to facilitate Iran's domestic oil production of refined petroleum; or providing Iran with refined petroleum products with an aggregate fair market value of $5 million. The sanctions (Section 6 of the ISA) include the following underlying six sanctions: (1) denial of any guarantee, insurance, or extension of credit from the U.S. Export-Import Bank; (2) denial of licenses for the U.S. export of military or militarily-useful technology to the entity; (3) denial of U.S. bank loans exceeding $10 million in one year to the entity; (4) if the entity is a financial institution, a prohibition on its service as a primary dealer in U.S. government bonds; and/or a prohibition on its serving as a repository for U.S. government funds (each counts as one sanction); (5) prohibition on U.S. government procurement from the entity; and (6) restriction on imports from the entity, in accordance with the International Emergency Economic Powers Act (IEEPA, 50 U.S.C. 1701). The Act would provide for three new sanctions: (1) prohibitions on any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which a sanctioned person has any interest; (2) prohibitions on any transfers of credit or payments between, by, through, or to any financial institution, to the extent such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person; and (3) restrictions on property transactions with respect to which a sanctioned person has any interest. The President may waive the sanctions if he determines that it is necessary to the national interest of the U.S. to do so.

Development of Petroleum Resources of Iran. Subsection (a) amends section 5(a) of the Iran Sanctions Act of 1996 (ISA) by requiring the President to impose three or more sanctions under ISA if a person has knowingly made an investment of $20 million or more (or any combination of investments of at least $5 million each, which in the aggregate equals or exceeds $20 million in any 12-month period) that directly and significantly contributed to Iran's ability to develop its petroleum resources.

In the context of investment, the House-passed legislation amends section 5(a) by shifting the *mens rea* standard for investment in petroleum resources from 'actual knowledge' to 'knowingly.' The Senate amendment contained no such provision. The Senate recedes to the House language. The new standard will expand the range of conduct potentially subject to sanctions, thereby making it easier to implement sanctions under ISA.

Production and Exportation of Refined Petroleum Products. Subsection (a) further amends section 5(a) of ISA to require that the President impose three or more mandatory sanctions described in section 6(a) of the Act if a person: (1) knowingly sells, leases, or provides to Iran any goods, services, technology, information, or support, that could directly and significantly facilitate the maintenance or expansion of Iran's domestic production of refined petroleum products, including any direct and significant assistance with respect to construction, modernization, or repair of petroleum refineries; or (2) if a person knowingly provides Iran with refined petroleum products or provides goods, services, technology, information, or support that could directly and significantly contribute to Iran's ability to refine petroleum or import refined petroleum resources, including providing ships, vehicles, or other means of transportation to deliver refined petroleum products to Iran or providing insurance or financing services for such activities.

Subsection (a) of the Act further clarifies the categories of persons against which sanctions are to be imposed to include the parent and foreign subsidiary of a person determined by the President to be engaged in sanctionable activities. The Act further amends the mens rea standard for a parent by: (1) requiring sanctions to be imposed on a parent that either had actual knowledge or ''should have known'' that its affiliate or subsidiary engaged in the sanctionable activities described in section 5(a); and (2) requiring sanctions to be imposed on an affiliate or a subsidiary of a person determined to be carrying out sanctionable activities if the affiliate or subsidiary knowingly engaged in sanctionable activities.

The Act provides a ''safe harbor'' for a person that provides underwriting services or insurance or reinsurance, if that person exercises due diligence to ensure it does not provide insurance or reinsurance for the sale, lease, or provision of goods, services, technology, information, or support that could directly and significantly contribute to the enhancement of Iran's ability to import refined petroleum products. Such due diligence would include procedures and controls to prevent such underwriting or the entry into contracts for such purposes, and the designation of an official with responsibility for enforcing the policy. The Act further establishes that the fair market value of the goods, services, technology, information, or support provided by such activities must exceed $1 million to be subject to the requirement of Section 102(a). The combination of such sales, leases, or provision of support in any 12-month period, or to be provided under contracts entered into in any 12-month period, must exceed $5 million.

Subsection (a) also prohibits the issuance of export licenses pursuant to an agreement for peaceful civil nuclear cooperation for any country whose nationals have engaged in activities with Iran relating to the acquisition or development of nuclear weapons or related technology, or of missiles or other advanced conventional weapons that have been designed or modified to deliver a nuclear weapon.

This prohibition can be set aside for a government if the President determines and notifies the appropriate Congressional committees that such government does not know or have reason to know about the activity, or has taken, or is taking, all reasonable steps necessary to prevent a recurrence of the activity and penalize the person(s) involved. Further, notwithstanding the prohibition on issuance of export licenses, the President may, on a case-by-case basis, approve the issuance of a license for the export, or approve the transfer or retransfer, of any nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to an agreement for cooperation, to a person in a country otherwise restricted by this paragraph (except to a person that is subject to sanctions under paragraph (1)) if the President determines that such approval is vital to U.S. national security interests and pre-notifies Congress not less than 15 days before approving the license, transfer, or retransfer. This sanction would apply only in a case in which a person is subject to sanctions for an activity engaged on or after the date of enactment of the Act.

The Conferees believe that as a general principle, the United States cannot and should not reward any country with U.S. civil nuclear trade if that country's nationals are able to advance Iran's nuclear weapons programs and/or their means of delivery.

Subsection 102(b) of the Act adds three new, sweeping sanctions to the now nine possible sanctions from which the President must choose three. If invoked, the sanctions would prohibit, respectively, foreign exchange, banking, and property transactions with persons involved in activities related to refined petroleum products, as specified in section 5(a) of the ISA, as amended. The Act clarifies that the prohibition on banking activities extends solely to those transfers or payments that are subject to the jurisdiction of the United States and involve any interest of the sanctioned person. The banking sanction in the Act will complement restrictions on financial institutions available in the underlying ISA, including a prohibition on US financial institutions from making loans or providing credits to any sanctioned person totaling more than $10 million in any 12 month period.

Finally, subsection 102(b) amends ISA by adding a new section which requires each prospective contractor submitting a bid to the Federal Government to certify that the contractor or a person owned or controlled by the contractor does not conduct any activity for which sanctions may be imposed under section (5). Conferees believe that exercising control as a ''parent company'' over subsidiaries or affiliates should be considered in functional terms, as the ability to exercise certain powers over important matters affecting an entity. ''Control'' may also be defined according to ownership of a majority or a dominant minority of the total outstanding voting interest in an entity, board representation, proxy voting, a special share, or contractual arrangements, to direct important matters affecting an entity. The prospective contractor, when making the certification pursuant to this subsection, must certify that it is not engaged in any activity sanctionable under section 5 of ISA. The Act mandates the head of an executive agency that determines that a person has submitted a false certification under paragraph (1) after the date on which the Federal Acquisition Regulation is revised to implement the requirements of this subsection, to terminate a contract or agreement or debar or suspend such person from eligibility for Federal contracts or such agreements for a period not to exceed 3 years. The Act requires the Administrator of General Services to include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs each person that is debarred, suspended, proposed for debarment, or declared ineligible by the head of an executive agency on the basis of a determination of a false certification. The Act authorizes the President to waive the certification requirement on a case-by-case basis if the President determines and certifies that it is in the national interest to do so. Conferees believe that one of the instances where the President may exercise the waiver is where a company has demonstrated that it is taking steps to extricate itself from all sanctionable activities with Iran.

Subsection 102(c) amends the standard for the President to waive sanctions under ISA to 'necessary to the national interest of the United States'. The Senate recedes to the House in elevating the waiver standard. Subsection (c) further amends the reporting requirements of section 9(c)(2) of ISA relating to a waiver by requiring the President to include (1) an estimate of the significance of a sanctioned action to Iran's ability to develop its petroleum resources, produce refined petroleum products, or import refined petroleum products; or (2) acquire or develop chemical, biological, or nuclear weapons or related technologies or destabilizing numbers and types of advanced conventional weapons.

Subsection 102(d) incorporates a reporting requirement in H.R. 2194 on the dollar value amount of trade, including in the energy sector, between Iran and each country maintaining membership in the Group of Twenty Finance Ministers and Central Bank Governors.

Consistent with subsection (h) of section 3 of the House bill, Subsection 102(e) amends ISA to extend the operative date of that legislation from 2011 to 2016. The Senate bill has no such provision. The Senate recedes. ISA was initially passed for a five-year period. It was extended for five years in 2001 and again in 2006. Given the urgency of the Iranian nuclear problem and the conviction of Conferees that this problem will persist beyond 2011 and that Iran almost certainly will not meet the criteria for terminating ISA in 2011, Conferees have decided to extend the law for another five years.

Finally, subsection (f) amends ISA to expand the definition of a 'person' subject to sanctions to include a financial institution, insurer, underwriter, guarantor, any other business organization, including any foreign subsidiary, parent, or affiliate of such a business organization, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise. The term ''person'' does not include a government or governmental entity that is not operating as a business enterprise.

Subsection (f) also defines the term ''knowingly'' to include a person who has actual knowledge of sanctionable activities or should have known, of the conduct, the circumstance, or the result. The Conferees intend to prevent persons from evading sanctions by relying on the prior standard of ''actual knowledge.'' This prior standard might otherwise be used to enable certain persons to deliberately avoid knowledge of sanctionable activities.

Subsection (f) amends the definition of ''investment'' in the underlying ISA to include entry into, performance, or financing of a contract to sell or purchase goods, services, or technology. The Conferees believe that expanding the definition of investment to include the activities above, will deter persons from doing business in the Iranian energy sector. Based on the expanded definition of ''investment'' and ''petroleum resources,'' the Conferees intend that, for example, sales of technology for natural gas would now be considered a sanctionable offense falling into the category of ''investment,'' provided such a sale reached the $20 million threshold.

Subsection (f) expands the term 'petroleum resources' to include petroleum, refined petroleum products, oil or liquefied natural gas, natural gas resources, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or liquefied natural gas.

The House version of H.R. 2194 defines the term 'refined petroleum products' to include gasoline, kerosene, diesel fuel, residual fuel oil, and distillates and other goods classified in headings 2709 and 2710 of the Harmonized Tariff Schedule of the United States. The Senate bill defines ''refined petroleum products'' as ''diesel, gasoline, jet fuel (including naphtha-type and kerosene-type jet fuel), and aviation gasoline.

The House recedes.

Section 102(g) Waiver for certain persons in certain countries, mandatory investigations and reporting; conforming amendments

Waiver for Certain Persons in Certain Countries. The conference agreement amends subsection (c) of Section 4 of the Iran Sanctions Act to provide an additional exception to the underlying requirement that the President impose sanctions for certain activities. Under this additional exception, the President would be authorized to waive sanctions for a period not longer than 12 months (as opposed to the 6 months now authorized) on a case by case basis for persons under the jurisdiction of governments that are closely cooperating with the United States in multilateral efforts to prevent Iran from acquiring or developing chemical, biological, or nuclear weapons or related technologies, including ballistic missiles or delivery systems; or acquiring or developing destabilizing numbers and types of conventional weapons. The President must further certify that the waiver is vital to the national security interests of the United States and submit a report to the appropriate congressional committees. It is the understanding of the Conferees that this waiver would not be available as a preemptive waiver; rather, in

order to exercise the waiver, the President must initiate an investigation and make a determination pursuant to section 4(f).

To utilize this exception, the President would have to provide advance notice to Congress and provide a certification of the person with respect to which the President will waive the application of sanctions; the actions taken by the government cooperating in multilateral efforts; and that the waiver is vital to the national security interests of the United States. ''Cooperating actions'' must include a substantial number of the following types of actions:

—restricting Iran's access to the global financial system;

—limiting Iran's import of refined petroleum products and refinery equipment;

—strictly enforcing UN sanctions

—prohibiting commercial activities with the Iran Revolutionary Guard Corps;

—cooperating with U.S. anti-terrorism initiatives against the IRGC and other Iranian elements;

—taking concrete, verifiable steps to impede Iran's WMD programs and its support for international terrorism;

—restricting trade with Iran, including provision of export credits.

The President may renew the waiver in six month increments if the President determines that the waiver threshold is met.

Investigations. H.R. 2194 requires that the President shall immediately investigate a person upon receipt of credible information that such person is engaged in sanctionable activity as described in section 5. The House-passed bill further requires the President, not later than 180 days after an investigation is initiated, to make a determination whether a person has engaged in sanctionable activity described in section 5. The Senate-passed bill contained no such language. The Senate recedes. The Conferees believe that a statutory mandate is required to ensure sanctionable entities are pursued and prosecuted. By not enforcing current sanctions law, the United States has sent mixed messages to the corporate world when it comes to doing business in Iran by rewarding companies whose commercial interests conflict with American security goals.

Special Rule. However, in order to provide an incentive for companies that are withdrawing from Iran, the Act provides that the President need not initiate an investigation, and may terminate an investigation, if the President certifies that the person whose activities were the basis for the investigation is no longer engaging in such activities; and the President has received reliable, verifiable assurances that the person will not knowingly engage in such activities in the future.

The Conferees provided this Special Rule to allow firms to avoid sanction for activities described in the revised Section 5 of the Iran Sanctions Act by taking steps to curtail and eventually eliminate such activities. Ideally, in order to benefit, a firm would provide the President the required assurances that it will not undertake Section 5 activity in the future, and any other assurances required by the president, in writing. Such assurances should be credible and transparently verifiable by the United States government. Firms should also be strongly encouraged to provide the President a detailed catalog of their existing activity in Iran, and a plan for winding down any activity covered by Section 5 as soon as possible. The goal of this measure is to facilitate their withdrawal from such activities.

To the extent a person benefitting from the special rule continues activities described in section 5, such continuing activities should be pursuant solely to a contract or other legally binding commitment. Conferees expect that any firm seeking to take advantage of this special rule will commit to refuse any expansion or extension of business or investment pursuant to a clause in a contract that allows the firm to elect to do so. Binding commitments should be narrowly construed and any firm seeking to benefit from this rule should be encouraged to provide assurances that it will do only the minimum required by an agreement involving Iran. The Conferees intend to evaluate carefully any certifications under this Special Rule.

Section 102(h). Effective Date. In order to clarify the timing of application of the Act, subsection 102(h) further provides that the provisions of section 102 shall take effect on the date of enactment of the Act. Investments sanctionable under the underlying ISA shall continue to be unlawful. However, pursuant to subsection (g) of this section, the President shall, in the context of investment, commence an investigation of a person which engaged in conduct prior to the passage of this Act that would be sanctionable under ISA and that continues after the date of enactment. This differs from the underlying ISA by requiring the President to commence an investigation of sanctionable activities. Likewise, a person that conducts activities related to the development of Iranian chemical, biological, or nuclear weapons or related technologies shall be subject immediately upon enactment of the Act to the new provisions under the Act. With respect to refined petroleum-related activities described in paragraph (2) or (3) of section 5(a) of ISA (as amended by subsection 102(a) of the Act), the new requirement to commence an investigation shall apply one year after the date of enactment.

Not later than 30 days before the date that is one year after the date of enactment, the President shall issue a report describing the President's efforts to dissuade foreign persons from engaging in sanctionable activity described in paragraphs (2) and (3) (facilitation of Iran's production and import of refined petroleum), along with a list of each investment under section 4(e) of ISA, that is initiated or ongoing during the previous one-year period. If the President certifies that there was a substantial reduction in the sanctionable activities described in paragraphs (2) and (3) of ISA, the requirement to commence an investigation shall be delayed by six months. Conferees understand ''substantial reduction'' to mean a roughly 20–30% reduction in such activities, a similar reduction in the volume of refined petroleum imported by Iran, and/or a similar reduction in the amount of refined petroleum Iran produces domestically. The President may continue to defer the requirement to commence an investigation every six months by issuing a report containing the above-mentioned items, along with a certification regarding reduction of activities, for the previous six-month period. If the President fails to make the certification, the requirement to commence an investigation shall apply on the date the certification was due, and he would then be required to make a determination in 45 days.

Section 103. Economic Sanctions Relating to Iran.

The Senate bill contained a provision building on actions taken under the Iran Freedom Support Act (IFSA) (P.L. 109–293) codifying critical restrictions on imports from and exports to Iran, currently authorized by the President in accordance with IEEPA. The House-passed bill contained no such provision. The House recedes. This provision strengthens the current trade embargo by eliminating certain import exceptions for luxury and other goods from Iran made under the Clinton administration. Consistent with IEEPA, exceptions to the import ban are made for informational materials that may be used, for example, in the conduct of news reporting, or in mapping for air travel over land. Similarly, exceptions to the export ban include food, medicine, humanitarian assistance, informational materials, goods used to ensure safety of flight for U.S.-made aircraft, aid necessary to support IAEA efforts in Iran, and democracy promotion initiatives. The exception related to internet communications extends to personal communications, as provided for in section 560.540 of the Code of Federal Regulations; it does not apply to the Iranian Government or any affiliated entities. Notwithstanding the exceptions, the standard requirements pursuant to IEEPA to seek a license for such activities remain in effect.

Consistent with his existing regulatory authority, the President is authorized to issue regulations, orders, and licenses to implement these provisions. In addition, this section requires asset freezes for persons, including officials of Iranian agencies specified in ISA and certain of their affiliates that have engaged in activities such as terrorism or weapons proliferation under IEEPA sanction. To limit sanctioned persons' ability to evade U.S. scrutiny and penalty, this section further stipulates that the assets freeze should extend to those assets which sanctioned persons transfer to family members or associates. The Conferees recognize that agencies involved in implementing these measures will require time to prepare appropriate evidentiary materials before executing corresponding sanctions, which this section requires to be imposed as soon as possible.

Section 104—Mandatory Sanctions with Respect to Financial Institutions that Engage in Certain Transactions. Section 104 establishes a sanction in addition to those enumerated in section 6(a) of ISA, as amended. The additional sanction would require the Secretary of the Treasury to prohibit from or impose strict sanctions on U.S. financial institutions that establish, maintain, administer, or manage a correspondent or payable-through account by a foreign financial institution if that institution engages in certain financial transactions. Targets of this provision include foreign banks that: (A) Facilitate the Iranian government's efforts to acquire weapons of mass destruction (WMD) or to support international terrorism; (B) Engage in dealings with Iranian companies sanctioned by the U.N. Security Council; (C) Help launder money, to aid Iran's WMD programs, to support Iran's sponsorship of terrorism, or to support companies/persons under sanction by the U.N. Security Council; (D) Facilitate efforts by the Central Bank of Iran to aid Iran's WMD programs, to support Iran's sponsorship of terrorism, or to support companies sanctioned by the U.N. Security Council; or (E) Conduct significant business with Iran's Revolutionary Guard Corps, its front companies, or its affiliates, and other key Iranian financial institutions currently blacklisted by the U.S. Department of the Treasury. These measures are roughly patterned after Section 311 of the USA Patriot Act (31 U.S.C. 5318A), which Conferees recognize as some of our government's most effective targeted financial sanctions. However, while the USA Patriot Act measures are generally regarded as *defensive* of the U.S. financial system from special money laundering concerns, these new sanctions are to be deployed in an *offensive* fashion. Under the Comprehensive Iran Sanctions, Accountability, and Divestment Act, the Department of the Treasury is mandated to pursue relentlessly foreign banks engaged in business with blacklisted Iranian entities. Conferees

expect any conditions imposed on U.S. correspondent accounts under this Act to be stringent and temporary. Most important, if foreign institutions do not cease their business with blacklisted Iranian entities, after an appropriate warning, the Treasury Department is to direct U.S. banks to sever immediately their correspondent or payable through account services with these foreign institutions.

Under the Act, U.S. banks maintaining *correspondent* or *payable through* accounts for foreign financial institutions will be required to take appropriate steps to ensure that they remain in full compliance with this law, which may include due diligence policies, procedures and controls. Subsection (f) provides for a mechanism for domestic financial institutions to conduct audits of their correspondent or payable-through accounts report to the Treasury Department on compliance, and certify that the foreign financial institutions using such accounts are not engaged in sanctionable activities. Subsection (g) authorizes the Secretary of the Treasury to waive the application of sanctions with respect to a foreign financial institution opening a correspondent or payable-through account and with respect to a domestic institution engaging in transactions with the IRGC if the Secretary determines that such a waiver is necessary to the national interest of the United States. Those U.S. financial institutions that fail to comply with the directives of the Department of the Treasury—imposing strict conditions, prohibiting correspondent or payable through accounts, following appropriate auditing, reporting, due diligence, or certification measures—are to be subject to the same penalties as U.S. banks that fail to comply with Title III of the USA PATRIOT Act.

Once the legislation is enacted, the Conferees expect representatives of the Administration to take all necessary actions to fully implement this section, including by directly engaging the numerous foreign financial institutions banking with Iranian financiers and supporters of WMD proliferation and international terrorism. Severing U.S. correspondent relations with these foreign financial institutions is merely a means to an end. The goal is the termination of international commerce with Iranian businesses that threaten global peace and security.

In general, subparagraph (c)(2)(A) is a conduct-based prohibition. Thus, if the Secretary of the Treasury determines that a foreign financial institution has engaged in transactions that facilitate Iran's efforts to develop WMD or support terrorism, among other activities, the Secretary need not designate such entities before restricting that entity's opening or maintaining a correspondent account or a payable-through account in the United States. However, a financial institution doing business with an entity on the designated list pursuant to IEEPA would also be barred. Subparagraph (c)(2)(E) further requires that the Secretary prohibit or impose strict conditions on a foreign financial institution that (1) facilitates a transaction involving the IRGC, regardless of what the transaction was for; or (2) facilitates a transaction with any entity on the designated list maintained by the Department of Treasury pursuant to its authority under IEEPA, regardless of the type or reason for the transaction.

Section 104 would further require the Secretary to prohibit foreign subsidiaries of U.S. financial institutions from engaging in any transaction involving Iran's Islamic Revolutionary Guard Corps (IRGC), its agents or affiliates. U.S. companies already face severe civil and criminal penalties for doing business in Iran under IEEPA, as amended by the International Emergency Economic Powers Enhancement Act of 2007 (P.L. 110–96). This provision imposes similar judicial procedures and penalties on U.S. banks if their foreign subsidiaries are doing any business with the IRGC, its front companies, or affiliates. Thus, companies and financial institutions may be subjected to civil penalties of as much as either $250,000 or an amount twice the value of the actual transaction. Criminal penalties may be as high as $1 million per transaction and/or entail prison sentences of up to 20 years.

Subsection (j) defines key terms, including ''correspondent'' and ''payable-through'' account.

Section 105—Imposition of sanctions on certain persons who are complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran.

Section 105 requires the President to impose sanctions on persons who are citizens of Iran that the President determines, based on credible evidence, are complicit in, or responsible for ordering, controlling, or otherwise directing the commission of serious human rights abuses against citizens of Iran or their family members on or after the Presidential elections of June 12, 2009, regardless of whether such abuses occurred in Iran. The President is to do so no later than 90 days after the date of enactment of this legislation. The President will also provide appropriate Congressional committees with a list of those persons the President determines meet the criteria for sanctions, and the President will also be required to submit to the appropriate Congressional committees updates to the list of Iranian citizens eligible for sanction not later than 270 days after the date of enactment and every 180 days thereafter, and as new information becomes available. Furthermore, the unclassified portion of this list will be made available to the public on the websites of the Department of the Treasury and the Department of State. In addition, the President's list must consider credible data already obtained by other countries and non-governmental organizations, including in Iran, that monitor the human rights abuses of the Government of Iran.

The President shall impose two sanctions on the Iranian human rights violators listed in his report to the appropriate Congressional committees. The first is a visa ban making those human rights violators ineligible to enter the United States. The second is financial sanctions authorized under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.). These sanctions include the blocking of property; restrictions or prohibitions on financial transactions; and the exportation and importation of property. This section provides for regulatory exceptions, including those to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international agreements.

The President may waive the sanctions required by Section 105 if the President determines that such a waiver is in the national interest of the United States and submits to the appropriate Congressional committees a report describing the reasons for the waiver determination.

The provisions of Section 105 shall cease to have force and effect on the date on which the President determines and certifies to the appropriate Congressional committees that the Government of Iran has unconditionally released all political prisoners, including the citizens of Iran detained in the aftermath of the June 12, 2009, presidential election in Iran; ceased its practices of violence, unlawful detention, torture, and abuse of citizens of Iran while engaging in peaceful political activity; conducted a transparent investigation into the killings, arrest, and abuse of peaceful political activists in Iran and prosecuted those responsible; and made progress toward establishing an independent Judiciary and respecting internationally-recognized human rights.

Section 106. Prohibition of procurement contracts with persons that export sensitive technology to Iran. This section would prohibit the head of any U.S. executive agency from entering into procurement contracts with an entity that the President determines has exported to Iran sensitive communications technology to be used for monitoring, jamming, or other disruption of communications by the people of Iran. This section further requires the Comptroller General to submit a report assessing the impact of sanctions on executive agencies' procurement of goods of services with persons that export sensitive technology to Iran.

Section 107. Harmonization of Criminal Penalties for Violations of Sanctions. This section harmonizes penalties for violating export controls and U.S. sanctions across various statutes with the strongest such penalty standards in the U.S. Code, consistent with the International Emergency Economic Powers Enhancement Act of 2007 (P.L. 110–96). The section specifically increases criminal penalties for violators of the provisions of the Arms Export Control Act, Trading with the Enemy Act, and the United Nations Participation Act to up to $1 million and 20 years in prison.

Section 108. Authority to Implement United Nations Security Council Resolutions Imposing Sanctions with Respect to Iran. This section authorizes the President to prescribe regulations as may be necessary to implement a resolution imposing sanctions with respect to Iran agreed to by the United National Security Council on or after the date of enactment of this Act.

Section 109. Increased capacity for efforts to combat unlawful or terrorist financing. This section authorizes funding of $102.6 million in fiscal year 2011 for the Office of Terrorism and Financial Intelligence of the Department of the Treasury, and such sums as may be necessary for each of the fiscal years 2012 and 2013. This section also authorizes $100.4 million for the Financial Crimes Enforcement Network and $113 million for the Department of Commerce. This section also acknowledges the Treasury Department's recent designation of various Iranian individuals and banking, military, energy, and shipping entities as proliferators of weapons of mass destruction pursuant to Executive Order 13382 (50 U.S.C. 1701 note), along with designation of entities in the insurance, petroleum, and petrochemicals industries that the Secretary has determined to be owned or controlled by the Government of Iran.

Section 110. Reports on Investments in the Energy Sector of Iran. The Act requires the President, within 90 days of enactment of the bill and every 180 days thereafter, to report to the appropriate congressional committees on an estimate of the volume of energy-related resources (other than refined petroleum) including ethanol, that Iran imported since January 1, 2006, along with a list of all known energy-related joint ventures, investments, and partnerships located outside Iran that involve Iranian entities in partnership with entities from other countries. It is the intention of the Conferees that the report be undertaken by the Secretary of Energy and parallel the format of previous reports, including one provided as recently as 2006, and

should include updated information as provided by the Energy Information Administration (EIA). The report shall also include information on the effect of Iranian know-how in the energy sector as a result of joint energy-related ventures with other countries.

Section 111. Reports on certain activities of foreign export credit agencies and of the Export-Import Bank of the United States. This section requires the President—90 days after the date of enactment—to submit a report on any activity of an export credit agency of a foreign country that would be engaged in activities comparable to those which would otherwise be sanctionable under subsection (a) or (b) of section 5 of ISA, as amended by this Act. Not later than 30 days (or, in extraordinary circumstances, not later than 15 days) prior to the Export-Import Bank of the United States approving cofinancing with an export credit agency of a foreign country identified in the above-mentioned report, the President shall inform Congress of such action and of the beneficiaries of the financing. The Conferees intend to raise awareness about which countries and persons are engaged in activities comparable to those which would trigger U.S. sanctions and which may benefit from financing provided by the Export-Import Bank.

Section 112. Sense of Congress on Iran's Revolutionary Guard Corps (IRGC) and its Affiliates. Expresses the sense of Congress that (1) the U.S. should persistently target with sanctions Iran's Revolutionary Guard Corps, its supporters and affiliates, and any foreign governments determined to be providing material support for the IRGC; (2) identify any foreign individual or entity that is an agent, alias, front, instrumentality, official, or affiliate of Iran's Revolutionary Guard Corps or providing material support to the IRGC; and (3) immediately impose sanctions on the individuals, entities, and governments described in paragraph (2).

Section 113. Sense of Congress Regarding Iran and Hezbollah. Expresses the Sense of Congress that the U.S. should continue to: (1) work to counter support for Hezbollah from Iran and other foreign governments; (2) target with sanctions Hezbollah, its affiliates and supporters; (3) urge other nations to do the same; and (4) take steps to renew international efforts to disarm Hezbollah.

Section 114. Sense of Congress Regarding the Imposition of Multilateral Sanctions with Respect to Iran. Expresses the Sense of Congress that, in general, multilateral sanctions are more effective than unilateral sanctions against countries like Iran, and that the President should continue to work with our allies to impose multilateral sanctions if diplomatic efforts to end Iran's illicit nuclear activities fail.

Section 115. Report on Providing Compensation for Victims of International Terrorism. This section requires the President to submit a report within 180 days of enactment on equitable methods for providing compensation on a comprehensive basis to victims of acts of international terrorism who are citizens or residents of the United States or nationals of the United States. The Conferees intend to address concerns presented by numerous plaintiffs groups that have yet to gain compensation for terrorist attacks.

TITLE II—DIVESTMENT

Section 201—Definitions. This section defines terms used in this title including: energy sector, financial institution, Iran, person, state, and state or local government.

Section 202—Authority of state and local governments to divest from certain companies that invest in Iran. This section authorizes States and localities to divest from companies involved in investments of $20 million or more in Iran's energy sector and sets standards for them to do so. While not mandating divestment, this section authorizes State and local governments, if they so choose, to divest public assets from entities doing business in Iran. Authorization to divest afforded under this Act does not extend to business conducted under a license from the Office of Foreign Assets Control, or that is expressly exempted under Federal law from the requirement to be conducted under such a license. For example, such licenses or exemptions might include humanitarian trade in agricultural and medical products. In its formulation of this section, the Conferees recognized that divestment actions are being taken by investors for prudential and economic reasons, as expressed in subsection (a), including to address investor concerns about reputational and financial risks associated with investment in Iran and to sever indirect business ties to a government that is subject to international sanctions.

The Conferees require that a state or local government provide notice to the Department of Justice when it enacts an Iran-related divestment law. Persons are to be informed in writing by the State or local government before divestment. Persons then have at least 90 days to comment on that decision.

Subsection (i)—*Authorization for Prior Enacted Measures.* Subsection (i) constitutes a ''grandfather clause''—it authorizes a state or local government to enforce a divestment measure without regard to the procedural requirements and scope of this section up to two years after the date of the enactment of the Act. After two years, if the state or locality has complied with the procedural requirements required by the Act regarding notice, the state or locality may enforce a measure that provides for divestment, notwithstanding any other provision of law. In order to secure the protections of the Act, state and local entities which have not enacted or adopted divestment measures prior to the date of enactment must abide by both the scope and procedural requirements it outlines.

Section 203—Safe harbor for changes in investment policies by asset managers. This section adds to measures authored by the Senate and enacted last year authorizing divestment from certain Sudan-related assets (Public Law 110–174), allowing private asset managers, if they so choose, to divest from the securities of companies investing $20 million or more in Iran's energy sector, and provides a 'safe harbor' for divestment decisions made in accordance with the Act. A major concern inhibiting divestment has been the possibility of a breach of fiduciary responsibility by asset managers who decide to divest. The Conferees thus find that fund managers may have financial or reputational reasons to divest from companies that accept the business risk of operating in countries subject to international economic sanctions. Fund managers will still be required to observe all other normal fiduciary responsibilities. The Securities and Exchange Commission is required to promulgate rules as necessary that require fund managers to disclose their divestment decisions made pursuant to Section 203 of this legislation in regular periodic reports filed with the Commission.

Section 204—Sense of Congress regarding certain ERISA Plan investments. This section expresses the sense of Congress affirming pension managers' rights to divest from companies investing $20 million or more in Iran's energy sector if the fiduciary makes the divestment decision based upon credible public information, and determines that the action would not provide a lower rate of return than alternate investments with a commensurate degree of risk, or provides for a higher degree of risk than alternate investments with commensurate rates of return. Section 205 makes certain technical corrections to Sudan Accountability and Divestment Act of 2007, to clarify the divestment standards contained in this Act.

Section 205—Technical Corrections to Sudan Accountability and Divestment Act of 2007: This section is designed to clarify that Congress did not intend, in the Sudan Divestment legislation, to imply the creation of a new private right of action under the Investment Company Act of 1940.

TITLE III—PREVENTION OF DIVERSION OF CERTAIN ORIGIN GOODS, SERVICES, AND TECHNOLOGIES TO IRAN

Title III of the Senate version of the bill provides new authority and imposes new responsibilities to stop the diversion from the U.S. to Iran of critical goods through other countries. The House recedes to the Senate. This provision relates to (1) U.S.-origin goods, services and technologies that are controlled for export from the United States, and (2) items denied for export to Iran by a United Nations Security Council resolution. The purpose is to shut off Iran's clandestine acquisition of items and technologies that would contribute to its weapons development programs, its other defense capabilities and its support for international terrorism. While U.S.-origin items do not make a significant contribution to Iran's military or terrorism capabilities, by utilizing U.S. global jurisdiction over our export-controlled items, effective leverage can be utilized to identify and shut down Iran's black-market technology acquisition and proliferation around the world.

Section 301—Definitions. This section defines terms used in this title including: allow, Commerce List, end user, entity owned or controlled by the Government of Iran, Export Administration Regulations, government, Iran, state sponsor of terrorism, as well as diversion.

Section 302 requires the Director of National Intelligence to identify, on an ongoing basis, those countries that allow diversion to Iran, either directly or through indirect routes, of U.S.-origin goods services and technologies and items prohibited for Iran under a UN Security Council resolution. The Director shall report such countries to the President, relevant departments and the Congress.

Section 303 requires the President to designate Destinations of Diversion Concern and authorizes U.S.-provided training, technical assistance and law enforcement support to strengthen other governments' capability to stop diversions to Iran. For governments that take effective action against diversion to Iran, the President removes the designation. Specific standards are required to be met by a country in halting diversions to Iran.

Further under Section 303, for governments identified under Section 302 that are deemed resistant to U.S. engagement, or where U.S. assistance fails to secure cooperation, the President must require a license, under the Export Administration Regulations, for the export from the U.S. of any good, service or technology that, if diverted to Iran, would contribute to Iran's weapons programs, defense capabilities or support of terrorism. There would be a presumption of denial for all applications for such licenses. The requirement for a license could be delayed during efforts by the U.S. to assist a country to take effective action to stop diversions to Iran.

Section 304 requires a report to Congress by the President on other countries that may be allowing diversion of certain U.S.-origin

items to other countries, aside from Iran, that may be seeking nuclear and other weapons of mass destruction, other defense technologies, or other capabilities for terrorist support.

Section 305 clarifies and reinforces the statutory law enforcement authority for agents of the enforcement division of the Commerce Department's Bureau of Industry and Security, so that they can fully carry out the expanded duties required by enactment of this legislation.

TITLE IV. GENERAL PROVISIONS

Sunset. The House-passed bill contained a ''sunset'' provision specifying the conditions for termination of petroleum-specific sanctions. The Senate contained no such provision. Adopting the House approach, section 105(a) provides that—except for several provisions—the provisions of the Act shall terminate if the President determines and certifies to the appropriate congressional committees that Iran: (1) has ceased providing support for acts of international terrorism and is no longer a state sponsor of terrorism; and (2) has ceased the pursuit, acquisition, and development of nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

Waiver. Subsection (b) provides that the President may waive the application of sanctions under section 103(b), the requirement to impose or maintain sanctions with respect to a person under section 105(a), the requirement to include a person on the list required by section 105(b), the application of the prohibition under section 106(a), or the imposition of the licensing requirement under section 303(c) with respect to a country designated as a Destination of Diversion Concern under section 303(a) if the President determines that such a waiver is in the national interest of the United States. If the President does elect to use the waiver of 303(c) rather than delay imposition of export restrictions, he must provide an assessment to Congress of the steps being taken by the country to institute or strengthen an export control system; to interdict the diversion of goods, services, or technologies described in section 302(b) through the country to Iranian end-users or Iranian intermediaries; and to comply with and enforce appropriate U.N. Security Council Resolutions. The Conferees intend that the waiver authority in this section shall be case by case and shall not be used as a general waiver.

Authorization of Appropriations. Subsection (c) provides that there are authorized to be appropriated to the Secretary of State and the Secretary of the Treasury such sums as may be necessary to carry out Titles I and III of this Act. Further, the Act authorizes to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out Title III.

COMPLIANCE WITH CLAUSE 9 OF RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, neither this conference report nor the accompanying joint statement of managers contains any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR THE CONFERENCE REPORT TO ACCOMPANY H.R. 2194, THE COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010, AS PROVIDED TO CBO ON JUNE 23, 2010 (FILENAME MAR10519)

	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

Note: H.R. 2194 would ban certain imports from Iran and impose sanctions on certain entities that conduct business with Iran. The act would reduce customs duties and impose civil and criminal penalties, but CBO estimates those effects would not be significant in any year.

From the Committee on Foreign Affairs, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

HOWARD L. BERMAN,
GARY L. ACKERMAN,
BRAD SHERMAN,
JOSEPH CROWLEY,
DAVID SCOTT,
JIM COSTA,
RON KLEIN,
ILEANA ROS-LEHTINEN,
DAN BURTON,
EDWARD R. ROYCE,
MIKE PENCE,

From the Committee on Financial Services, for consideration of secs. 3 and 4 of the House bill, and secs. 101–103, 106, 203, and 401 of the Senate amendment, and modifications committed to conference:

BARNEY FRANK,
GREGORY W. MEEKS,
SCOTT GARRETT,

From the Committee on Ways and Means, for consideration of secs. 3 and 4 of the House bill, and secs. 101–103 and 401 of the Senate amendment, and modifications committed to conference:

SANDER M. LEVIN,
JOHN S. TANNER,
DAVE CAMP,

Managers on the Part of the House.

CHRISTOPHER J. DODD,
JOHN F. KERRY,
JOSEPH I. LIEBERMAN,
ROBERT MENENDEZ,
RICHARD C. SHELBY,
ROBERT F. BENNETT,
RICHARD G. LUGAR,

Managers on the Part of the Senate.

BROKEN PROMISES

The SPEAKER pro tempore (Ms. MARKEY of Colorado). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, it's an honor to have the opportunity to address you here on the floor of the House of Representatives, and picking up where my colleagues left off, they have given, I think, a good presentation over the last 60 minutes that covered a lot of important territory with regard to the budget and the spending. I think they've made the point that since the rules of the House required a budget resolution, this House has never before failed to pass a budget. There are political reasons for that.

I happen to see a quote over on the wall that I hadn't picked up before, and it didn't attribute it to anyone, but I am pretty sure it wasn't a Republican, Madam Speaker. It was a quote that, generally speaking, was this, that, well, until the deficit reduction commission would meet and produce a decision, we couldn't possibly pass a budget here in the House. And that would be—oh, let me see, a week or two or so after the election in November. Imagine, Congress can't do its work unless the President appoints a deficit commission, and that deficit commission couldn't possibly return a recommendation to this Congress until after the people have spoken.

It's amazing to me, Madam Speaker. The people have spoken. The people in this country have elected their Representatives that serve on this side of the aisle over here in the majority, on this side of the aisle over here in the minority. We have a responsibility to step forward and bring a budget, and that budget needs to be the reflection of spending discipline and the spending priorities of the House of Representatives.

According to the Constitution, all spending starts here—not in the Senate. It starts here. And traditionally, the House has received the President's budget, his budget recommendation. We've evaluated that budget in the process of moving a budget resolution here in the House—in a responsible fashion when Republicans were in charge at least. I think in a less responsible fashion, but at least it got done before when Democrats were in charge, until now.

□ 1930

But the spending has been so irresponsible that even the irresponsible overspending Democrats don't have enough will to bring a budget to the floor and allow it to be debated and voted upon here on the floor of the House, where the rules require us to do so. Because why? Because the President has appointed a Deficit Reduction Commission, after spending trillions of dollars irresponsibly, and now he has put these brains to work to figure out how to solve an unsolvable problem.

I know what that feels like, Madam Speaker. I remember going through the farm crisis in the eighties. I remember when asset values were going in a downward spiral and opportunities for increasing revenue were also going in a downward spiral, and the customer base that I had was doing what was happening to me. My bank was closed down by the FDIC. All accounts were frozen. Commerce came to a halt. I had two pennies in my pocket, a payroll to meet, kids to feed, a business to run, bank loans to pay even though the bank was closed by the FDIC, opened up next Monday by new owners. I know how that thing works.

You set your priorities. You step up to your responsibilities. But I have sat there at my desk during those years with my legal pad and my calculator trying to figure out how to make it work. And I know what it feels like when you think that there is something wrong with your brain because you can't solve a problem.

Well, there is something wrong with the people's brains that spent all this money all right. And now the problem they can't solve is how to present a budget to the Congress because they have created an intractable, unsolvable budget problem not by being caught in an economic downward spiral exclusively, but by going into a downward spiral where Federal revenues are being reduced in proportion to the downward economic spiral while they are increasing the spending like they are in an upward economic spiral. These two things are going opposite directions. Federal revenues are going down; Federal spending is going up.

The divergence of these two lines, the income and the outgo, have gotten so far apart that even the people without a conscience towards balancing a budget, and I mean the Democrats in this Congress, they are having a little trouble selling the idea to the Blue Dogs. Yes, Blue Dogs have gone underground. They have been quiet. They haven't been as active as they were in the past. They are certainly not as bold as they have been when I used to stand here and take lectures from the Blue Dogs that said, We want to balance the budget. What's wrong with Republicans that they can't balance the budget?

Well, nothing wrong with me, because I voted for every balanced budget that's been offered on the floor of this House since I came here. And I don't know why I wouldn't continue to do that. And we are looking for a chance to bring a balanced budget to the floor again, and we will. We will if we can break the mold here.

But this House, led by the Speaker, NANCY PELOSI, has so kowtowed to the President's spending priorities and spent trillions unnecessarily. The number that I had added up in my head standing on the floor here a week or two ago was $2.34 trillion of unnecessary spending, $2.34 trillion.

And the President's budget as he presented it, it's the only budget we've got to go with. No conscience to try to balance it. No conscience to try to limit it. Today a baby born in America, their share of the national debt—you just might say that here's the IOU that that little old baby, when their footprint goes down on the birth certificate is an acknowledgement that their share of the national debt that they owe Uncle Sam is $44,000. And we worry about that little child, all the money that it takes to provide health care and education and clothing and housing and nurture and love to bring that child up into responsible adulthood. That little old child that grows into responsible adulthood, we worry about them carrying a student loan debt that might be, oh, let's say—pick a number in the ballpark. It's not a statistical number. It's a ballpark number. Maybe $40,000 worth of student loans when they finish college.

That burden of servicing the interest and the principal on a $40,000 student loan, we worry about that. Well, I would be happy to take that $40,000 loan and a guarantee of a college degree and think that child could pay that off.

But for nothing. They don't get a college degree. They don't get an education. They just get access to citizenship of the United States of America for their $44,000 that's their share of the national debt, a little baby with ink on their foot stamped right there on the birth certificate. There is one in this country we haven't seen, but the footprint on those we have seen, those little babies owe Uncle Sam $44,000.

And, Madam Speaker, when that little child enters into fifth grade, and I picked fifth grade because that's the budget cycle. We do 10-year budget cycles, and we calculate our revenue stream. We calculate our outgo over a 10-year period of time. We put a number figure on something like, oh, let's say ObamaCare, what does that cost? That's over a 10-year period of time. So when that little child, from 10 years to the time they are born, they will be starting fifth grade. When they start fifth grade, that little child that owes Uncle Sam $44,000 that was born today owes Uncle Sam at that point, starting in the fifth grade, $88,000 under President Obama's budget. Doubles the individual national debt share just projecting the President's budget. And that, Madam Speaker, is with the President's own numbers. It's that bad.

There isn't going to be a solution coming out of the deficit commission because there is an intractable problem that's been created by irresponsible overspending and a myopic, wrongheaded view that John Maynard Keynes had the right idea when he came up with this cooked-up theory back before the Great Depression began that if you wanted to recover from an economic downward trend you would just take a lot of government money and borrow it from somewhere and dump it into the economy, give it to people, and get them to spend it. That's the Keynesian economic theory.

Government would put money into the hands of people; people would go spend the money, and spending that money would stimulate the economy. That was his plan coming into the thirties. When FDR was elected, that's what they did. They overspent. They spent the country into more deficit than they had seen before, and borrowed money and put it into the economy in all kinds of programs. The WPA, the CCC come to mind as some of those programs.

Now, that was nice for the people there that got the government jobs, and it was nice to have the soup lines. But here's what I know. When government is putting out borrowed money to pay people to do something else that's in competition with the private sector or pay people not to work, it's awfully hard to recover economically, because it takes the private sector to bring us out of this economy.

So this White House now has taken a look at the model of the thirties, and the President of the United States, his lesson, his takeaway from the whole lesson of the Great Depression was this: FDR lost his nerve. That's what the President said, February 10, 2009, before our conference, ten feet away from me, said FDR lost his nerve. He should have spent a lot more money. If he had spent more money, the President's opinion, this country would have come out of the Great Depression almost before it—he didn't say this word—but you know, before we got into the depths of it. And he argued that FDR lost his nerve, should have spent more money. If he had done that, we would not have had the depression that lasted a full decade and more.

And he argued that because FDR lost his nerve and failed to spend enough government money, what we had was—and this is according to the President's words—a recession within a depression, and unemployment numbers that went up during that period of time instead of down. And then he said along came World War II, which was the greatest economic stimulus plan ever.

I would even take issue with that statement. But I am going to concede his point there and not make an argument about it, Madam Speaker, because there is some basis for that statement. It's not completely off base at all. There is just a different perspective that I would emphasize.

But I would argue that sending this Nation into debt and borrowing money and putting it into the hands of people not in exchange for production, but just in exchange sometimes for makework or doing something was not the right way to come out of a depression or a recession. What we need to do is increase productivity. We need to get the private sector more competitive. And he has done everything but let the private sector get more competitive.

But this Keynesian economist on steroids, which is our President, has not made what he considered to be the same mistake that Franklin Delano Roosevelt made. Remember, Roosevelt lost his nerve. He didn't spend enough money. The President hasn't lost his nerve. He spent a lot more money than FDR would have thought of spending. He spent a lot more money than John Maynard Keynes would have thought of spending.

Keynes's argument was this. He said, I will solve all the unemployment in America for you, and here is how I will do it. We will go get a whole bunch of American cash—now, I am paraphrasing here; there is an exact quote that does take this message out—a

whole bunch of American cash, American dollars, and I will find an abandoned coal mine. And we will go out and we will drill holes with a drill rig all over into that abandoned coal mine, and we will stuff these holes full of cash. And then we will haul garbage in there and fill that abandoned coal mine up with garbage—this is before the EPA, you might remember—and then we will just turn the entrepreneurs loose to go in and dig up the money. We will solve all the unemployment problem.

People will go in and dig up the money. There will be a whole industry involved, almost like mining it for gold. I am adding an embellishment here, because I have included Keynes's image of this and I am adding the embellishment beyond. So his idea was, though, that people would go in, dig through the garbage, dig up the money out of the holes in the abandoned coal mine, and it would become an industry. And they would probably need some equipment. They would need shovels at least, and there would be people industriously digging through garbage and pulling the cash out and taking it to town. It wouldn't even be like gold where they had to go to the assay office. Cash was just as good.

It reminds me of the movie that was produced that had the Beatles in it years and years ago called ''The Magic Christian.'' And in ''The Magic Christian'' movie, they wanted to emphasize that there were a lot of greedy people in the world. And they filled this swimming pool full of all kinds of sewage and garbage and junk and things that would be revolting to jump into. And then there is a scene in the movie where doctors and lawyers and professionals and probably gangsters and every character that you can think of that they wanted to denigrate—they filled it full of garbage and junk and sewage and then dumped a bunch of cash in there. They had people diving into that, fighting over the cash. That image in ''The Magic Christian'' is the same image, a similar image that's created by John Maynard Keynes. But those things don't produce an economy. They don't produce wealth.

We have to be an economy that produces goods and services that are essential first for the survival of humanity and then essential to improve the productivity of humanity. And the next level is so that there is a savings or disposable income component to this so that we can go do the things we enjoy doing. But if an economy compresses down to the essentials, it will be a survivalist economy where our effort and our industry goes towards staying alive.

The next level is the level of productivity where our endeavor increases our productivity so that we can be competitive and we can compile wealth and use that wealth to increase our productivity that then increases our standard of living and our quality of life. And if the survival component of the economy and the increased productivity component of the economy gets high enough, then there is disposable wealth for us to spend to enjoy life, like go to the ball game, go on a vacation, take the kids fishing, go to Disney World, take the family out to Washington, D.C., see the monuments, go to the National Archives and to Arlington Cemetery. Those things, that's from disposable income that comes out, the recreational travel, the nonessential things that we spend money on, and that creates another industry.

But as you chase those industries down, you will chase them down to those components that are essential for the survival of Homo sapiens on this planet. That's the real economy. That's the economy we've got to stimulate. That's the one we have to let grow. It's stimulated by low taxes; it's stimulated by low regulation, and it's stimulated by entrepreneurs that understand the idea that they can invest some money or create an endeavor that will produce a profit for them that feeds their family and builds up some capital that can be used to increase their productivity so that the business can grow and they can hire employees and people have jobs. That's the economy we are supposed to support.

I think it's completely outside the understanding of the White House. I look around and I wonder who in the White House has actually signed the front side of the paycheck. Who's had employees? Who's started a business? Who's bought a business? Who's maintained and expanded an existing business that's in the White House circle? Who thinks like a free enterprise capitalist or like an entrepreneur? Is there anybody there that has an instinctive understanding of what it's like to start with something or maybe even start with nothing and create jobs and wealth? That's what America has done.

We have had the scenario that lets us do that. We have had the entrepreneurs. We have had the people with the dream that came to the United States because they knew this was a place where they could be allowed to succeed, and no one could come and take away the fruit of their labor and their endeavor. That's been the American Dream and it's been the American guarantee.

And now, now the White House can go in and order the terms of a bankruptcy for Chrysler or General Motors and direct that 17.5 percent of the shares of General Motors be handed over to the labor unions, the United Auto Workers who didn't have skin in the game except the potential for a future job. And yes, they had a benefits package out there, but their skin in the game wasn't conceded. They didn't concede a single point. Maybe some outside claims on insurance that could come in later years that all of them at the table believed was going to be replaced by ObamaCare anyway. There was no risk on UAW. They got handed 17.5 percent of the ownership of General Motors at what, the expense of the secured creditors, the stockholders, the bondholders that had the first mortgage on the asset values of General Motors taken out by the White House.

□ 1945

Never before in America have we seen a scenario like that where it was testified under oath by the Treasurer of the State of Indiana that in the case of Chrysler, the Obama White House went into the bankruptcy court and dictated terms going in, and the terms that came out after chapter 11 were exactly the terms dictated by the White House. Of the testimony that took place in the chapter 11 bankruptcy hearings, there wasn't one jot or tittle that was changed as a result of the testimony because the White House dictated the terms.

The Obama administration were the only ones that were evaluating the assets of Chrysler going into chapter 11. And who is the only buyer on the other side? Well, the White House. Never before in a bankruptcy court. That is unjust. You can't get justice out of a scenario of a chapter 11 bankruptcy court that allows the same entity that is setting the terms to be the entity that is buying.

The White House is saying here is what the value of Chrysler is and here is what we are willing to pay and nobody else gets to be a bidder. And in the case of General Motors, take these shares away from the shareholders, take the assets away from the secured bond holders, push them over there and turn them over to the United Auto Workers.

So what, so they can run the business of General Motors for the benefit of the people affected by it. Doesn't that sound good. Doesn't that sound great, Madam Speaker. Run a Fortune 500 company for the benefit of the people affected by it. Where have I heard that language before? Run a business for the benefit of the people affected by it. Oh, yes, I know where I have heard that language before, Madam Speaker. I read it on the Socialist Web site. You can go read it yourself, dsausa.org. They want to nationalize the Fortune 500 companies which would include General Motors and Chrysler. I don't know if it includes BP, but I imagine they are in their sights today.

And they say we are not Communists; we are Socialists. We don't want to nationalize every business in America; we just want to nationalize the Fortune 500 companies and a few others that catch our attention. And we want to manage them for the benefit of the people affected by them. That is a quote: manage them for the benefit of the people affected by them. Dsausa.org, it is the Socialist Web site, who, by the way, tell us they don't run candidates on the Socialist ticket as if they were Democrats, Republicans, Libertarians or Communists. They run candidates on the Democrat ticket as

Progressives, and they say the Progressives are the legislative arm of the Socialists.

So I read this and I am thinking, all right, but why would I take that seriously? They are attaching themselves to the Progressives in Congress, so I research a little more. I find out that there is a Web site for the Progressives here in Congress. The gentleman from Arizona (Mr. GRIJALVA), it is a Web site that has his name on it now. It is often up here on a blue board with white letters that is presented by KEITH ELLISON of Minnesota. I see him constantly advertising the Progressives.

So I go back and do a little research, and I find out that the Socialists were the ones that managed the Progressive Web site until 1999. Yes, they are an offshoot. They are joined together at the hip. They are Siamese twins. The Progressives here in Congress are the Siamese twin of the Socialists of America. The Socialists ran their Web site until they took a little heat in 1999, and then they decided the Socialists running the Progressive Web site was a little too obvious a link, so the Progressives took over their own Web site and started to run it from there. But the Socialists still have on their Web site the proud bond between them and the Progressives in the United States Congress.

The last time I looked at the list of the Progressives on the Progressive Web site, there were 77 Members of Congress that were listed. Of these 77 Members, they would be obviously among the most liberal left wing Members of Congress. But the people in America don't think of liberal left wing Democrats as Socialists. They think of them as people who are for a little more social justice, but they don't think of them as Socialists. If they would read the Socialist Web site, I think that would be a pretty good description of what a Socialist is.

When you read on the Web site that they want to nationalize the Fortune 500 companies, and then you can minimize your dsausa.org Web site, and then open up the Progressive Web site and read on there what they want to do. Well, let me see. They want to nationalize the energy industry in America. They want to nationalize the oil refinery in America. Those would be statements written and said, stated by MAXINE WATERS of California and MAURICE HINCHEY of New York respectively. I read those statements through the press, and I hear them make them. I go back and look at the Progressive Web site, and it says on there: Proud Member of the Progressive Caucus, MAXINE WATERS, MAURICE HINCHEY. And then I go over to the Socialist Web site and I read on there, We want to nationalize the Fortune 500 companies. We want to nationalize the energy industry. We want to nationalize the oil refinery industry.

You see the pattern here, Madam Speaker. What is on the Socialist Web site is an agenda. It is on the Progressive Members of Congress caucus Web site as an agenda. And this agenda is being carried out by the White House and people are proudly advocating for these ideas while never admitting that they are a Siamese twin of the Socialists, who brought this out, and they have done this for a couple of decades or more and made this advocacy.

Senator BERNIE SANDERS of Vermont is the one member of the Progressive Caucus, at least on the list, he is not in the House but he is in the Senate, Madam Speaker, Senator BERNIE SANDERS. He is a self-avowed Socialist. I know of no one who has tried to rebut his statement that he is a Socialist. He is a proud Socialist United States Senator. He remains, I believe, a member in good standing as a member of the Progressive Caucus over here. BERNIE SANDERS advocates many of the things that are on the Progressive Web site, and certainly they are tied together. I have explained how that works. He is the highest profile Socialist in the United States of America, and no one has challenged his position that he is a Socialist. That would be like someone saying STEVE KING is not a Republican, Madam Speaker. And so I take him at his word. Senator SANDERS from Vermont is a Socialist. They have elected him; that is how it goes. I don't like it, but that is how it goes. I don't dislike him; I just disagree with him philosophically. But that is how it goes in America.

So he is a Progressive and a Socialist, and we have 77 Progressives in this Congress. Well, are they Socialists? I think many are. I don't know if all are. But I know this: if you look at the voting records of President Obama when he was in the United States Senate serving with BERNIE SANDERS, it is clear that President Obama voted to the left of Socialist Senator SANDERS of Vermont, consistently to the left.

So, Madam Speaker, the argument is not what is the ideology of our President. It is what is to the left of a Socialist. That is the argument that is out there and what we need to consider and contemplate. I believe this, that if you want to declare something not to be Socialism, however it is Socialism, you have to figure out how to redefine something to the American people. They are smart enough to know what words mean. They know what Socialism is. They know what irresponsible overspending is.

They know when a President and a Congress, led by Speaker PELOSI and Majority Leader REID, disagree with the will of the American people. They understand that it is free enterprise that has driven the economy of this Nation to success, and economically has been the component that allowed for the United States of America to be the unchallenged greatest Nation in the world. They understand that the bogged down economies, managed economies, whether it was central planning in the Soviet Union that finally collapsed in 1991, or whether it is the unstimulating economy that has bogged down Western Europe for a long time, that the vitality in this American economy that keeps chugging along is rooted in the individual entrepreneurs that are the invisible hands that are making decisions every day that turns this economy and makes it move.

We are not about to give up on free enterprise even though we have people that don't believe in it that own the gavels today, even though we have a President of the United States and a White House staff and a lot of the Cabinet that don't understand, nor do they appreciate or believe in free enterprise capitalism. I doubt if there is anybody out there in the White House that can say, Yes, I read ''Wealth of Nations.'' I understand it. I understand the division of labor. I understand the comparative advantage that Adam Smith wrote about. No, they understand Karl Marx, but they don't understand Adam Smith.

This is where we are, and it is why we have to push the reset button in November. This Nation is resilient. We can come back from this. We have a lot of debt and deficit that we have to pay off. We have a lowering national image abroad. We have a military that took a serious reset today, and I pray that it gets turned out for the best.

I think that some of our tasks are very difficult, but finding our soul is going to be the most difficult one. America will produce and bring us to a greater level of greatness yet if we find our soul, if we redefine and identify the pillars of American exceptionalism and chart ourselves down that path that goes beyond the shining city on the hill that Ronald Reagan so well spoke of and take us to the level that we can achieve, that we can see just beyond our horizons now.

Truthfully, I didn't come here to speak about any of the things I have spent the last half hour discussing. I wrote a number of subject matters down on a piece of paper, and I would like to refer over. I mentioned, Madam Speaker, the ObamaCare issue. And here is where we are. Whether it was 2 months or 3 months ago today that ObamaCare passed, I think this is a monthly anniversary of that tragic day when this Congress refused to use its common sense and refused to listen to the will of the people. Somehow they seem to be shut up here in Washington, and the constituents couldn't get to them and they hammered through and force fed an ObamaCare bill on the American people that today is the law of the land.

There was a cry that went out for almost a year from this country of the people that said I don't want my health care taken over and nationalized by the Federal Government. And bills that came in, 1,994 pages dropped on us near the end of October. It was a Thursday, 1,994 pages. We held a quick meeting a couple of hours after the bill was out. We didn't get a warning. Nobody is

working with our side of the aisle. This is all drop the ambush on them if you can. Don't give them time to regroup their forces. We are going to bring this ObamaCare bill and try to turn it into law.

Well, a couple of hours after it was electronically available, our very astute staff put together an analysis of ObamaCare. And after that 2 hours, they presented us in the period of about an hour what they thought was in it in a quick cursory example. They broke it apart in titles and went down through the titles and told us what they thought we had. I thought they did a very good job of it, and it was very accurate. I appreciate the work that was done. We understood this: we had to kill the bill. We put all kinds of effort into that. People from every State came to this city to lend their voices in trying to kill ObamaCare because they wanted to keep their freedom.

□ 2000

I want to keep my freedom, and I joined with them.

We came very, very close in November, December, right down to Christmas Eve when HARRY REID, the old scrooge, put the bitter pill out there on the floor of the Senate and America was force-fed that bitter pill that took away the liberty of the American people and nationalized our skin and everything inside it. That passed the Senate on Christmas Eve, and then it still had to face a cloture vote in the Senate. The people from Massachusetts rose up and decided they were going to do the improbable and the impossible, and they elected Scott Brown to the United States Senate, who said, I will oppose ObamaCare, and he came here to do just that. And in an unusual and in an unexpected and a unique tactic, they circumvented the vote in the Senate and shoved a vote here on the floor of the House on a promise that there would be another package passed through the Senate.

So we had this scenario that happened. When ObamaCare passed—and I'm talking about the bill, not the recissions package that came along afterwards—at the moment that ObamaCare passed, it could not have passed the Senate. When it passed the House and went to the President's desk, it could not have passed the Senate. And it did not enjoy a majority support here in the House unless there was a promise that they would pass a recissions bill afterwards that would give some of the holdouts the things that they thought they needed to amend the bill.

So they toyed with the idea of actually amending a bill that hadn't become law. That was the effort. There couldn't be an honest effort to put together a bill that was debated and perfected and amended in committee and on the floor so that it could become the will of the House or the will of the Senate. Neither the will of the House nor the Senate was passed that day when ObamaCare was passed. Maybe that's inside baseball, Madam Speaker, but here's where the American people are today. Wherever I go in this country I hear people say, ''I want my country back.'' They have seen this administration—and, yes, some of it started in the previous administration—but it had everything that I'm about to list, it had 100 percent support of Barack Obama whether he was a United States Senator, whether he was the President-elect, or whether he was the President of the United States, had most of it under his guidance as President of the United States.

Here's what happened. This Federal Government took over, nationalized—and when I say nationalized, I mean ownership, management, or control of—three large investment banks, AIG, Fannie Mae, Freddie Mac, General Motors, Chrysler—where am I going? There's more to this. All the student loan programs in America, all of that swallowed up by the Obama administration. And I'm going to go through that, that's one-third of the private sector activity according to Professor Boyles at Arizona State University, one-third.

And then, along came ObamaCare, which passed. The gentleman earlier talked about that being 17 percent of our economy. The number I see is 17.5 percent. Well, we're close, we're within half a percentage point, who really knows? But when I add it up, I added 18 to 31 percent, that takes us to 51 percent. The question is, whether it's 50.5 percent or 51 percent of the private sector activity taken over by this Federal Government—three large investment banks, AIG, Fannie Mae, Freddie Mac, General Motors, Chrysler, all the student loans in America, now the nationalization of our bodies, of our health care, taking away a person's individual choices on how they will manage their health care, what insurance policies they will buy because, after all, the Health Choices Administration czar—they call him a commissioner, I call him a ''commizarissioner''—will write the rules later.

There isn't a single health care policy in America that the President of the United States can say I guarantee that this policy will be available to you when ObamaCare is implemented, not one. Remember, he promised America that if you like your health insurance policy, you get to keep it. He promised that over and over again. It was no guiding light, it was no promise, except a broken one. And I began to wonder—there's a Web site out there that's a whole list of all of the broken Obama promises. It goes on and on and on. I wonder if he doesn't have a czar that's charged with keeping track of all of the Obama promises and making sure that he can break every single one of them in his first term. He's got a great start. But I know the American people don't see a guarantee and a promise from the President anymore.

If you like your health insurance policy, you get to keep it, I promise. Well, so what? Your promise means nothing because what we know today is there isn't a single policy in America that anybody believes that they get to keep on the other side of the implementation of ObamaCare.

And so if I'd stitch this back together, the list that I've gone through—the banks, AIG, Fannie and Freddie, General Motors, Chrysler, student loans, all of that, a third of private sector activity—ObamaCare, 17.5 percent of the private sector activity of the health care swallowed up, taken over by the time this is implemented in 2014. And so now we're at 51 percent of the former private sector activity now nationalized, taken over, under the ownership, management, or control of the Federal Government.

The gentleman earlier talked about Hugo Chavez. I remember seeing a picture of the President glad handing his handshake with Hugo Chavez almost a year ago. And I said at the time, when it comes to nationalizing companies—Hugo Chavez had just taken over a Cargill rice plant in Venezuela, but when it comes to nationalizing companies, Hugo Chavez is a piker; he cannot hold a candle to the President of the United States. And that's just a fact, Madam Speaker, it's not an embellished fact, it's just a fact.

So today we've lost 51 percent of our private sector activity to the nationalization of this Federal Government. They have nationalized, under ObamaCare, our skin and everything inside it. The most sovereign thing that we have, now we can't manage it the way we managed it before. It will be that we can only manage our health care in the future under the permission of the Federal Government. And by the way, nationalize our skin and everything inside it. And let's just say that if your daughter is getting ready for the prom or a wedding and she wants to go to the tanning salon, ObamaCare taxes the outside of your skin too, to the tune of 10 percent. What is that about? Couldn't they restrain themselves? Why do something that's so blatant as that that it embellishes the argument that the nanny state is going to prevail? Are they really worried about somebody's health?

They wanted to tax a non-diet pop. They want to manage behavior, they want to control diets. They're involved in an effort to take 1.5 trillion calories out of the diet of kids because one-third of our youth are obese. And Secretary Gates, I believe, has spoken about this, our Secretary of Defense, that there is a higher percentage of young people that don't qualify to go into the military because they've got too much blubber around their belt, so they can't qualify. I would say this then: If they're healthy otherwise, bring them in. If they meet all other standards but they're a little too fat, bring them into basic training, just keep them there a while longer. By the

time you run them around the field in combat boots a few more times and put them on a diet and exercise plan, you'll get them where you want them to be. They're still good shells of physical specimens, they just need to be cracked into shape. It doesn't mean we have a national security problem because too many kids are fat. I think we do have a problem, though, a nanny security program if this Federal Government is going to try to control the diets of our kids in this country. Taking away our liberty, taking away our freedom, disregarding the vitality of America that comes from our individualism, from being able to make choices, being held responsible for choices.

So ObamaCare has got to go, Madam Speaker. And there are those who think, oh, we can't get it done. It's hopeless now, the bill is passed, let's move on. We need to look ahead, not backwards. Well, listen, if we're going to look ahead, we have to look backwards and determine that ObamaCare is a terrible idea. It's an unconstitutional thing, it's an unconscionable thing to do to a free people.

□ 2110

America, with its vitality, loses a chunk of its vitality when you take away our individualism and our liberty, and if people think we can't repeal ObamaCare, let me lay out this scenario. It works like this:

Every single Republican voted ''no'' on ObamaCare. There were 34 Democrats who voted ''no'' on ObamaCare. There was only one thing bipartisan about ObamaCare, and that was the opposition to ObamaCare—in the House and in the Senate. So ObamaCare is the law of the land, but the implementation of it doesn't get completed until 2014. That's when we are really saddled with the juggernaut of this ''taking our decisions away from us and creating the dependency on people so that they no longer think about the freedom and liberty of making their own choices.'' So here is how we repeal ObamaCare.

First of all, there is MICHELE BACHMANN, PARKER GRIFFITH, BOB INGLIS, I believe, JERRY MORAN—and there may be TODD AKIN—and I. Those people I can think of have all introduced legislation to repeal ObamaCare, a standalone repeal of ObamaCare that is simply this: A 100 percent repeal of ObamaCare. Pull it out by the roots. Pull it out root and branch and lock, stock and barrel so there is not one particle of ObamaCare DNA left behind. This has become a toxic stew that we have ingested now, and it is turning into a malignant tumor that will start to metastasize in 2014 when ObamaCare is fully implemented. So here is what we do:

Of my bill and others' bills, we have 90-some cosponsors on this legislation. I have introduced a discharge petition. I think it's discharge petition No. 11. I'm not certain of the number. I think that's the number. I've signed it. A lot of others have signed it. A lot more need to sign it because of this: If a discharge petition gets 218 signatures on it here in the well of the House, it has to come to the floor for a vote unamended. That means we can force a vote even over the will of the Speaker of the House, who, surely, would do everything she could do to resist the repeal of ObamaCare. We could force a vote, but the process of getting to 218 signatures on a discharge petition identifies—separates, let's say—the men from the boys and the women from the girls.

Now, if you really were sincerely against ObamaCare, it's one thing to vote against it, and 34 Democrats did. NANCY PELOSI let them off the hook because they were afraid they would lose their seats in their districts, but who knows how many of them were serious. When we actually had the motion to recommit on no mandates, on no Federal mandates to buy insurance, there were only 21 Democrats who voted with that as opposed to the 34 who voted ''no'' on ObamaCare. So you've seen the conviction drop by 13 just in that little exchange.

How many of those 21 really have conviction?

We'll find out because the discharge petition is here, and I challenge those 21. In fact, I challenge those 34—and everybody else who is opposed to ObamaCare—to sign the discharge petition. Let's bring that discharge petition to the floor and repeal ObamaCare. Let's pull it out by the roots. Let's send it over to the Senate. Let's see what JIM DEMINT and others can get done over there. That's what we need to do here in the House of Representatives.

Now, maybe that doesn't get itself accomplished and get ObamaCare repealed, because people in America, Mr. Speaker, can think in sequences, in logical, multiple sequences. All of the solutions are out there in America. I trust the judgment of our voters. They know this: If we are successful in getting 218 signatures on a discharge petition and if we pass the repeal of ObamaCare and if it goes down the hallway and across, through the Rotunda and over to HARRY REID, of course he'll do everything he can to kill it.

Maybe they'll find a way to get that done over in the Senate. Then it would go to the President, and we know what would happen. He would veto the bill. So it would come back to the House or to the Senate for an opportunity to override the Presidential veto.

It's not something you would consider to be politically possible today. Maybe there is an outside chance that it could be possible by the time we get to November. I doubt it, too—I'm skeptical about that—but we'll have put the marker down, Mr. Speaker. We will have separated the women from the girls and the men from the boys with the discharge petition. We'll have set the stage for the other side of November, the other side into the next Congress, when, I believe, the gavels will come into different hands from our side of the aisle, in which case we can move a repeal of ObamaCare as a standalone, a 100 percent repeal of ObamaCare as a standalone. We can do that. When that would happen, we would recognize President Obama would veto that, and we would have to figure out how to come up with a two-thirds majority to overturn the Presidential veto.

Again, that's a very, very high bar, but this Constitution here in my jacket pocket tells me all spending has to start here in the House, Mr. Speaker. All spending has to start here in the House. So a House controlled with a gavel in the hands of Republicans would simply refuse to fund any dollars. Any American taxpayer dollars would be prohibited to be used to implement ObamaCare. That could work really well in a Republican majority in 2011 and in 2012. So ObamaCare wouldn't be implemented. It would be sitting there without implementation, and Republicans would have passed a repeal of ObamaCare at least once during that period of time, maybe more times. Then we elect a President in 2012 who takes, as a matter of his campaign and his oath, his number one priority, which is to sign the repeal of ObamaCare. Pull it out by the roots.

So I have this vision of a President of the United States taking the oath of office, Mr. Speaker, with pen in hand: I swear to the best of my ability to preserve, protect, and defend the Constitution of the United States, so help me God. Pen in hand.

Normally, the President will turn and shake hands with the Chief Justice and with the outgoing President, and there will be a great celebration up there on the west portico of the Capitol. I would like to see him interrupt that for one thing. I'd like to see that pen in his hand when he takes the oath. I'd like to see the repeal of ObamaCare right there at the podium on the west portico, right by the bible that he chooses to take the oath on, and I'd like to hear him take that oath ''so help me God'' and bring his hand right down to the document that is the repeal of ObamaCare and sign the repeal of ObamaCare right there in the first instant of the new administration that begins on January 20, 2013.

Don't tell me we can't repeal ObamaCare. Yes, we can. We have to move a discharge petition now. We have to separate the women from the girls and the men from the boys on that subject. We've got to identify it so the voters know what to do when they go to the polls in November. When the time comes that the new majority is here and is being sworn in in January, probably on January 3 of 2011, we will refuse to fund ObamaCare, because the funding has to start here, and you can't get around that. No President can get around that. No Senator can get around that. The Constitution says it starts here. We control all spending in this House. There will be no funding to

fund the implementation of ObamaCare. We hold the line in 2011 and 2012, and we elect a President who will sign the repeal of ObamaCare on January 20, 2013, right there on the podium at the west portico of the Capitol. It's right through those doors. Take a left. It's out on the portico where great events takes place.

That's what needs to happen—the full repeal of ObamaCare. Move this discharge petition now so we can separate those who are for a standalone, 100 percent repeal of ObamaCare and those who seem to lack the will to put their markers down and to be clear with the voters in America. That has got to happen.

Now, I didn't leave a lot of time for some of the other subject matters that I felt the urge to address, but I'll go through a list of them. A lot of them have to do with immigration, Mr. Speaker.

One of them is regarding the Secretary of Labor, who is using our tax dollars to run ads to tell people: Call this number. If you're legal or illegal, it doesn't matter. You deserve a reasonable wage, so we'll protect you with our labor laws. If you're working in the United States illegally, we're not going to ask you for your Social Security number or where you were born or what your lawful present status is or whether you are legal to work in America. If you're illegal and if your boss isn't paying you a going wage or is not treating you right under America's labor laws, call us. We'll keep you confidential, and we'll go punish the employer.

They're spending—it has to be millions of dollars—out of the Department of Labor budget to tell people who have broken into this country, who have unlawfully entered the United States or who have unlawfully overstayed their visas and who cannot lawfully work in America, that they are going to use the law to punish the employers if they don't treat them right.

Now, I don't say that an employer should be able to abuse their employees, but I do say the Secretary of Labor gets this way wrong if she thinks that she is going to use my tax dollars, Mr. Speaker, or is going to use your tax dollars to advertise to people working in America illegally, who are taking jobs away from Americans and from people who can work legally in this country, and reward them with the objective of their crimes by bringing the force of the Department of Labor against their employers.

□ 2020

I tell you, I don't know where they find these people to appoint them to the Cabinet. This is one. I want to look at the full text of her remarks and come on tomorrow with a decision on what position I want to take. But this is a marker that needs to be down. We don't use American tax dollars to advertise and reward illegals for coming into this country. That is a form of amnesty being advertised in the television airwaves across America, with American tax dollars, at the direction of the Secretary of Labor; her face up there saying, Trust me. I will protect you. I won't enforce the law against you.

Amnesty. To grant amnesty is to pardon immigration lawbreakers and award them with the objective of their crimes. That's what she's saying. She's saying, We're not going to bring the law against you. We won't enforce the law. We'll keep your name confidential. Trust us. If your objective is a good job, we'll make sure we come down on your employer, not on you. But all the while she knows that anybody working in the United States illegally had to falsify their identification to get the job in the first place. And they probably did an identity theft or purchased the theft product from someone's identity in order to work in America. That is a serious crime. When someone's identity is stolen, they never get it back again. It is being implicitly encouraged by the Secretary of Labor. And that's got to stop, Mr. Speaker.

Now, Arizona law. Let's just say Arizona. Fox News today ran a story—I think they started it last night in some text that I read—about the spotters down in Arizona that occupy the mountaintops along the transportation routes coming up through Arizona. Now what is going on is drug smugglers, people smugglers, contraband smugglers, occupy these locations on top of the mountains in Arizona. A lot of mountains in Arizona are shaped like volcanoes. Some is volcanic, as I notice, anyway. They come to a point. They're a cone.

And up on top of them—or whether it's a ridge—they will pick a spot where they can see an intersection of highways coming from two or three different directions or more, and the employees—these are paramilitary armed personnel that are organized as a military force taking position, strategic positions on top of mountaintops in Arizona, and they will take the stones and they'll stack them around like a gun emplacement and hunker down with optical equipment and they will watch the traffic.

And they have communications equipment with scramblers and descramblers in it so they can talk to their people and we can't listen in on them. We know the frequencies. I've heard it on the radio. I've flown over there in a helicopter and listened to the excited chatter as we fly toward some of those mountaintops to try to pick those spotters off of there before they come off the mountaintop and go hide in the desert. You can hear the chatter intensify up to a fever pitch and then all of a sudden it goes dark. Silent. That's because they come off the mountain right before you get there and they go down and hide.

I have pictures. I have hundreds of pictures from the top of these spotter locations. These are tactical positions in America. They're used to facilitate the smuggling of drugs and people, all kinds of contraband, and some of those people may well be terrorist suspects. They're from nations that we should be concerned about.

That traffic is going on through Arizona and other States. And these locations aren't just sitting along the border. These locations go all the way up the highway. Not just to Tucson. All the way to Phoenix. They control the transportation routes there. They tell them when to go, when to stop. They run decoys with a small amount of drugs in them. When the Border Patrol and other law enforcement officers converge on a vehicle, they sacrifice one of their people for the means of bringing a truckload through while they're diverted. That happens. It happens regularly.

We have a massive number of illegal border crossings. We have backpackers that are marching through the desert. We have 110-pound guys with 50-pound packs or more on their back and they march for a hundred or more miles sometimes. You look at some of those guys with calves like that on them. They're in shape because that's what they do—they walk back and forth in the desert and get paid to smuggle drugs in and out of the United States. And we sit here and we allow drug smugglers to occupy tactical positions on the tops of mountains, controlling the transportation routes in America, all the way up to Phoenix, and we're not able to go snap those people off those mountains and lock them up or put them through the shakedown and find out who they're affiliated with.

And we can listen in on the radio, but we can't understand it because it's a scrambled chatter and their equipment is at least as good as ours—and maybe better. And they supply them and they bring them food and drink and other things they need, as well as weapons. And I've been there to see these locations and optical equipment.

Mr. Speaker, we've got to take the spotters off the top of these lookout mountains. We cannot have the drug smugglers in tactical positions that control our transportation routes, however difficult it is. And there are tactical ways to do this. Our Special Forces know how. A lot of our law enforcement officers know how. They just need a mission. And last year I was able to get an appropriations amendment that directed a million dollars to take the spotters off of the lookouts in Arizona. And that appropriation went over to the Senate, where it was killed and died, Mr. Speaker.

So we've got to wake up. We've got to defend this country. We've got to shut off this border; build a wall; build a fence; stop the bleeding at the border; take the lookouts, the spotters off the lookout mountains in Arizona; shut off the magnet on jobs; get back to the rule of law. Let's reward people that respect the law and punish the people

that violate the law without regard to race, creed, color, ethnicity, or national origin. Take it right out of title 7 of the Civil Rights Act. By the way, without violating Arizona law or Arizona's Constitution or the United States Constitution or any other State Constitution, for that matter.

Those are a number of the things on my mind, Mr. Speaker. And I'm very well aware that within the next 60 seconds I will have reached the balance of my time. And so I want to acknowledge and appreciate being recognized to address you here on the floor of the House of Representatives.

And I would yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for June 22 and today until 2 p.m. on account of a death in the family.

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 Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, June 30.

Mr. JONES, for 5 minutes, June 30.

Mr. MORAN of Kansas, for 5 minutes, June 25, 29, and 30.

Mr. PAULSEN, for 5 minutes, today and June 24.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Thursday, June 24, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

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. 5569, the National Flood Insurance Program Extension Act of 2010, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5569, THE NATIONAL FLOOD INSURANCE PROGRAM EXTENSION ACT OF 2010, AS INTRODUCED ON JUNE 22, 2010

	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[a]	50	0	0	−50	0	0	0	0	0	0	0	0	0

[a] H.R. 5569 would authorize the Federal Emergency Management Agency to pay flood insurance claims that would otherwise go unpaid during the lapse in the National Flood Insurance Program's authority to write and renew policies by making the new authorization retroactive. The bill also would reduce the program's ability to borrow funds from the Treasury in years where program expenses exceeded premium income. CBO estimates that the enacting these provisions would have no net effect on the federal budget over the 2010–2015 and 2010–2020 periods.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8025. A letter from the Under Secretary, Department of Defense, transmitting letter addressing the acquisition strategy, requirements, and cost estimates for the Army tactical ground network program, pursuant to Public Law 110-84 section 218; to the Committee on Armed Services.

8026. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's ''Major'' final rule — Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act (RIN: 1210-AB42) received June 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8027. A letter from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting annual report on Operations of the Office of Workers' Compensation Programs for Fiscal year 2008; to the Committee on Education and Labor.

8028. A letter from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting annual report on Operations of the Office of Workers' Compensation Programs for Fiscal year 2007; to the Committee on Education and Labor.

8029. A letter from the Deputy Director, OSHA Standards and Guidance, Department of Labor, transmitting the Department's final rule — Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards [Docket No.: OSHA-H054a-2006-0064] (RIN: 1218-AC43) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8030. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan under the Patient Protection and Affordable Care Act (RIN: 0991-AB68) received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8031. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's ''Major'' final rule — Revision of Fee Schedules; Fee Recovery for FY 2010 [NRC-2009-0333] (RIN: 3150-AI70) received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8032. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of Changes from the 2009 Annual Review of the Entity List [Docket No.: 100311137-0138-01] (RIN: 0694-AE88) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8033. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Export Administration Regulations: Technical Corrections [Docket No.: 0907271167-91198-01] (RIN: 0694-AE69) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8034. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of infrasound sensors that have both military and civil applications, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8035. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-002, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8036. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's fiscal year 2009 annual report prepared in accordance with Section 203(a) of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

8037. A letter from the Chairman and President, Export-Import Bank, transmitting the semiannual report of the Inspector General for the period ending September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

8038. A letter from the Director, Office of Personnel Management, transmitting the Office's Annual Privacy Activity Report to Congress for 2009, pursuant to Public Law 108-447, section 522; to the Committee on Oversight and Government Reform.

8039. A letter from the Chairman, Securities and Exchange Commission, transmitting the Semiannual Report of the Inspector General and a separate management report for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8040. A letter from the Assistant Attorney General, Department of Justice, transmitting the annual report of the Office of Justice Programs' Bureau of Justice Assistance for Fiscal Year 2008, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

8041. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report providing an estimate of the dollar amount of claims (together with related fees and expenses of witnesses) that, by reason of the acts or omissions of free clinic health professionals will be paid for 2011; to the Committee on the Judiciary.

8042. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; CSX Railroad, Trout River, mile 0.9, Jacksonville, FL [Docket No.: USCG-2009-0249] (RIN: 1625-AA09) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8043. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Lower Grand River, Iberville Parish, LA [Docket No.: USCG-2009-0686] (RIN: 1625-AA09) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8044. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Lake Champlain Bridge Construction Zone, NY and VT [Docket No.: USCG-2010-0176] (RIN: 1625-AA11) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8045. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Patuxent River, Solomons Island Harbor, MD [Docket No.: USCG-2010-0179] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8046. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Desert Storm, Lake Havasu, AZ [Docket No.: USCG-2009-0809] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8047. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; United Portuguese SES Centennial Festa, San Diego Bay, San Diego, CA [Docket No.: USCG-2010-0065] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8048. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Chehalis River, Aberdeen, WA, Schedule Change [Docket No.: USCG-2009-0959] (RIN: 1925-AA09) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8049. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Port of Coos Bay Railroad Bridge, Coos Bay, North Bend, OR [Docket No.: USCG-2009-0840] (RIN: 1625-AA09) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8050. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red River, MN [Docket No.: USCG-2010-0198] (RIN: 1625-AAOO) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8051. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BW PIONEER at Walker Ridge 249, Outer Continental Shelf FPSO, Gulf of Mexico [Docket No.: USCG-2009-0571] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8052. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Clarification of Parachute Packing Authorization [Docket No.: FAA-2007-28518, Amendment No. 65-54] (RIN: 2120-AJ08) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8053. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Security Zone; Potomac River, Washington Channel, Washington, DC [Docket No.: USCG-2010-0050] (RIN: 1625-AA87) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8054. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification of the determination that a continuation of a waiver currently in effect for the Republic of Belarus will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 111—126); to the Committee on Ways and Means and ordered to be printed.

8055. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — This revenue procedure provides guidance with respect to the United States and area median gross income figures that are to be used by issuers of qualified mortgage bonds (Rev. Proc. 2010-23) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8056. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — This revenue procedure modifies the inflation adjusted amounts in Rev. Proc. 2009-50, 2009-45 I.R.B. 617, that apply to taxpayers who elect to expense certain depreciable assets (Rev. Proc. 2010-24) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8057. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be part of the National Defense Authorization Act for Fiscal Year 2011; jointly to the Committees on Foreign Affairs and Oversight and Government Reform.

8058. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, ''Federal Civilian Employees in Zones of Armed Conflict Benefits Act of 2010''; jointly to the Committees on Foreign Affairs and Oversight and Government Reform.

8059. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft of proposed legislation entitled, ''Veterans Benefits Programs Improvement Act of 2010''; jointly to the Committees on Veterans' Affairs and Energy and Commerce.

8060. A letter from the Board Members, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

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. House Resolution 1406. Resolution directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the potential designation of National Monuments (Rept. 111–510). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 1468. Resolution providing for consideration of the bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes (Rept. 111–511). Referred to the House Calendar.

Mr. BERMAN: Committee of Conference. Conference report on H.R. 2194. A bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran (Rept. 111–512). Ordered to be printed.

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 Mrs. MALONEY (for herself, Mr. SMITH of New Jersey, Mr. BLUMENAUER, Mr. COHEN, Mr. POE of Texas, Ms. RICHARDSON, and Mr. WU):

H.R. 5575. A bill to establish a grant program to benefit domestic minor victims of sex trafficking, and for other purposes; to the Committee on the Judiciary, 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. REICHERT (for himself, Mr. GARY G. MILLER of California, and Mr. MATHESON):

H.R. 5576. A bill to provide construction, architectural, and engineering entities with qualified immunity from liability for negligence when providing services or equipment on a volunteer basis in response to a declared emergency or disaster; to the Committee on the Judiciary.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. STARK, and Ms. WOOLSEY):

H.R. 5577. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to

the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, 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. KUCINICH (for himself, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. STARK, and Ms. WOOLSEY):

H.R. 5578. A bill to prohibit the open-air cultivation of genetically engineered pharmaceutical and industrial crops, to prohibit the use of common human food or animal feed as the host plant for a genetically engineered pharmaceutical or industrial chemical, to establish a tracking system to regulate the growing, handling, transportation, and disposal of pharmaceutical and industrial crops and their byproducts to prevent human, animal, and general environmental exposure to genetically engineered pharmaceutical and industrial crops and their byproducts, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, 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. KUCINICH (for himself, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. STARK, and Ms. WOOLSEY):

H.R. 5579. A bill to provide additional protections for farmers and ranchers that may be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their dealings with biotech companies that sell genetically engineered seeds, plants, or animals, to assign liability for injury caused by genetically engineered organisms, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, and the Judiciary, 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. NUNES (for himself, Mr. SIMPSON, Mr. BISHOP of Utah, Mr. MCCLINTOCK, Mr. MCKEON, Mr. HERGER, Mr. REHBERG, Mr. WALDEN, Mr. LAMBORN, and Mr. HUNTER):

H.R. 5580. A bill to amend the Act popularly known as the Antiquities Act of 1906 to require certain procedures for designating national monuments, and for other purposes; to the Committee on Natural Resources.

By Mr. KIND (for himself and Mr. HIGGINS):

H.R. 5581. A bill to amend the Internal Revenue Code of 1986 to make qualified biogas property eligible for the energy credit and to permit new clean renewable energy bonds to finance qualified biogas property; to the Committee on Ways and Means, and in addition to the Committee on Science and Technology, 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. SULLIVAN (for himself, Mr. BROUN of Georgia, Mr. LUCAS, Mr. KLINE of Minnesota, Mr. SHIMKUS, Mr. CULBERSON, Mr. BURTON of Indiana, Mr. ROONEY, Mr. MARCHANT, Mr. POSEY, Mr. HERGER, Mrs. SCHMIDT, Mr. SHADEGG, Mr. FRANKS of Arizona, Mr. HALL of Texas, Mr. ROGERS of Michigan, Mr. BURGESS, Mr. GOHMERT, Mr. GINGREY of Georgia, and Mr. FLEMING):

H.R. 5582. A bill to authorize appropriations for the Department of Commerce and to prohibit Federal economic development funds to States that carry out public takings for private purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, 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. SHEA-PORTER:

H.R. 5583. A bill to require cell phone early termination fees to be pro-rated over the term of a subscriber's contract, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CARTER:

H.R. 5584. A bill to designate the facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the ''Army Specialist Matthew Troy Morris Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. CARTER (for himself, Mr. CULBERSON, Mr. OLSON, Mr. DJOU, Mr. MCCAUL, Mr. SMITH of Texas, Mr. PUTNAM, Mr. SENSENBRENNER, Mr. ROONEY, Mr. FLEMING, Mr. BOYD, Mr. STEARNS, Mr. GOHMERT, and Mr. HARPER):

H.R. 5585. A bill to provide a statutory waiver of compliance with the Jones Act to foreign-flagged vessels assisting in responding to the Deepwater Horizon oil spill, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Mr. GUTHRIE, and Mr. POLIS):

H.R. 5586. A bill to support high-achieving, educationally disadvantaged elementary school students in high-need local educational agencies, and for other purposes; to the Committee on Education and Labor.

By Mr. ROHRABACHER:

H.R. 5587. A bill to establish a United States Commission on Planetary Defense, and for other purposes; to the Committee on Science and Technology.

By Mr. SCHRADER (for himself, Ms. SCHAKOWSKY, Ms. MATSUI, and Mr. LARSON of Connecticut):

H.R. 5588. A bill to amend title XVIII of the Social Security Act to provide for additional opportunities to enroll under part B of the Medicare Program, and for other purposes; 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. WATSON:

H.R. 5589. A bill to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy; to the Committee on Foreign Affairs.

By Mr. CHAFFETZ (for himself and Mr. JORDAN of Ohio):

H.J. Res. 93. A joint resolution disapproving of the action of the District of Columbia Council in approving the Legalization of Marijuana for Medical Treatment Amendment Act of 2010; to the Committee on Oversight and Government Reform.

By Mr. OWENS:

H. Res. 1467. A resolution requesting return of official papers on H.R. 5136; considered and agreed to.

By Mr. CAMPBELL:

H. Res. 1469. A resolution providing that the House of Representatives should pass a budget resolution for a fiscal year before the House considers any appropriation bill for that year; to the Committee on Rules.

By Mr. DJOU (for himself and Ms. HIRONO):

H. Res. 1470. A resolution honoring the life, achievements, and distinguished career of Chief Justice William S. Richardson; to the Committee on the Judiciary.

By Mr. GINGREY of Georgia (for himself, Mr. KINGSTON, Mr. GRAVES of Georgia, Mr. WESTMORELAND, Mr. PRICE of Georgia, Mr. BROUN of Georgia, Mr. NEUGEBAUER, Mr. PITTS, Mrs. SCHMIDT, Mr. MACK, and Mr. POSEY):

H. Res. 1471. A resolution expressing support for the private property rights protections guaranteed by the 5th Amendment to the Constitution on the 5th anniversary of the Supreme Court's decision of Kelo v. City of New London; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

319. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 162 expressing dismay that the U.S. Supreme Court did not take up the Asian carp issue; jointly to the Committees on the Judiciary and Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mr. GRAVES of Georgia.

H.R. 205: Mr. GRAVES of Georgia and Mr. DJOU.

H.R. 303: Mr. GINGREY of Georgia and Mr. LARSEN of Washington.

H.R. 333: Mr. MORAN of Virginia.

H.R. 482: Mr. RYAN of Ohio.

H.R. 614: Mr. CAMPBELL, Mr. GOHMERT, Mr. MICA, Mr. BUCHANAN, and Mr. GARY G. MILLER of California.

H.R. 634: Ms. JENKINS.

H.R. 745: Mr. BUCHANAN, Mr. WILSON of Ohio, Ms. CASTOR of Florida, Mrs. BONO MACK, Mr. RODRIGUEZ, Mr. THOMPSON of Pennsylvania, Mr. UPTON, Mr. HALL of Texas, and Mr. KING of New York.

H.R. 775: Mr. COLE, Mr. CRITZ, Mr. KING of New York, Mr. COOPER, Mr. BUTTERFIELD, Mr. MARKEY of Massachusetts, Ms. SUTTON, and Mr. GEORGE MILLER of California.

H.R. 881: Mr. BROWN of South Carolina.

H.R. 1021: Mr. HERGER.

H.R. 1036: Mrs. DAHLKEMPER, Mr. ELLISON, and Mr. MILLER of North Carolina.

H.R. 1161: Mr. CARNAHAN.

H.R. 1189: Mr. COSTELLO.

H.R. 1324: Mr. ADLER of New Jersey.

H.R. 1547: Mr. SPRATT.

H.R. 1708: Mr. DEUTCH.

H.R. 1740: Mr. CRITZ.

H.R. 1822: Mr. ALEXANDER, Mr. BONNER, Mr. JONES, Mr. GOHMERT, Mr. RADANOVICH, and Mr. CANTOR.

H.R. 1826: Mr. TOWNS.

H.R. 1874: Ms. BALDWIN.

H.R. 2000: Mr. PAYNE, Mr. LEWIS of Georgia, and Mr. LEWIS of California.

H.R. 2067: Mr. SCHAUER, Mr. SHERMAN, Ms. ZOE LOFGREN of California, and Mr. HODES.

H.R. 2109: Mr. SCOTT of Virginia, Mr. MELANCON, and Ms. FUDGE.

H.R. 2132: Mrs. DAVIS of California.

H.R. 2273: Mr. PETERSON.

H.R. 2324: Ms. NORTON.

H.R. 2328: Mr. VAN HOLLEN.

H.R. 2381: Mr. ELLISON.

H.R. 2417: Mr. BLUMENAUER.

H.R. 2565: Mr. PAULSEN.

H.R. 2697: Mr. KILDEE and Mr. HALL of New York.

H.R. 2807: Ms. SLAUGHTER.

H.R. 2882: Ms. ROYBAL-ALLARD.
H.R. 2900: Mr. GARY G. MILLER of California.
H.R. 3359: Mr. POLIS.
H.R. 3415: Mr. REYES.
H.R. 3441: Mr. CUMMINGS.
H.R. 3531: Mr. ELLISON.
H.R. 3586: Mr. WU.
H.R. 3720: Mr. GARAMENDI.
H.R. 3721: Mr. DAVIS of Illinois.
H.R. 3729: Mr. ELLSWORTH.
H.R. 3764: Mr. HONDA and Mr. CARNAHAN.
H.R. 4144: Mr. VAN HOLLEN.
H.R. 4148: Mr. BACA.
H.R. 4195: Ms. HERSETH SANDLIN and Mr. HEINRICH.
H.R. 4278: Mr. CHILDERS, Ms. GINNY BROWN-WAITE of Florida, Mr. ADLER of New Jersey, and Mr. SIRES.
H.R. 4296: Mr. HODES and Mr. VAN HOLLEN.
H.R. 4303: Mr. BOREN.
H.R. 4321: Mr. KENNEDY, Mr. MARKEY of Massachusetts, Mr. RODRIGUEZ, Mr. TONKO, and Ms. BALDWIN.
H.R. 4330: Mr. HEINRICH.
H.R. 4505: Ms. PINGREE of Maine and Mr. DJOU.
H.R. 4530: Mr. LARSON of Connecticut.
H.R. 4533: Ms. WATSON and Mrs. CAPPS.
H.R. 4544: Ms. BALDWIN.
H.R. 4645: Ms. BALDWIN, Mr. OBERSTAR, and Mr. JONES.
H.R. 4662: Mrs. DAHLKEMPER, Mr. BARROW, and Mr. CUMMINGS.
H.R. 4684: Mr. ELLSWORTH.
H.R. 4692: Mr. DAVIS of Illinois.
H.R. 4693: Mr. TEAGUE.
H.R. 4751: Mr. VAN HOLLEN.
H.R. 4755: Mr. HINCHEY.
H.R. 4788: Mr. HODES, Mr. BRADY of Pennsylvania, Mr. CARSON of Indiana, and Mr. DINGELL.
H.R. 4806: Mr. SABLAN and Mr. WU.
H.R. 4830: Mr. GARAMENDI and Mr. HINCHEY.
H.R. 4903: Mr. GRAVES of Georgia.
H.R. 4912: Mr. COHEN.
H.R. 4972: Mr. SMITH of Nebraska.
H.R. 4973: Mr. CASTLE.
H.R. 5015: Ms. TSONGAS.
H.R. 5029: Mr. REHBERG and Mrs. BONO MACK.
H.R. 5033: Ms. MOORE of Wisconsin, Mr. GRIJALVA, Ms. NORTON, Mrs. NAPOLITANO, Ms. CHU, Mr. LUJÁN, Mr. SERRANO, Mr. REYES, Mr. SABLAN, Mr. HINOJOSA, Mr. SIRES, Mr. GONZALEZ, and Mr. GUTIERREZ.
H.R. 5040: Mr. RODRIGUEZ.
H.R. 5041: Mr. VAN HOLLEN.
H.R. 5081: Mr. OLSON
H.R. 5087: Ms. ZOE LOFGREN of California.
H.R. 5095: Mr. BURTON of Indiana.
H.R. 5141: Ms. JENKINS and Mr. MILLER of Florida.
H.R. 5142: Mr. VAN HOLLEN and Mr. MEEK of Florida.
H.R. 5143: Ms. ESHOO.
H.R. 5162: Mr. BUCHANAN, Mr. CRITZ, and Mr. KLINE of Minnesota.
H.R. 5192: Mr. BISHOP of Utah.
H.R. 5214: Ms. BALDWIN, Mr. PETERS, Mr. ADLER of New Jersey, Ms. SHEA-PORTER, and Mr. WALZ.
H.R. 5235: Mr. WESTMORELAND.
H.R. 5328: Mr. STARK and Ms. LINDA T. SÁNCHEZ of California.
H.R. 5358: Ms. WASSERMAN SCHULTZ, Mr. MEEK of Florida, Mr. DEUTCH, and Mr. GRAYSON.
H.R. 5421: Mr. LAMBORN.
H.R. 5425: Mr. NEUGEBAUER.
H.R. 5434: Mr. ACKERMAN, Mr. BLUMENAUER, Mrs. LOWEY, and Ms. BORDALLO.
H.R. 5449: Mr. MICHAUD, Mr. CUMMINGS, and Mr. COHEN.
H.R. 5458: Mr. ANDREWS.
H.R. 5481: Ms. LEE of California.
H.R. 5497: Mr. CHANDLER, Mr. MELANCON, Mr. ANDREWS, Mr. SHULER, Mr. KRATOVIL, Mr. DONNELLY of Indiana, Mr. DAVIS of Tennessee, and Mr. BOSWELL.
H.R. 5498: Ms. RICHARDSON, Mrs. MILLER of Michigan, Ms. JACKSON LEE of Texas, Mr. CARNEY, Ms. NORTON, and Mr. AL GREEN of Texas.
H.R. 5503: Mr. BERMAN.
H.R. 5510: Ms. FUDGE.
H.R. 5529: Mr. SIMPSON, Mr. MCCARTHY of California, Mr. GARY G. MILLER of California, Mr. MARIO DIAZ-BALART of Florida, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 5533: Mr. EHLERS, Mr. LOEBSACK, Mr. ELLISON, Mr. OBERSTAR, Mr. CAPUANO, and Mr. HOLT.
H.R. 5535: Mr. JONES.
H.R. 5539: Mr. FORBES, Mr. JORDAN of Ohio, and Mr. POE of Texas.
H.R. 5552: Mr. RAHALL, Mr. REHBERG, Mr. NYE, Mr. BOCCIERI, Mr. WILSON of Ohio, Ms. TITUS, Mr. MCMAHON, Mr. JONES, Mr. GORDON of Tennessee, Mrs. KIRKPATRICK of Arizona, Ms. DELAURO, Mr. MICHAUD, Mr. MOLLOHAN, Mr. GUTHRIE, Mr. SCHOCK, Mr. BURTON of Indiana, Mr. BOUSTANY, and Mr. PETRI.
H.R. 5566: Mr. MORAN of Kansas, Mr. GINGREY of Georgia, Mr. GRAVES of Missouri, Mr. MCCARTHY of California, Mr. SHUSTER, Mr. DAVIS of Kentucky, Mr. PETRI, Mr. PLATTS, Mr. BISHOP of New York, Mr. HILL, Mrs. HALVORSON, Mr. BARROW, Mr. DOYLE, and Ms. ESHOO.
H.R. 5569: Ms. GINNY BROWN-WAITE of Florida, Mr. HINOJOSA, Mr. HASTINGS of Florida, and Mr. COOPER.
H. Con. Res. 256: Mr. PETERSON.
H. Con. Res. 266: Mr. PETERSON and Mr. SHULER.
H. Con. Res. 267: Mr. TANNER.
H. Con. Res. 281: Mr. BURTON of Indiana, Mr. PITTS, Mr. GRAVES of Georgia, and Mr. TIAHRT.
H. Con. Res. 284: Mr. SAM JOHNSON of Texas, Mr. AUSTRIA, and Mr. CASSIDY.
H. Res. 22: Mr. CARNAHAN.
H. Res. 111: Mr. SERRANO, Mr. HINOJOSA, and Mrs. MCMORRIS RODGERS.
H. Res. 173: Mr. THOMPSON of California, Mr. PIERLUISI, and Ms. WATSON.
H. Res. 236: Mr. CALVERT.
H. Res. 363: Ms. SLAUGHTER and Ms. NORTON.
H. Res. 771: Mr. SCHOCK.
H. Res. 1019: Mr. HEINRICH.
H. Res. 1207: Mr. SMITH of Texas, Mr. KLINE of Minnesota, and Mr. KRATOVIL.
H. Res. 1217: Mr. KLINE of Minnesota, Mr. TURNER, Mr. TEAGUE, Mr. WILSON of South Carolina, Ms. BORDALLO, Mr. SMITH of Washington, Mr. HALL of New York, Mr. LARSEN of Washington, Mr. MCGOVERN, Mr. BARTLETT, and Mr. HUNTER.
H. Res. 1226: Mr. SULLIVAN and Mrs. CHRISTENSEN.
H. Res. 1291: Mr. MCINTYRE.
H. Res. 1326: Mr. MILLER of Florida.
H. Res. 1350: Ms. ROS-LEHTINEN.
H. Res. 1359: Mr. WOLF, Mr. WEINER, Mr. TOWNS, Mr. JOHNSON of Illinois, Mrs. MCCARTHY of New York, Mr. QUIGLEY, Mr. NADLER of New York, Mr. RUSH, Mr. GARRETT of New Jersey, Mr. HINCHEY, Mr. LEVIN, Mr. GRIFFITH, Mr. SARBANES, Mr. DRIEHAUS, Mr. HODES, Mr. COSTELLO, Mr. SIRES, Ms. RICHARDSON, Ms. JENKINS, Mrs. LOWEY, Mr. FILNER, Mrs. HALVORSON, Ms. GIFFORDS, Mr. LIPINSKI, Ms. LINDA T. SÁNCHEZ of California, Mr. POE of Texas, Mr. SESTAK, Mr. MARSHALL, Mrs. MCMORRIS RODGERS, Ms. ROS-LEHTINEN, Mr. MORAN of Kansas, Mr. KIRK, Mr. TIBERI, and Mr. SHIMKUS.
H. Res. 1370: Mr. ELLISON.
H. Res. 1393: Mr. ROHRABACHER.
H. Res. 1401: Mr. GERLACH, Mr. BUCHANAN, Mr. JOHNSON of Illinois, Mr. POE of Texas, Mr. CONNOLLY of Virginia, Mr. GUTHRIE, Ms. GIFFORDS, Mr. CHILDERS, and Mr. YOUNG of Alaska.
H. Res. 1411: Mrs. MCMORRIS RODGERS, Mr. MURPHY of New York, Mr. NEAL of Massachusetts, Mr. NYE, Mr. PASCRELL, Ms. PINGREE of Maine, Mr. PRICE of North Carolina, Ms. LORETTA SANCHEZ of California, Mr. SCHRADER, Ms. SHEA-PORTER, Mr. SIMPSON, Mr. SKELTON, Mr. SMITH of Washington, Mr. SNYDER, Mr. SPRATT, Mr. STARK, Mr. STUPAK, Ms. SUTTON, Mr. UPTON, Mr. TAYLOR, Ms. TSONGAS, Mr. WU, Mr. YARMUTH, Mr. ANDREWS, Mr. ARCURI, Mr. BARTLETT, Mrs. BONO MACK, Mr. BOREN, Mr. CAMP, Mr. CARDOZA, Mr. CASTLE, Ms. CHU, Mr. CROWLEY, Mr. CONAWAY, Mr. CONYERS, Mr. COOPER, Mr. COURTNEY, Mrs. DAVIS of California, Mr. DEFAZIO, Mrs. EMERSON, Ms. FALLIN, Mr. GARAMENDI, Ms. GIFFORDS, Mrs. HALVORSON, Mr. HARE, Mr. HASTINGS of Florida, Mr. HEINRICH, Mr. HINCHEY, Mr. JOHNSON of Georgia, Mr. JONES, Mrs. KIRKPATRICK of Arizona, Mr. KISSELL, Mr. KRATOVIL, Mr. LAMBORN, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LOBIONDO, Mr. LOEBSACK, Mrs. LOWEY, Mr. MACK, Mr. MARSHALL, Mr. MATHESON, and Mr. MCINTYRE.
H. Res. 1412: Mr. HASTINGS of Florida and Mr. ISRAEL.
H. Res. 1420: Ms. LEE of California and Ms. MCCOLLUM.
H. Res. 1433: Mr. BACHUS, Mr. WU, Mr. SNYDER, and Ms. NORTON.
H. Res. 1450: Mr. GOHMERT and Mr. CULBERSON.
H. Res. 1454: Mr. MCGOVERN.
H. Res. 1457: Mr. WU, Mr. DEUTCH, Mr. HODES, Mr. TOWNS, Mr. WAXMAN, Ms. WASSERMAN SCHULTZ, Mr. MCGOVERN, Mr. CARNAHAN, Ms. SCHAKOWSKY, Mrs. KIRKPATRICK of Arizona, Mr. NYE, Mr. GARRETT of New Jersey, and Mr. CARDOZA.
H. Res. 1464: Mr. POE of Texas.
H. Res. 1465: Mr. HERGER, Mr. SMITH of New Jersey, Mr. BRADY of Texas, Mr. LAMBORN, Mr. CRENSHAW, Mr. BILIRAKIS, Mr. ROGERS of Michigan, Mr. THOMPSON of Pennsylvania, Mr. CONAWAY, Mr. RYAN of Wisconsin, Mr. REICHERT, and Mr. HASTINGS of Washington.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the Clerk's desk and referred as follows:

153. The SPEAKER presented a petition of the City and County of San Francisco, California, relative to Resolution No. 164–10 declaring April 24, 2010 as Armenian Genocide Commemoration Day in the City and County of San Francisco; to the Committee on Foreign Affairs.

154. Also, a petition of Council, District of Columbia, relative to Resolution 18–18 to approve, on an emergency basis, the transfer of jurisdiction over a portion of Fort Dupont Park; to the Committee on Natural Resources.

155. Also, a petition of Fish, Game, and Forestry Senate Committee, South Carolina, relative to Senate Concurrent Resolution S. 1386 memorializing the Congress to take any measure within its power to mitigate or overturn any Executive Order issued to implement recommendations by the Interagency Ocean Policy Task Force; jointly to the Committees on Natural Resources and Transportation and Infrastructure.

156. Also, a petition of American Bar Association, Illinois, relative to Recommendation 110 urging the Congress, state, territorial, tribal, and local governments to enact child welfare financing laws; jointly to the Committees on Ways and Means and Education and Labor.

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in Heaven in whom we live and move and have our being, we glorify Your Name today as we take this moment to remember Your grace and provision. Lord, we ask that You would guide our lawmakers as they influence the future course of this Nation. Lead them with Your wisdom, direct them with Your patience, and protect them with Your power.

We pray that our Senators will faithfully fulfill the duties set before them, providing for the common defense, striving to bring domestic tranquility, and working to ensure liberty and justice for all.

Likewise, we pray that You would lead and bless American citizens as they enjoy the freedoms of this land and work to spread these liberties from sea to shining sea.

We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 23, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico 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, there will be a period of morning business for 1 hour. During that period of time, Senators will be allowed to speak for up to 10 minutes. Republicans will control the first 30 minutes, the majority will control the final 30 minutes.

Today we expect to resume consideration of the House message to H.R. 4213, the tax extenders legislation, and I hope we will have rollcall votes throughout the day.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I ask unanimous consent that we change the consent agreement that is now before the Senate, that we be in morning business until 2 o'clock today; that the first half hour is controlled by the Republicans, the second half hour is controlled by the majority. After that, if there are enough speakers, we will alternate back and forth. Otherwise, people will just come and talk. There will, of course, be the 10-minute limitation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each, with Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes and alternating back and forth thereafter.

The Senator from Wyoming is recognized.

A SECOND OPINION ON HEALTH CARE

Mr. BARRASSO. Mr. President, I come to the floor today as someone who has practiced medicine and taken care of families in Wyoming since 1983. Again this weekend I was home in Wyoming visiting with families across the State. I was in Thermopolis for Father's Day. I was in Sheridan and in Casper. In all those communities I had a chance to visit with people who are concerned about the direction of the country and are concerned about this new health care law.

Mr. President, I tell you this because I ran into a number of people I have taken care of as their doctor. This happened at church on Sunday morning, where people asked the question: With

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

this new health care law, will I be able to keep my doctor? So I come to you because there is more news as a result of the changes in the health care law in this country. I bring to you my doctor's second opinion as to what the impact of this health care law is going to be on the families across the country.

Specifically, at church, I was hearing from someone I operated on and somebody on Medicare, and they were saying: Am I going to keep my doctor under Medicare? These people have a right to be concerned. It is because of what has come out in this past week. It is a front-page article, USA TODAY: ''Doctors Limit New Medicare Patients.''

I have said from the beginning, as this body was debating and discussing the health care bill that has now come to be law, that I believed this was going to be bad for patients, bad for payers—the American taxpayers who have to pay for the care as well as people who pay for their individual care—and bad for providers, the nurses and doctors and hospitals that take care of all of these patients.

So I come to you with a second opinion because I think what has become law—a bill that cuts Medicare, cuts payment for our seniors on Medicare by $½ trillion—not to help seniors, not to help save Medicare, but to start a whole new government program for other people is resulting in devastating impacts for families all around the country who are on Medicare or will soon be on Medicare.

One of the interesting things about this article in USA TODAY—this was Monday's USA TODAY—there is a list, a table of the number of people who are currently on Medicare and who will be on Medicare by the year 2015 and will be on Medicare by the year 2020. What we are seeing is, as Americans are living longer due to advances in medicine, advances in technology—people are living longer—more and more people every day are turning Medicare age, so the number of people on Medicare continues to grow.

As a matter of fact, if you do the math, there are over 4,000 Americans every day being added to the Medicare ranks. That is almost 1.5 million Americans a year. The question is, Who will the doctors be? Where will the health care providers come from to take care of these people? It is fascinating, when you read the article and you see the complete disconnect between Washington and the reality of the rest of America.

Because, according to this article, the people from the Centers for Medicare and Medicaid Services say 97 percent of doctors accept Medicare, so do not worry. That is what the Centers for Medicare and Medicaid say.

The American Medical Association says 17 percent of over 9,000 doctors who were surveyed are actually restricting the number of Medicare patients in their practice. Among primary care doctors—which is key for our seniors to be able to see primary care doctors—31 percent of primary care doctors are restricting access to Medicare patients. Just since the first of the year in North Carolina, 117 doctors have opted out of Medicare. That does not include the ones who had opted out before. We are talking since January 1, 117 doctors in North Carolina have opted out of Medicare.

In Illinois, in the President's home State, 18 percent of doctors restrict the number of Medicare patients in their practice. In New York State, about 1,100 doctors have left Medicare. Even the president of the Medical Society of New York is not taking new Medicare patients. No new Medicare patients. You say: Why are these physicians no longer taking Medicare patients? It has to do a lot with the way Washington deals with Medicare patients, Medicare and the doctors around the country.

At this point, there is going to be a cut of 21 percent in what Medicare pays doctors for services they give. Prior to that, Medicare always has been kind of a deadbeat payor when it comes to paying for health care. Medicare has not kept up with medical inflation in this country. So as physicians, it is a challenge to take care of patients on Medicare. With 4,000 new people joining the ranks of Medicare on a daily basis, who will care for those people?

You can imagine, I was fairly surprised when the President of the United States yesterday visited with a number of people at the White House. He put out remarks printed from the White House and talked about what his new plan does. He says Americans—this is astonishing. The President of the United States said yesterday: Americans will be able to keep the primary care doctor or pediatrician they choose. He says these protections preserve America's choice of doctors.

What happens if your doctor cannot afford to keep you? We have the President of the United States, for well over a year, making statements just like the one he made a year ago: If you like your health care plan, you will be able to keep your health care plan. Period. That is what the President said. He said: No one will take it away. Period. No matter what. Period.

Yet here we are looking at the facts. Doctors are limiting new Medicare patients, and 4,000 new patients every day are joining the Medicare rolls looking for doctors. We see it all across the United States.

That is why the public remains very skeptical about this new health care law, and why 58 percent of Americans want this law repealed. That is why the American people, when they heard NANCY PELOSI say: We have to pass the bill before you get to find out what is in it, why the American people who are now finding out what is in it are very distressed. They were hoping to take the President at his word when he said he was trying to lower costs and improve quality and increase access to care.

But this body did not pass into law, nor did the House, a reform package that will do those things the American people had wanted, had asked for, and had heard from their President they would get—something that would lower costs, improve quality, and increase access to care. What the American people are seeing is the cost of their care is going to continue to go up, and the quality and the availability is likely to go down. That is not what the American people asked for in this health care law. That is why so many Americans are opposed to it. I talked with people all across Wyoming, and they think of what the impact is going to be on their own lives and their own family. People all across this country are worried for their own health care, that they are going to end up paying more and getting less. That is why the public remains very skeptical about what has been passed into law.

Twenty States have filed suit against the Federal Government because of a national mandate that people have to buy insurance. The Department of Health and Human Services, which says 97 percent of doctors are still taking care of Medicare patients, there actually has been a new nominee to take care of that Department. We have not yet had hearings in the Senate. We have not been able to ask those specific questions of that nominee: What about taking care of these patients? How will they find doctors under this new law and this new plan?

Here we are, 90 days after the health care law has been enacted, signed into law, 90 days ago this became law. The White House is holding press conferences and again repeating promises to the American people that the American people know have been broken. There is a litany of broken promises. It just seems that every week something new comes out that the American people look at and say: You know, it is amazing because we saw this coming. Yet this Congress, this Senate, jammed through a bill that is not going to provide better coverage. It is going to jam 16 million more people onto Medicaid—16 million more onto Medicaid. We know that almost half of the doctors in the country do not take Medicaid patients.

Now we are seeing more and more physicians and hospitals saying: How do we keep the doors open with what Medicare is paying? As fewer and fewer physicians are willing to take care of patients on Medicare, limiting their practice on Medicare and on Medicaid, and Congress now stymied with what is known as the doc fix, huge cuts in additional reimbursement to doctors who take care of our seniors, it is going to be increasingly difficult for the American people to be able to find a doctor.

That is why I come to the floor with my second opinion about this health care law, telling you it is time to repeal this legislation and replace it with legislation that delivers more patient-

centered solutions, delivers more personal responsibility, more opportunities for individuals to take control of their own health and their own care, which is what I tried to do as the medical director of the Wyoming Health Fairs: give people information they could use to keep healthy and drive down the cost of their care.

Half of all the money we spend on health care in this country is on just 5 percent of the people. There are patient-based solutions: allowing people to buy insurance across State lines, giving individuals who buy their own health insurance personally the same tax relief the large companies get when they pay for health insurance, deal with lawsuit abuse, allow small businesses to join together to lower the cost of insurance, and provide individual incentives for people who do take personal responsibility for their own health.

Those are the things that will actually help get down the cost of care. Those are the things that will help Americans stay healthy. But they are not in this health care law that has been passed by the House, passed by the Senate, and signed by the President. That is why I come to the floor this week, as I have week after week since the law has been signed, to offer my second opinion; and that opinion is, it is time to repeal and replace this health care law with a law that will work for the American people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

HEALTH CARE

Mr. JOHANNS. Mr. President, I rise today to say at the outset how much I appreciate the very thoughtful advice that has been given by Dr. BARRASSO during this debate. He comes to the floor, he is carefully prepared, he has done his homework, he has done the analysis, but most importantly as a doctor, he understands what the health care system is about. We would all benefit if we listened to his advice.

The problems with this health care legislation just continue and continue. Each week this 2,000-plus page health care bill just produces more bad news, and it produces more unwelcome revelations. Not surprising.

Not that long ago, the President, at every opportunity he had, would allay public concerns by saying to people and promising them: If you like your health insurance, you get to keep it. Those proponents wrote a provision into the new health care law in an attempt to fulfill this promise by grandfathering existing plans.

Recently, the Department of Health and Human Services issued a new regulation on these ''grandfathered'' health plans. Lo and behold, what did the new regulations show? It showed that 51 percent of American workers will be in plans without ''grandfathered'' status by 2013, in just 3 short years.

In fact, under the worst case analysis, as many as four of five small business employees and 69 percent of all American workers will lose their current coverage. Almost 70 percent of those who were comforted by the President's promises are going to be sorely disappointed very quickly. You do not have to believe me. All you have to do is look at the Obama administration's own estimates. Yet instead of solving this problem and fulfilling the promise, the administration has a different approach: ramping up the public relations strategy.

According to the Washington Post, the White House has hired ''a senior official whose sole portfolio will be to sell the health care overhaul to the public in the months leading up to the November elections.''

The administration is spending millions of taxpayer dollars to sell the law to the American public. But let's look at reality versus what we are hearing. The Congressional Budget Office recently estimated that less than 12 percent of small businesses—less than 12 percent of small businesses—will benefit from the much touted small business tax credit. Yet the small business tax credit is one of the main talking points used to convince Americans that this law is actually good for them. In fact, the Internal Revenue Service recently sent out 4.4 million postcards to let small businesses know they might be eligible for small business tax credits.

The IRS spent $1 million in taxpayer dollars on those postcards alone. It does not stop there, though. The Centers for Medicare and Medicaid Services recently mailed a brochure to senior citizens to ''inform them'' about the new law. Well, who paid the bill for that? Taxpayers are footing the $18 million bill for marketing of a piece of legislation to themselves that they did not want in the first place. This classy brochure outlines provisions such as closing the doughnut hole and preventative health care services. However, there are some important details that are not in the brochure. CMS neglects to mention some very key information. For example, less than 10 percent of Medicare beneficiaries will actually receive the $250 rebate for entering the doughnut hole coverage gap. Yet the new health care law will cause all prescription drug Part D premiums to rise, according to the Congressional Budget Office.

When our seniors heard the word ''reform,'' they never would have imagined it meant they all pay more while getting less than 10 percent benefit.

Let me repeat that. Prescription drug premiums go up for all participants, and only 1 in 10 will see the $250 check. Over $½ billion in Medicare savings will be redirected toward creating a new entitlement program. The brochure also claims the new law preserves Medicare.

Yet according to the Obama administration's own Medicare Actuary, Medicare Advantage enrollment will be cut in half. More than one in seven hospitals could become unprofitable as a result of the law ''possibly jeopardizing access to care for Medicare beneficiaries.''

Before I came over here, I had a meeting with those in the oncologist area who were saying: This is a problem. What are they going to have to do to solve it? They will have to pull in satellite facilities, and rural health care suffers. Rural beneficiaries feel the pain of this legislation.

The New York Times recently published an article entitled ''White House and Allies Set Up to Build Up Health Law.'' The article stated:

> President Obama and his allies, concerned about the deep skepticism over his landmark health care overhaul, are orchestrating an elaborate campaign to sell the public on the new law, including a new tax exempt group that will spend millions on advertising to beat back attacks on the measure and Democrats who voted for it.

The article also highlights that many outside groups are now running campaigns to try to sell the bill to the public, in some cases with very direct help from the administration.

With all this going on, with all of this in mind, it is appropriate to ask a few questions—for example, should not the administration be concerned more about implementing the law, especially considering they have missed several deadlines? Is this taxpayer-funded marketing effort crossing boundaries between policy and good politics? Why do we have to spend taxpayer dollars to win over the public if the merits of this law are so solid?

People in Nebraska are not fooled by glossy brochures and media blitzes, especially when the facts are so clear. Facts are stubborn things. The administration's own regulation predicts many employees will not be able to keep their insurance plan. Their own Actuary confirms that Americans will still see health care costs rise because this new law does not bend the health care cost curve down. And the marketing campaign is not going to convince seniors that when they are losing services, they somehow benefit from this new law, especially since it makes it more difficult for them to access home health care services which have a bull's-eye for cuts, hospice services which have a bull's-eye for cuts, and home nursing services which have a bull's-eye for cuts.

We will continue to try to talk about what this health care bill really means to Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. I ask unanimous consent to speak in morning business on the Democratic time for about 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT INSURANCE

Mr. BROWN of Ohio. Mr. President, I come to the floor to plead with our Republican colleagues to pass the extension of unemployment benefits. I still am amazed, as are so many Ohioans and so many Coloradans and people from all over the country, that all of a sudden my colleagues care so much about the budget deficit, when if we go back 10 years, we had a budget surplus. Then three things happened. One was the war in Iraq. The Presiding Officer opposed it, as did I. But more than that, we went to war and didn't pay for it. We put the cost of the war on our children and grandchildren. There was not an outcry from anybody on the other side of the aisle saying we should pay for that war, that we should not go to war and charge it to the children and grandchildren.

Around the same time, President Bush came to the Congress and asked for major tax cuts for the richest Americans. Again, the Presiding Officer and I opposed these tax cuts and said, at a minimum, if we are going to give tax cuts to the richest Americans, we need to find a way to pay for them. There was no interest on that side of the aisle when they were in the majority in paying for the tax cuts.

Then soon after that, President Bush came to this body and the House, where the Presiding Officer and I served in those days, and asked for a huge subsidy for the drug companies and the insurance companies in the name of Medicare privatization. We both opposed that, but not only did we oppose it because we thought it wasn't done right—it was not the way to provide a drug benefit to seniors—but it was not paid for either. There was nary an outcry on that side of the aisle.

So when it was a $1 trillion war, tax cuts for the richest Americans, and subsidies for the drug and insurance companies, there was no interest in paying for it; just charge that to the grandchildren. But now that it is workers who lose jobs, people who lose their insurance, people who then lose their homes, there seems to be an outcry: We can't do this.

Forget the statistics; forget that there are 900,000 Americans losing their unemployment; forget the numbers. Listen to what people say. I am going to read four letters from around my State. I know the Presiding Officer gets them from Boulder and Colorado Springs and Denver. I know my colleagues get them from Tallahassee and Omaha and New York, letters from people who played by the rules, worked hard, lost their jobs through no fault of their own, who keep fighting to find jobs, keep sending out resumes. You have to do that if you are going to receive unemployment. And then their unemployment insurance ran out.

I wonder sometimes if my colleagues on the other side of the aisle who are voting no every time we try to bring this up, if they know anybody who lost a job, if they know anybody who lost insurance, if they know anybody who lost a home. I plead with them, I ask them, the people who have voted no, to try some empathy. Try to imagine you are a father or a mother and you have lost a job, lost your insurance. You have a sick child. You are borrowing money. You are trying every week to find a job, and you are three payments behind on your home. You have to sit down at dinner one night—a pretty inadequate dinner because you are stretching every cent you have—and you have to explain to your son and daughter, 10- and 12-year-olds, that they will have to move out of their room, out of the house.

Where are we going to go?

I don't know yet, but we don't have much space. What you have collected in your room, we will have to give some of that away.

What school will I go to?

We don't know that yet either.

I wish they would think of the human cost of what this means when people can't get unemployment insurance or can't get assistance in continuing health care insurance, so-called COBRA, with the subsidy the government paid for the last year and a half—something that had never been done before—so people can keep their health insurance.

Zoe from Columbiana, a county just south of Youngstown, writes:

> I lost my job at the end of August. Until then I was gainfully employed. I worked hard to support my 13 year old twins at home. I am 50 years old. If [unemployment insurance] is not extended, things don't look good for my family. We have lived in a rural area for 12 years and chose this community because it is great for the kids. My house is not fancy or expensive. We don't waste money. We are falling behind payments on our electric bill. Pretty soon our service might be cut. We are just trying to hang on. Please make opponents of the extension realize that most people who are unemployed are not lazy. We lost our jobs, which can happen to anyone. Please help me.

My colleagues don't understand, people voting against this don't understand that unemployment insurance is not welfare; it is insurance. You pay into it when you are working. You get help when you lose your job. That is the whole point. Most people hope they never draw unemployment insurance, of course. But that is what insurance is. Just like car insurance, you hope you don't have to use it. If you have health insurance, you hope you don't have to use it except for regular checkups.

Monica from Hamilton County—Cincinnati, Norwood, that area, southwest Ohio—writes:

> My son was laid off last year. He soon enrolled in college at Cincinnati State to obtain an engineering degree because he was hoping to be more marketable in the future. He works hard. He is doing well. He is excited about a new life. But soon his [unemployment insurance] will expire. With other expenses, he is now afraid he may have to quit school and not be able to support his son. Please continue to work to pass an unemployment extension right away. This support is so vital to so many people right now.

Joseph from Stark County writes:

> My July 4th will be nothing to celebrate since I will be out of unemployment benefits. Folks are not finding the jobs or the income to supplant the cash that goes to pay their mortgages and other expenses. Helping a whole lot of people to prevent another failure—like massive foreclosures—will save more in the long run. Please consider a vote to help us.

He is right. The thing about unemployment benefits, it doesn't just help the family who gets the benefits; it helps them pay insurance and helps them stay in their home. Think of the ripple effect when they don't get it. It means if your home is foreclosed on, your next door neighbor's home declines in value. And then two streets away, somebody else is foreclosed on. Somebody else is foreclosed on across the street. The whole neighborhood begins to unravel. These are people's personal stories, people's lives. It absolutely matters.

The other thing unemployment benefits do—JOHN MCCAIN, the Republican Presidential candidate, one of his top economic advisers said unemployment is the best stimulus to the economy because every dollar put in the pocket of Joseph from Stark County or Monica from Cincinnati or Zoe from Columbiana County, every dollar we give them in unemployment compensation gets spent.

It is spent. It is spent in Canton and Cincinnati and Lisbon and East Liverpool. The dollars are spent going into the economy, and they have a multiplier effect that Senator MCCAIN's economic adviser used to talk about, that that multiplier effect means generating economic benefits for everyone in the community—the hardware store, the local school, because you pay your property taxes, all the things that come with that.

The last letter I will read is from Gerald from Wood County, south of Toledo, Bowling Green. Wood County is the site of the terrible tornado in Millbury that happened a couple weeks ago, where we are working with President Obama to get help for people whose homes were destroyed, and there were many. Gerald writes:

> I know Republicans are holding an extension to unemployment benefits. Quite frankly it makes me sick.
>
> I'm unemployed and am looking for a job—but the jobs are not out there.
>
> Most people must not realize what will happen when unemployment insurance runs out.
>
> We will suddenly have millions of people without the support they need to live on. Just think of what that will do to the nation's economy.

Again, this is not a welfare program. It is an insurance program. It is not

something people want to stay on. They have to show they are working to find a job. They have to continue to apply for jobs during this whole period. Most people in this country want to work. Most people want to protect their family and provide for their family and be good citizens.

This is a bridge. Unemployment benefits—it is a bridge that has gone on longer than we had hoped because of the terrible economy President Obama inherited in January 2009, where three-quarters of a million jobs were lost that month. There has been some good economic news. Ohio, my State, in April had more jobs created than any other State in the country—37,000. Not enough, not where we need to go, not sustained yet, but some good economic news.

But the unemployment benefits provide that bridge so people can get along until they find that job where they can begin again to rebuild their lives and join the middle class, as most of these people have been a part of for most of their lives.

So I ask my colleagues, this time please vote to extend unemployment benefits, please support the help for COBRA, health insurance so people can stay insured and can get their lives in order until the economy improves enough where they are actually able to find a job.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

APPROVING THE USE AND SALE OF E15 GASOLINE

Mr. HARKIN. Mr. President, I come to the floor today to speak about the Federal Government's unnecessary and unacceptable delay in deciding to approve the use and sale of E15 gasoline at all the gasoline stations in this country.

Last Friday, we were told by the Environmental Protection Agency and the Department of Energy that they will not make a decision on E15, a gasoline blend that includes 15 percent ethanol, until sometime this fall. Quite frankly, this is an abdication of responsibility, and it couldn't come at a worse time.

To give a little history for those who don't understand this, we have for about 30 years now had approval of a blend of 10 percent ethanol with gasoline. In the old days, it was called gasohol; now it is called E10. When you pull into your gasoline station, you will see E10 pumps all over. There used to be big signs. Now it is hardly noticed because it is so widely used. I will get into that more later.

There has been testing done over about the last 15 years or more as to how much ethanol you can actually use in a gasoline blend without hurting any of the engines or vehicles we use in America. A lot of testing has gone on, and the results of those tests have shown there is absolutely no problem if you increase from 10 percent to 15 percent. As a matter of fact, a lot of the tests that have been done privately show that maybe as much as 20 to 25 percent could be added without any damage whatsoever.

This issue of approval of E15 has been at the EPA and the Department of Energy for a long time. Increasing the blend rate—that is what we call it, the blend rate—from 10 percent to 15 percent is critical to reducing our addiction to oil and accelerating the transition to biofuels. We all understand how important this is. It will strengthen our national security, create jobs, boost our economy, and help the environment.

What makes the dithering at EPA and the Department of Energy all the more baffling and outrageous is that it is happening in the midst of the appalling catastrophe in the Gulf of Mexico. The blowout at the BP Deepwater Horizon well has cast a spotlight on the terrible price we pay for our dependency on petroleum. But instead of spurring EPA and the Department of Energy into action, they have hit the snooze button and given themselves 5 or 6 more months to try to reach a decision. We can't wait until the fall. In the face of the BP disaster, we need a decision on E15 with the utmost urgency.

We have decried our dependence on oil for decades. Going back to the mid-seventies, we have talked—and we have talked and we have talked—about the national security risks associated with our ever-increasing oil dependency. We have decried the fact that we are dependent on oil from nations that are unstable or unfriendly, or both, to the United States. We have been embroiled in conflict after conflict, war after war, in the Middle East because of oil. As we have talked, our total oil usage and our oil imports have risen steadily.

In recent years, there have been some glimmers of hope. In 2007, we passed the Energy Independence and Security Act which mandates an increase in the efficiency of our automobiles and light trucks as well as increasing levels of biofuels in our transportation sector. These two steps—increasing vehicle efficiencies and encouraging the use of domestic alternative fuels—are the two fastest and most effective ways to reduce our dependency on petroleum-based fuels in transportation.

In particular, I wish to highlight what we have accomplished with biofuels. In just the past decade, we have increased the contribution of biofuels for highway transportation from about 2 percent in the year 2000 to almost 10 percent today. I want to repeat that because I don't think most Americans grasp the significance of what our biofuels industry has accomplished in just one decade. Current ethanol production exceeds 9 percent and is quickly approaching 10 percent of total gasoline demand in the United States. To put that in perspective, ethanol now contributes more to our transportation fuel demand than all of our oil imports from Mexico, Venezuela, or Nigeria. I will repeat that. Ethanol contributes more to our transportation fuel than our oil imports from Mexico, or Venezuela, or Nigeria. Only imports from Canada and Saudi Arabia provide more fuel for transport than our domestic ethanol industry. So this is tremendously heartening news.

Congress recognized the potential of biofuels in the 2007 Energy bill. We called for increasing levels of biofuels that roughly match what the industry has accomplished to date. In that bill, we called for that contribution to rise steadily over the next 12 years, reaching 36 billion gallons by 2022. That would put us on a trajectory to get about 25 percent of our transportation fuels from domestic biofuels by 2025. We need to stay on that trajectory because biofuels offer one of our very best alternatives for reducing dependence on petroleum.

However, while our biofuels industry has stepped up to the plate, our fuel markets are lagging behind. Today, nearly all ethanol is used in the form, as I said earlier, of E10, a blend of 10 percent ethanol with gasoline, used in almost all of our cars and light trucks. Since ethanol production is very close to 10 percent of total gasoline demand, we are at what is commonly called the blend wall. In other words, our ethanol production is close to the total amount we can use at that 10 percent blend rate, so we have this blend wall of 10 percent.

So we have to do three things. First and second, we must transition to a fleet of cars and light trucks capable of using higher blends, and we must make higher blends available through the installation of blender pumps. Senator LUGAR and I introduced a bill to accomplish both of these actions last fall. Our Consumer Fuels and Vehicles Choice Act of 2009, which is S. 1627, would mandate the manufacture of an increasing number of flex-fuel vehicles as well as installation of increasing numbers of blender pumps.

Again, this is not some pie-in-the-sky thing. I would point out that in the nation of Brazil, every single car produced in Brazil—by Ford, I might add, or by General Motors, I can also add, or by the Japanese manufacturers that are manufacturing cars in Brazil—every single car is 100 percent flex-fuel, and the cost of doing that is—well, if you did it to every car, it would be almost minuscule. So we need every car produced in America to be totally flex-fuel, just as they are in Brazil. That is what our bill would mandate.

Then, we need to increase the number of blender pumps out there. This is

the old chicken-and-egg argument I have heard for so many years. You go to the oil companies—which we have done; Senator LUGAR and I both have done this—you talk to the oil companies.

Why don't you put in more blender pumps?

They say: Well, we can't put in more blender pumps because there are not that many flex-fuel cars out there to use the higher blends.

You go to the automobile manufacturers and say: Why don't you manufacture flex-fuel cars?

They say: Well, we don't have the blender pumps to supply higher blends.

Back and forth we go. So our bill would do both of those things.

I also noticed that this flex-fuel vehicle mandate is a part of an energy bill Senator LUGAR introduced just a few weeks ago here in the Senate.

The third action we need is approval of E15 right now—right now—for use in all gasoline-fueled vehicles. The EPA has the responsibility for making this decision.

A trade association called Growth Energy applied to the EPA for approval of E15 in March of 2009, more than a year ago. Under the Clean Air Act as amended in the 2007 Energy bill, the EPA is required to take final action to grant or deny such a request within 270 days. But at the end of 270 days, in November of 2009, EPA simply reported that they were going to wait for the results of more Department of Energy testing of vehicles running on E15 before making the mandated decision. However, last November, they also indicated they expected to approve E15 for all vehicles of model year 2001 or newer by mid-2010 provided that the test results continued to be supportive. But now we are being told their decision will be further delayed—further delayed.

First of all, the bill is clear. They were mandated to make this decision within 270 days. That was last November. They said we need a little bit more time. The tests were all supportive. The tests all looked very good. And they told us they expected to approve E15 for all model year cars 2001 and later by June of 2010.

Now what has happened? They're kicking the ball down the field again. They said maybe this fall.

Again, what we are told—I do not know this is factual—what we are told is this is a consequence of testing delays and additional test requirements at the Department of Energy.

I have to ask the question: If this is so, why is the Department of Energy dragging its feet? What is Secretary Chu doing about this? I think Secretary Chu needs to explain these delays. Is it because there is a bias at the Department of Energy against biofuels? There is some indication there just might be that kind of a bias. I would like to know the answer to that question. I hope, if anybody is watching at the Department of Energy, they will tell their boss that Senator HARKIN intends to ask the Secretary in a more formal setting why they are dragging their feet on this in the midst of an oil crisis, the likes of which we have never seen.

If I sound upset, I am. There is absolutely no reason for this foot dragging—none whatsoever. This slow walking may be business as usual for a bureaucracy in ordinary times, but these are not ordinary times, and bureaucratic business as usual is not acceptable. We are in the midst of what many consider the worst environmental disaster in American history, perhaps even world history.

The root cause of this situation is our addiction to oil. We have not just an environmental and national security imperative in that addiction, now we have a profound moral imperative as well. We cannot tolerate any further delay in accelerating our transition to clean, domestically produced, renewable biofuels produced not in the Middle East or in the middle of the fragile Gulf of Mexico but in the middle of our country wherever corn or sorghum or sugarcane or sugar beets or switchgrass or any other feedstocks for ethanol are grown and renewed every single year.

I have come to the floor of the Senate today not just to urge but to demand that the EPA and the Department of Energy give this decision the highest and the most urgent priority. We cannot wait until this fall. It is time for the EPA and the Department of Energy to get off that stump and move ahead aggressively. They had their 270 days last year. We have already gone over that. The law is clear. It is unacceptable that they are dragging their feet.

Both the EPA and the Department of Energy owe us, the Congress, a better accounting for the current delay and the excuses we have been given. Most important, it is time for them to end the delay and the dithering around. We need a decision, and we need it now.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT INSURANCE BENEFITS

Mr. BINGAMAN. Mr. President, I wish to speak briefly about the issue of unemployment insurance benefits. We, the Congress, allowed these benefits to expire 21 days ago. I believe there is a major misperception on the part of some about what the effect of this is.

This proposal to extend these benefits is talked about as a so-called extension of unemployment insurance. That suggests that the provision simply provides additional weeks of unemployment compensation payments to people who have used up all their benefits. Understandably, there are people in my State and around the country who say: Wait a minute. At some point you don't want to keep adding more and more weeks of unemployment benefits.

What we need to understand is that is not what we are proposing to do here. What we have been trying to do is not to add more weeks but merely to allow the unemployed to continue drawing the same number of weeks of benefits that they were able to draw prior to the expiration of the program we are trying to extend.

The provision does not provide additional payments to anyone who has exhausted his or her Federal and State benefits before the authorization of this program expired on June 2. It does not extend the number of weeks of benefits under the programs. Rather, it simply allows the programs to continue operating for people who use up the weeks of State-provided unemployment benefits that are available to them.

In plain language, what this provision will do is give a person who lost his or her job last month the same unemployment compensation benefits as someone who lost his or her job a full year ago.

What are we talking about as far as the amount of these benefits? There is an editorial in the New York Times this morning indicating that the average unemployment check is $309 a week. It is not that high in my State. Mr. President, $295 a week is the average. We are not talking about a vast amount of money, particularly if a person is trying to support a family and trying to pay some portion of their bills while they seek another job. People need to understand also that you cannot draw unemployment benefits under the State programs or the Federal programs unless you continue to be actively seeking employment.

In plain language, what this provision would do is give a person who lost his or her job just recently the same opportunity that people who lost their jobs some time ago have had.

The bill we are debating would allow what we call the Emergency Unemployment Compensation Program to continue operating. A person who loses his job is eligible to receive up to 26 weeks of benefits through the State unemployment compensation program. When those benefits are exhausted, some States add additional benefits through what they call the extended benefit program, and many do not. Once all the State benefits have been exhausted, the person may be eligible to receive additional benefits through this Emergency Unemployment Compensation Program, which is the subject of our discussion. That program is what we are debating today as part of this extenders package.

Clearly, the date on which a person becomes eligible for the Emergency Unemployment Compensation Program depends on when that person lost his or her job.

Moreover, the number of payments for which that person is eligible also depends on when he lost that job because the benefits are paid in a series of four tiers, with each tier lasting a certain number of weeks.

Because this program has been forced to stop operating, people who lost their job recently will not receive as much unemployment compensation or as many weeks of unemployment compensation as people who lost their jobs months ago.

Continuing the Emergency Unemployment Compensation Program is simply a matter of fairness to those people if they continue to seek employment.

From the week of June 2—21 days ago when this program expired—until the end of last week, there were right at 4,000 people in my State who had run out of State benefits. Those individuals then would find they did not have the benefit they could have had had they run out of State benefits and lost their jobs a few weeks earlier.

Until the Congress acts, none of these people will be eligible for the Emergency Unemployment Compensation Program. An additional 4,600 people who are in one of the lower tiers of the Emergency Unemployment Compensation Program will exhaust their tier of benefits and be unable to receive the next tier of benefit. That is roughly 8,000 New Mexicans who will be affected by the expiration of this Federal program.

In my view, the obstruction that has forced this program to stop is not fair to those New Mexicans. It is not fair to many Americans. These are people who worked for companies that were able to hang on to their employees longer than other companies once the recession hit. Cutting the benefits of these individuals is not fair. These individuals are ones who primarily live in States such as my home State of New Mexico where the recession hit hardest a few months later than it had hit in other parts of the country. It is not fair that the people in these States should be eligible for fewer weeks of benefits when they have paid into the unemployment insurance system just like everybody else.

It is easy to find maps on the Internet to show States that are disadvantaged by what the Senate has failed to do. There are animated maps that show how high unemployment spread across the country. It started on the east coast and the west coast. It crept toward the middle of the country. States such as New Mexico, Texas, Oklahoma, Kansas, Nebraska, Wyoming, South Dakota, and Colorado, I say to the Presiding Officer, were among the last to be affected by the recession. It is the people of these States who are being disadvantaged because the Emergency Unemployment Compensation Program has been allowed to lapse.

I want to be clear that I do not believe this program needs to be continued indefinitely, not least because of the substantial cost involved. When the job market improves, we need to find a way to phase out these costs. In my view, the fair thing to do would be to choose a date and say people who lose their job after that date and begin drawing unemployment benefits after that date will not be eligible to receive the extra weeks of benefits that the Federal Government is adding to what the States are providing.

The economy is much better than it was last year when the country was losing 750,000 jobs every month. The free-fall has stopped. The private sector is once again creating jobs at a very modest level. But the unemployment rate is still at 8.7 percent in my State of New Mexico and at 9.7 nationally. Now is not the time to eliminate the assistance this program has been providing to the many people who have been forced to lose their jobs during this recession.

I urge my colleagues to support the continuation of this Emergency Unemployment Compensation Program until we can find a fairer way to phase it out and terminate these extra Federal benefits.

Mr. President, I yield the floor. I see a colleague seeking recognition.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, I ask unanimous consent that at the conclusion of my remarks, the senior Senator from New Hampshire be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

GULF OILSPILL

Mr. LEMIEUX. Mr. President, America is facing a lot of challenges. We have the issue of unemployment compensation that my colleague just mentioned and how to pay for that so we do not put this country into further debt. We have the two wars we are fighting in Afghanistan and Iraq and a myriad of other challenges that are facing this country. But a clear and present danger exists right now in the Gulf of Mexico, a clear and present danger to my home State of Florida.

I have come to the floor almost every day over the past week while we have been in session to talk about the need for the Federal Government to have a more robust response in preventing this oil from coming ashore.

Unfortunately, the situation has gotten worse. In a report this morning on television that I saw by Mark Potter, the oil now is coming ashore in Pensacola in a way that is profoundly worse than it has been. As he described it: It is oil as far as the eye can see. Watching those pristine white beaches covered in brown splotches of oil this morning—it breaks my heart. It breaks my heart for what it is going to mean for the people of northwest Florida, what it will mean for the environment; but it breaks my heart even more because I think a lot of this could have been prevented. Many Members of this body, as well as the one down the hall, have been asking for weeks, where is the Federal response? Where are the skimmers off our coast to suck up this oil before it gets on our beaches, into our waterways and into our estuaries?

Frankly, I have been extremely frustrated with the response from this government. I believe—and there are many who believe this as well—that the Federal Government should not be involved in all aspects of our lives. But what the government does, the government should do well. And one thing the Federal Government should do, and should be uniquely qualified to do, is to help in a time of disaster. In this circumstance, however, the government has fallen far short.

One thing that has been very frustrating to me is trying to determine how many skimmers are in fact off the coast of Florida. Skimmers are these vessels which are equipped to suck the oil off the water, bring it on to a place where it can be contained and disposed of and get that oil out of the ocean. As of yesterday, we found out that there were 20 skimmers off the coast of Florida, plus an additional 5 skimmers that the State of Florida went out on its own and rented.

When I met with the President a week ago yesterday in Pensacola, I raised the issue with him: Why are there not more resources stopping this oil from coming ashore? Admiral Allen, who was at that meeting, and who is the head of the response—the former Commandant of the Coast Guard—told us there are 2,000 skimmers in the United States. So why are there only 20 off of Florida? I have asked the Coast Guard and even the Navy, why are there not more skimmers? I have come to find out that we cannot even determine how many skimmers there are.

The State of Florida, as of yesterday, in their Deepwater Horizon incident report, shows 20. We know an additional five were rented. The Federal Government's report, the National Incident Command Report, says there are 108 skimmers. We asked the Federal Government—the Coast Guard—why this number is different than the number in the State Incident Command Report. We can't get a good answer. And when we drilled down on this 108 last week, we were told: Well, that number isn't correct.

In followup, and having met with the Navy yesterday, and the Coast Guard—and I thank Secretary Mabus for making the Navy and the Coast Guard available to us to talk to them about this issue—we got a more detailed response about skimmers that the Coast Guard reports are off the coast of Florida, and now the number appears to be 86. So we have the State telling us 25, we have the incident report from the Federal Government saying 108, and

now the Coast Guard says it is 86. We can't get a straight answer.

This gets to the base of the problem, which is that we don't know what we are doing down there in the Gulf of Mexico. The Federal Government is not putting the focus and attention on this issue that it should be. When I met with Admiral Allen, I asked him about the 2,000 skimmers he had reported were available in this country and why those skimmers weren't in the Gulf of Mexico now, some 65 days after this disaster first started. I got answers ranging from, well, some are obligated to be other places in case there is an oilspill—to me, that is like saying your house is burning down and we can't send a firetruck because we may need a firetruck for another house that might burn down—to this answer: They are legally constrained. This is what I heard from the Navy yesterday when I met with them. Some 35 skimmers they would like to bring down are legally constrained.

I asked this question yesterday: Why aren't we approaching this issue with a sense of urgency? Why doesn't the President sign an Executive order waiving any legal constraints? Why aren't we doing everything possible to marshal those resources into the Gulf of Mexico?

I have received a new piece of information from the U.S. Coast Guard. It is the National Response Resource Inventory of skimmers and capabilities throughout the whole country.

This document shows the different districts in this country. I will get this blown up and, hopefully, come to the floor tomorrow and show this in greater detail. It has the country broken up by area into districts. Florida is in a district with Georgia and South Carolina. That is district 7. These are Coast Guard districts, for the most part. It shows how many skimmers there are. These are not skimmers offshore, of foreign countries, which we will talk about in a moment. These are skimmers here in this country.

In district 7, Florida, Georgia and South Carolina, there are 251 skimmers—251. In the Texas district, district 8, there are 599. So between the gulf coast of Texas to Florida there are 850 skimmers, and we have somewhere between 25 to 86 to 108, depending on whose number is right. Perhaps they are all incorrect, but given the best accounting possible, there are 108. Where are the other 742 skimmers, and why aren't they being deployed? And that is just in the gulf coast.

In the district that includes California, there are 227 skimmers. In the district that includes Washington State, there are 158. In the district that includes Michigan and other Great Lakes States, there are 72. In the district that includes Maine, New Hampshire, and Vermont, there are 160. In the district that includes the mid-Atlantic, there are still another 157. Why are these skimmers not headed to the Gulf of Mexico? Why are they not there already?

It is not a good answer that they are needed for another oilspill, because we have an oilspill—the worst oilspill that we have ever seen in this country, and one that is washing sheets of oil this morning onto the beaches of Pensacola in my home State of Florida.

That is the national picture. Internationally, the State Department came out with a report which I talked about yesterday—it came out last Friday—that talks about all the offers of assistance from foreign countries, offers that were made by Belgium on June 15, the European Maritime Safety Agency on May 13, by the Republic of Korea on May 2, by the United Arab Emirates on May 10 to give us skimmers, and all of them are still under consideration. Months have gone by and the U.S. Government hasn't returned a phone call to these offers of help.

It is amazing to me that we would not be accepting these offers of assistance to bring in these skimmers from foreign countries. When there is a disaster around the world, whether it is a tsunami in the Far East or an earthquake in Haiti, the United States of America is the first to answer the call. We, because of the goodness of our people, go in and help these countries, as we should. Now they are offering to do for us what we have done for the world and give us assistance, yet we are saying no. That is also beyond belief. The State Department, as of last Friday, reported 56 offers of assistance from 28 countries or international groups. We have accepted 5—5 out of 56—BP has accepted 3, and 46 remain under consideration.

I want to talk about one of these offers specifically. This ship is a Dutch ship from a company called Dockwise. This ship is the Swan. This is a huge vessel that, when equipped with skimming equipment, can suck up 20,000 tons of water and oil—20,000 tons. It was offered to the United States on May 6—May 6—and we never answered the call. Instead, a ship that has one-twentieth of its capability was accepted by the Coast Guard.

I received some followup information yesterday, and here is the response as to why the Coast Guard did not accept this superskimmer for use in the Gulf of Mexico. The response was that it was going to be equipped with arms—sweeping arms, which are what skims the oil into the boat—and BP was able to purchase two sets of these arms from another company and, therefore, the ship wasn't needed. The arms sweep the oil into a ship; the ship holds the oil. The arms are only half of the equation. And if this ship holds 20,000 tons of oil and water mixture, it is certainly needed.

Saying that we didn't need it because we got the arms and we put them on another ship makes no sense. The ship that was used instead has one-twentieth of the capability. That is an American ship, and I am glad we are using it, but we should be using both of them. We should be using every ship possible. And why should we be using every ship possible? Because oil is washing up on the shore of my State and the Federal Government seems anemic, at best, in its response.

What is this doing to our oceans, our waterways? The Mote Marine Laboratory in Sarasota—which I had the privilege to visit a couple of weekends ago—does wonderful work with marine life and has these unique, almost torpedo-like automated vehicles that go out in the water to check to see whether the oil has spread. It is one of the vehicles that helped us determine that this plume of oil, in fact, does exist beyond what you see on the surface. They are reporting yesterday, in an article that was published, that rare plankton-eating sharks are moving toward the coast of Florida. Ten healthy whale sharks were found Friday about 23 miles southwest of Sarasota. They are moving away from the oil—this oil that is growing not just on the surface but underneath.

What will be the long-range implications of this disaster, not just on our economy but on our environment? It is hard to tell. This morning, Florida State's marine biologists are reporting that the fish population has been severely damaged in the Gulf of Mexico.

Mr. President, I will continue to come to the floor every day we are here to sound the siren, to ring the bell and call for more response and a better effort to protect my State of Florida, as well as the other States in the gulf. This response is anemic, and our failure to act is outrageous. This government must do a better job.

With that, Mr. President, I yield the floor to my friend and colleague from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

THE NATIONAL DEBT

Mr. GREGG. Mr. President, first, all of us express our deepest concern for what the Senator from Florida, the people of Florida, and those along the gulf coast are going through. It is an unconscionable situation going on down there. I think the Senator has correctly indicted the failure of the people responsible to bring the resources that are available on site in order to try to address at least the skimming of as much of the oil as possible. I appreciate his doing this on a daily basis until we can get something done. This is critical, obviously.

I want to speak today, however, about an issue that is equally threatening to our Nation—although not as ominous, in many ways—and that is our debt and the continued spending by this Congress in a way that ignores the fact that we are on the path to passing on to our children a nation which they will not be able to afford as a result of the massive debt which is being put on their backs.

We heard today from a number of Senators from the other side of the

aisle how we have to pass this extender bill. There is some irony in this, in that they are claiming that it is necessary in order to address what are significant stresses on Americans who find themselves confronted with this economic slowdown. What they do not address, of course, is the fact that in passing this bill in the way they have structured it, they are going to put even greater stress on the next generation of Americans by creating even more debt for them to pay off.

There are some legitimate ideas and programs in this extenders bill, but they should be paid for. They should all be paid for. They shouldn't simply be put on the credit card and passed on to the next generation. These are issues which address costs of today—unemployment insurance, the tax extenders. They are issues which affect today's spending and they should be paid for with today's dollars. We shouldn't borrow from the next generation in order to pay for this problem—the problems and the issues which this bill tries to address.

Yet that is the proposal that comes to us. Three times now they have brought these extender programs forward. Once they were going to add $79 billion—$79 billion—to the deficit, and it failed on a point of order brought by myself on the issue of budget fiscal responsibility. Then they brought forward a proposal to spend $50 billion that was not paid for, and again it failed. Now we are going to get a third proposal today, and I suspect it will also be a deficit proposal where we add to the debt and pass the bill on to our kids for something we want to do today that is politically attractive.

But this is just a small tip of the iceberg for what has been happening around here. Since we passed pay-go legislation and we heard all these grandiose statements by the President and by the Democratic leadership of the Senate and the House that they were going to use pay-go to discipline spending around here so we would not be passing these bills on to our kids, since we passed that bill—now almost 2 months ago—we have spent or put in the pipeline to spend $200 billion—$200 billion of new spending that violates the pay-go rules, that adds to the debt of this country.

But that, again, is only a small tip of the iceberg. When we look at what is happening to the Federal debt, this is the line. This is where Federal debt is going as a percentage of gross national product. Historically, our Federal debts have been about 35 percent of gross national product. But since the Obama administration came into office and this Democratic Congress took control of fiscal policy in this country, that debt has gone right through the ceiling, and there is no stop to it. It is going up and up, to the point now where total debt as a percentage of GDP has passed the tipping point.

What is the tipping point? That is what Greece found. That is what Iceland found. That is what, regrettably, maybe Spain may be finding. It is when you get so much debt on the books that people stop believing you can really pay it back in an effective and efficient way. People in the world who are supposed to lend us this money—regrettably, it is other countries now: Saudi Arabia, China, Russia—they start asking themselves: Can they really pay that debt back? Shouldn't I charge a lot more to lend them money because I am not too sure they can pay the debt back? That tipping point is 60 percent of GDP. When your debt to the gross national product exceeds 60 percent of GDP, it is generally accepted in the world community that you passed the tipping point. When it gets up to around 90 percent of GDP, you are in junk bond status. You are on your way to bankruptcy. You are on your way to becoming Greece. We have an advantage over Greece. We can do something called monetizing our debt. But we still have the same problem.

We passed 60 percent this year. Why are we doing that? Because we are spending a lot of money we don't have on the extender program and on the other $200 billion of spending that has come to this floor on pay-go, on the stimulus package, on the health care bill. The health care bill expanded the size of this government by $2.5 trillion. All of that is an expense which grows the government at a rate we cannot afford.

Under the President's own budget as he sent it up here—and where is the budget, by the way? Did I miss something? Isn't the Congress of the United States supposed to do a budget? Isn't that what we are supposed to do as a responsible steward of our financial house and of the American taxpayers' dollars? Where is the budget? Under the desk here? Maybe it is down where that paper was that just fell. Nobody can find it. Why is that? Because the other side of the aisle does not want to show the American people what the deficits are, how much spending they are planning to do that they do not plan to pay for—not only in this year but for the next 10 years.

The President at least had the integrity—I guess under law he had to do it—to send up a budget. His own budget projects a $1.4 trillion deficit this year. That is 4 times larger—3.5 times larger than the biggest budget under the Bush administration—biggest budget deficit. It is the largest budget deficit in our history, $1.4 trillion. But that is not the end of it. For the next 10 years, the President's budget projects a $1 trillion deficit on average every year for the next 10 years. The practical effect of the President's own budget is that the debt of this country doubles in 5 years and triples in 10 years. These are staggering numbers. These are numbers that lead to bankruptcy of our Nation from the standpoint of fiscal policy. You don't have to look too far to see what these types of numbers mean. Just look at what is happening in Greece and other countries that have grossly overextended their debt. Doubling the debt in 5 years, tripling it in 10 years is an unacceptable action.

The numbers are so big, it is hard to put them in context. But to try to put them in some sort of context, if you take all the debt rung up by Presidents since the beginning of this country starting with George Washington through George W. Bush, that is $5.8 trillion. That is all the debt of all the Presidents who came before President Obama and this Democratic Congress. Under the budget sent up by the President, the debt that will be added will be three times that, almost three times that. The amount run up over all these 232 years we have been a nation—in 10 years, we will be adding more debt than occurred in the first 232 years by a factor of almost 2½—over 2½.

It is incredible. Yet nobody around here says anything or does anything about it on the other side of the aisle. What we hear from the other side of the aisle: Let's bring out another bill. Let's game the entitlements. Let's game the pay-go rules one more time, as the extender bill does—or tries to do—and let's spend some more money we don't have and add it to the deficit and the debt. Bill after bill is brought to this floor to do that—spend money we don't have and add it to the debt.

What does it mean in real terms? Children born at the beginning of President Obama's administration and this Democratic Congress, this liberal Congress—it should not even be called a democratic Congress because it is so liberal—had an $85,000 debt on their backs—think of that—when they were born. However, as of today they have a $114,000 debt on their backs. That means kids born just 4 years ago—not even 4 years ago; 1½ years ago—have had added to their burden—and they are going to have to bear this burden. This is not theoretical. This debt is owed. It is owed to China. It is owed to Russia. It is owed to Saudi Arabia. This debt has to be paid back by these people, our children. Just in the last 1½ years, it has gone up by almost $30,000. By the end of this Presidency, should the President be reelected—or even a little bit past that—by the end of the budget projected by this President, that debt on these children will be $196,000. That is what they will have to pay. How are they supposed to buy a home, buy a car, send their kids to college if they have to pay off this debt, which they will have to do through the tax burden? It is inexcusable what we are doing.

Then you have to couple it with the larger picture. Is anything being done to improve this situation? Here are the President's own numbers. Historically, taxes have been about 18 percent of GDP. You will hear a lot of people on the other side of the aisle say we just need to raise taxes more. Under the President's own budget, they are projecting that taxes are going to go up rather dramatically, to almost 20 percent of GDP. What they don't tell you

is that spending has historically been about 20 percent of GDP. If we had the tax revenues they are projecting, we wouldn't have hardly a deficit at all. We would be in pretty good shape.

But that is not what is happening here. As a result of the President's programs—note here how this line goes up sharply during the depression. It is estimated to come back down because of the stimulus being taken out of the spending stream—a very badly flawed decision, by the way, to pass the stimulus in the form it was passed—but then it goes straight back up. If we were to extend this line, it is way up here. What is that caused by? That is caused by the health care bill, $2.5 trillion of new spending, and by the aging of the population. There is no attempt to take this line and bring it down where it should be going, so we close that figure.

No, this area in here is a structural deficit that has been grossly—not structural. It is a created deficit that has been grossly aggravated by the policies of this administration and is being aggravated by the policies of this Congress, as we have seen more and more bills brought forward which are unpaid for and end up adding to this red line going up. It is not a tax issue. It is not a revenue issue. The President's own budget—these are the President's own budget numbers—shows that it is not a revenue issue. Revenues, they project, will be very robust and will be well above the historic highs fairly soon.

Why would they do this? Why would people be doing this to our Nation, running us into bankruptcy like this, putting this burden on the next generation that is so extraordinary? I think there is a philosophy here. The philosophy is pretty simple: This administration is very committed to moving the American model. They want to take us down the road of a European-style social welfare state democracy where you actually have cradle-to-grave coverage of all sorts of social concerns and you have an ever-expanding, dramatically expanding public sector. The President is very honest about this. He said that the way you create prosperity is to grow the government. I don't think anybody ever believed he would grow it quite this much, but he was honest about it, at least. But the implications of it are that because of the fact that we do not have the capacity to pay for this government, we are driving ourselves right into a ditch as a nation. We are putting ourselves into a totally unstable situation which will inevitably lead to some sort of fiscal crisis which will be cataclysmic for our country and will lead to a lower standard of living. That is what this inevitably leads to—a lower standard of living, not a higher standard of living for the next generation.

The European model is not a good model for us to pursue. It simply is not. Look at what is happening in Europe—anemic growth, lack of creativity in the area of economic growth, very little productivity, and basically countries wallowing in a debt structure they cannot get out from under because they are not willing to make the tough decisions. Are we going to take that path also? It appears that way. Under this administration, in this Congress, that appears to be the choice. But it is the wrong choice.

There are ways to address this. To begin with, we could stop spending—very simple. Stop spending money we don't have. Stop bringing bills to the floor that have high deficits attached to them.

We need to address the entitlement programs and recognize that they are, in their present structure, not affordable.

We need to address our tax laws, which are not structured in order to create an incentive for productivity and capital formation but are instead replete with special benefits to special interest groups. We can reduce the rates on all Americans, and especially we can reduce the rates on the productive side of the ledger, on our corporate rates which are now the second highest in the world, and still generate significantly more revenues if we do a total tax reform along the lines of what Senator WYDEN and I have actually proposed.

We need to change our energy policy. We have to stop shipping all this money overseas and buying energy. We need American production of energy. We need more nuclear; we need more natural gas; we obviously need more conservation; we need better cars—hybrids, electric; and sure, we need renewables, but renewables are not going to solve the problem. It is in production of American energy that we need to solve the problem, primarily, and in conservation.

Most important, we need to abandon this idea that we should follow the European model because it stifles productivity, entrepreneurship, risk taking. We need a model that says to the American people: Be creative. That has been at the essence of what has made us strong as a nation.

It has always been one of our unique advantages over the rest of the world—willing to take a risk, willing to make an investment, willing to go out and push the envelope. As a result, they have created jobs in the most prosperous Nation in the history of the world. But that is all at risk now because we decided to depart on this path of massive deficit and debt in order to recreate the European form of government: a social welfare state, which is, first, not sustainable, and, secondly, is not a model for prosperity.

It is time to change, and let's begin the change right here right now by rejecting any extender bill that comes to this floor that is not fully paid for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOVERY ACT

Mr. KAUFMAN. Mr. President, I rise today to remind my colleagues that the Recovery Act has worked and is still working. It has been almost a year and a half since I took office and since President Obama was sworn in. Remember, we came into office in the midst of the worst economic crisis since the Great Depression. Our financial system was collapsing. We had already lost millions of jobs and were losing millions more at a truly frightening pace.

We had roughly a $2 trillion hole in our economy, and instead of a surplus of $710 billion that was projected in 2001 for 2009, we wound up with a $1.6 trillion deficit.

Remember back in 2001 when the Bush administration came in? One of the problems was our surpluses were growing too fast. We had projected a $5 trillion surplus through 2009.

What did we end up with? We ended up with $5 trillion in deficits during that period, a $10 trillion turnaround. In 2009 where we had projected a surplus of $710 billion, we ended up with a $1.6 trillion deficit.

Fortunately, the Recovery Act brought us back from the precipice of disaster. It saved us from another full-blown depression and allowed us to rebuild our economy and add jobs.

The nonpartisan Congressional Budget Office just recently completed an analysis that demonstrated what a big impact the Recovery Act has had. The CBO, nonpartisan CBO, indicated that in the first quarter of this year, the Recovery Act accounted for anywhere between 1.8 million and 4.1 million more jobs, 2 to 4 million jobs. I would call that a success.

The CBO also told us unemployment was .7 percent to 1½ percent lower because of the Recovery Act. Our gross domestic product was 1.7 percent to 4.2 percent higher. The CBO is not the only one telling us this story. The Conference Board reported the latest version of its Leading Economic Index. The chart I have shows this index since last January, since the President and I took office. This is when we passed the Recovery Act.

As my colleagues can see, it bottomed out in March 2009, shortly after passage of the Recovery Act, and has been steadily climbing ever since. Other major economic indicators tell a similar story. Take the Dow Jones Industrial Average. Now, take the Dow Jones Industrial Average as a guide to the health of our financial markets.

This chart shows that shortly after passing the Recovery Act, the markets

hit bottom with the Dow at 6,547 on March 9, 2009. I wonder what happened in March that caused the Dow Jones to go up like this? The Dow since then has risen dramatically, rising above 11,000 a couple of months ago, and even remaining above 10,000 amidst recent market turmoil.

Take a look at this chart. Let's throw the last chart up here again. In March 2009, we passed the Recovery Act, and guess what happened. The Dow Jones average takes off. March 2009, guess what. We passed the Recovery Act and the major economic indicators take off. Let's look at another one.

How about the Purchasing Managers Index, a leading indicator of business confidence. Any score over 50 means the businesses around the country believe conditions are better than they were the previous month, and we are headed in the right direction.

Take a look at this chart. Oh, my goodness. Guess what. Early 2009, we are crashing. Now we are up. I wonder what happened during March 2009 to cause this Purchasing Managers Index to go up. Why all of a sudden did businesses around the country believe conditions were getting better? I wonder what that was all about?

Let's look at another chart. Let's look at gross domestic product, one of the very best indicators of our health. From 2007 to the first quarter of 2010 it tells the same story: Things started getting better after the Recovery Act was passed.

Here is the first quarter of 2009. Oh, my goodness, look at this. Going straight down. We get to the first quarter of 2009, straight up.

Either this is one of the truly great coincidences of our time, or the Recovery Act turned this economy around. The key point, as we have said all along, is not the economy, but it is jobs. So let's take a look at jobs.

The most recent unemployment report indicated that we added 431,000 jobs last month. Unemployment is still too high, much too high. Without our efforts to help the economy, most notably the Recovery Act, it would be even higher still.

Take a look at this chart. Here we are, folks. March 2009. What happened in March? I wonder what happened in March 2009. I wonder why jobs went from losing 753,000, which is what we lost in March of last year, to gaining 431,000 in May. I wonder. What could have happened to these charts?

We know the unfortunate thing about this is the economy is coming back, and the economy is coming back because of the Recovery Act. But we know from past experience that job growth lags behind economic recovery, and this chart shows how long that took from previous postwar recessions.

The problem is not that the Recovery Act did not work. It worked and the economy came back. The problem is, if you look back—and we knew this at the time—if you go back to 1949 where the jobs lagged by 5 months, or you go back to more recent history, November 2001, where jobs lagged 22 months, the problem is not that the Recovery Act did not work, the problem is the time it takes from when the economy comes back until jobs come back. That is not hard to explain.

Businesses need to use up their existing capacity and they need to feel confident in the economic climate before they start expanding again. That just makes sense. The process can be especially painful during a financial collapse where businesses and households are forced to pare down their savings and reduce their spending, thus tamping down economic and employment growth.

Due to this lag, which was totally predictable, the jobs have been slower to return than anyone likes. But make no mistake, thanks to the Recovery Act, we have gotten our economy back on track and growing again. We must not, however, take these results for granted. For those who said at the time we could get by with less, my Republican friends—and they are my friends, and I hold them in high regard—but to those who said the economy will come back without the Recovery Act, just look at the example of Japan in 1990.

Remember on this floor, and the vote against this was almost complete, against the Recovery Act. I think we ended up getting three Republican votes. They were saying: We do not need to do anything. The economy will come back.

Let me show you something. Japan tried that. Approximately 20 years ago, Japan also experienced a serious economic downturn that was precipitated by the bursting of speculative bubbles in real estate and financial assets. Sound familiar?

However, Japan was slow not only to address the crisis in the banking sector, but also to use fiscal stimulus to help jumpstart the economy. This chart shows the results. They call it the ''lost decade'' in Japan. Literally no growth in gross domestic product. That is what happens if you do nothing, if we had done nothing. We must not allow that to happen here.

There are those who continue to present a false choice between balancing the budget and fiscal stimulus necessary to get our economy back on track. This is a false choice. But we should know by now there are times in which fiscal stimulus and deficits are necessary—necessary. Good deficits to spur growth and get our economy on track. There are other times when deficits are unnecessary and short-sighted. Deficits are sometimes necessary, looking back through history, to allow fiscal stimulus to jumpstart an economy that is contracting due to a precipitous decline in private sector investment and consumer spending.

There is a hole in the economy because private sector investment and consumer spending stopped. The economy is frozen. That is the time you have to get the economy going. If you have a $2 trillion hole in the economy, you can't let it sit there, as Japan did, and fester. You have to do something. That is what the Recovery Act did. It put money into the economy.

However, my friends on the other side of the aisle are absolutely right when they say deficits are inappropriate during good economic times, which is what we had for the 8 years previous to this. At those times, they are typically the result of irresponsible decisions to cut taxes and put in place unfunded spending programs—tax cuts that were not paid for; the wars in Iraq and Afghanistan, not paid for; Medicare prescription drugs, not paid for. So during a period when the Congressional Budget Office said: In 2001, we are going to run a $5 billion surplus, we ran a $5.6 trillion deficit because we went out and spent and spent and spent with no provision for paying for it.

I cannot believe it when I am presiding here and colleagues come to the floor and talk about the unemployment extension like, man, this is a bad situation. These folks are going to spend money and not pay for it, because we have these incredible deficits.

These deficits didn't just show up in the last year. The deficit in the last year was to get the economy moving again. It was a good idea. Where did the $10 trillion turnaround come from between 2001 and 2008, when time after time, on big programs such as tax cuts and going to war, the decision was made not to pay for it? That is where we got the deficits. That is where the deficits came from. Those are the bad deficits. We were irresponsible. We had good times. That is when we should have built up the deficits. That is when the bipartisan CBO said we would have surpluses, remember? In fact, the rationale for the first tax cut was: It is better in their pockets than in our pocket. We should not have been giving out these tax cuts. But let's just give them to the American people because of the surplus. And we ran up a $5 trillion deficit.

While we have serious structural and budgetary problems—and we do—that need to be resolved for the long term, getting our economy growing again has to be our first priority, and had to be. President Obama has established a bipartisan commission to address those long-term problems. In the short-term, we need to grow ourselves out of deficits—a phrase my colleagues across the aisle have invoked many times in the past. They are absolutely right. We have to grow out of this.

One of the ways we grow out of this is to get the economy moving. One of the ways to get the economy moving is by the Recovery Act. I remember February 2009 all too well. No one in the Senate should ever forget what it was actually like in February 2009. We were looking into the abyss before we passed the Recovery Act. The American economy was in free fall, and another Great

Depression was imminent. Those were truly scary days. The Recovery Act helped divert another Great Depression. It has our economy growing again. It has improved our fiscal situation. Imagine the size of our budget deficits if we had another Great Depression, which was an all-too-real possibility just over a year ago. Do you think these deficits are bad? Suppose we had the Great Depression.

We are now on the path to recovery, but it is a narrow ridge, not a broad field. If we do not keep our eyes forward, we will too easily lose our way. We have a fragile economic recovery that has been made even more so by the massive oilspill in the gulf and by serious fiscal and financial strains in Europe. We could have a double-dip. We could turn this around. This is a very fragile time for the economy. Given these perilous circumstances, we need to be vigilant to avoid another double-dip recession.

To conclude, the Recovery Act has done its job and will continue to do so. Now, as we get through this crisis, as this recession passes, we need to create new jobs. That is the key. It isn't enough to try to win back the jobs we lost. We have to do that. To keep pace with our population and keep a sacred promise to our children and grandchildren, we need to create a whole new generation of jobs.

As former President Clinton said in recent years: In the last 10 years, we were creating jobs in three areas—housing, finance, and consumer economy. Unfortunately, all three of these have suffered in this economy. All three of these have benefited from loose credit and easy money to build up a bubble. I am sorry to say that many of these jobs are not coming back, especially in the short term. We cannot look forward to the day or depend on the day where carpenters were scarce because we built more housing than people could afford to buy. We do not need a revitalized legion of clever bankers any more than we need another Starbucks one block closer.

Going forward, we need to transform our economy by revolutionizing how we produce and consume energy. To do this, we will need more scientists and engineers. It is in this area where future job and economic growth will happen. The Recovery Act, thank goodness, began this process, not only by turning our economy around but also by promoting green jobs and investment in clean energy initiatives. Our challenge in the future will be to build upon its foundation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

NOMINATION OF JOHN S. PISTOLE

Mr. CARDIN. Mr. President, I rise to speak in support of the nomination of John S. Pistole to be Administrator of the Transportation Security Administration and talk about collective bargaining for TSA employees.

The TSA has been without a Senate-confirmed leader for a year and a half. During the last 5 months, we have experienced two major transportation security incidents: the unsuccessful December 25 bombing of Northwest flight 253 and the near escape of the failed Times Square bomber. I welcome the President's nomination of a career FBI official with extensive counterterrorism experience, FBI Deputy Director John S. Pistole, to head the TSA. I look forward to the Senate's swift confirmation of Mr. Pistole for this critical position.

During the confirmation hearings for Mr. Pistole, the issue of collective bargaining for TSA employees was raised. Mr. Pistole stated that he is going to study the issue, gather all the information he can from stakeholders, and make a recommendation to Secretary Napolitano.

Some Members of Congress, however, are strongly opposed to collective bargaining for TSA employees. Their opposition is grounded in the concern that we need to adapt quickly and effectively to specific aviation threats. The underlying premise of this argument is that we must choose between protecting the Nation from threats to aviation and collective bargaining. This choice, however, is a false choice because national security and what I call smart collective bargaining are not mutually exclusive. Under smart collective bargaining agreements, if circumstances and true emergencies were to exist, TSA would be fully capable to deploy assets without there being any negative impact from the collective bargaining agreement.

At his confirmation hearing, Mr. Pistole stated that ''we have to be able to surge resources at any time . . . not only nationwide but worldwide.'' I certainly agree. A smart collective bargaining agreement would enable us to do exactly that.

Moreover, a smart collective bargaining agreement would enhance national security because it would enable TSA to recruit and retain veteran employees. Our Nation's history with labor unions teaches us that collective bargaining boosts morale and allows employees to have a voice in their workplace and increases stability and professionalism. On the other hand, poor workforce management can lead directly to high attrition, job dissatisfaction, and increased costs, which lead to gaps in aviation security. There have been reports that TSA has low worker morale, which can undermine the Agency's mission and our national security.

The fact is, DHS, Customs and Border Patrol officers, some of whom work at the same airports as TSA employees, as well as employees of DHS's Federal Protection Services, and the Capitol Police all operate under collective bargaining agreements. Are members of the flying public less safe because the CPB officers, who work side-by-side with TSA employees, work under a collective bargaining agreement? I don't believe so, nor do I think my colleagues believe that. Are Members of Congress less safe because the Capitol Police work under a collective bargaining agreement? I have heard all my colleagues compliment the efficiency of our Capitol Police.

As the late Senator Kennedy noted in August 2009 when he cosponsored a collective bargaining rights bill for public safety officers, tomorrow morning, thousands of State and local public safety officers, police officers, and firefighters will wake up and go to work to protect us. We should be there to help them. They will put their lives on the line responding to emergencies, policing neighborhoods, and protecting us in Maryland and communities all across the Nation. These dedicated public servants will patrol our streets and run into burning buildings to keep us safe. No one believes for a moment that we are less safe because they have secured collective bargaining rights.

If opponents of collective bargaining for TSA employees want to invoke 9/11 to support their views, they will soon discover that the legacy of 9/11 shows clearly that national security will not be compromised by collective bargaining. It shows just the reverse. Those who helped us save lives during 9/11 were covered under collective bargaining rights. Before 9/11, the New York Port Authority police worked 8-hour days, 4 days on and 2 days off. By the end of the day on 9/11, however, vacations and personal time were canceled and workers were switched to 12-hour tours, 7 days a week. Indeed, schedules did not return to normal for 3 years. The union did not file a grievance, and everyone recognized it was a real crisis.

If there is any doubt about whether collective bargaining will enhance our ability to recruit and retain the best TSA employees to protect us, all we need to do is think about Donnie McIntyre, a Port Authority police officer, one of the many selfless heroes killed on 9/11, and these memorable words written in the third stanza of ''America the Beautiful'' by Katherine Lee Bates:

O beautiful for heroes proved, in liberating strife. Who more than self, their country loved, and mercy more than life.

We learned about the story of Donnie McIntyre from his partner, Paul Nunziato, vice president of the New York Port Authority Police Benevolent Association. He testified before Congress in June of 2007 regarding the Public Safety Employer-Employee Cooperation Act of 2007, a bill almost identical to the amendment offered by Senator REID.

Donnie was one of the 37 port authority police officers who lost their lives on 9/11 at the World Trade Center evacuation effort. He was married with two children, and his wife Jeannie was pregnant with their third child when he died on September 11. While nothing will make up for the loss of Donnie to his family, Jeannie does not have to

worry about paying bills or providing health care for her children, largely because of the benefits the union negotiated for its members.

Collective bargaining for TSA employees will not endanger national security. It will make us more safe. I urge colleagues to support collective bargaining for TSA employees. It will improve our ability to recruit and retain the best employees, like Donnie McIntyre and the countless other American heroes who work every day to protect us and keep us safe under collective bargaining agreements. Moreover, smart collective bargaining for TSA employees will increase stability and professionalism in the workplace and will dramatically reduce attrition rates, job dissatisfaction, and increased costs, which will enhance transportation security.

I urge my colleagues to swiftly confirm John S. Pistole to be the TSA Director and to understand the importance of protecting all of our workers, particularly those who put their lives on the line for us, by giving them basic collective bargaining rights.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

(The remarks of Mr. GRASSLEY pertaining to the submission of S. Res. 562 are printed in today's RECORD under ''Submitted Resolutions.'')

Mr. GRASSLEY. Mr. President, I yield the floor.

Since I do not see any other Members present to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate stand in recess from 1:00 to 2:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

UNEMPLOYMENT AND COBRA BENEFITS

Mr. BURRIS. Madam President, near the end of May, we learned that the unemployment rate in my home State of Illinois had fallen to about 10.8 percent, down from 11.2 percent in March. That is the first time the unemployment rate has gone down since 2006, when it stood at only 4.4 percent.

I am the first to celebrate the creation of even a single well-paying job. I am happy for each and every Illinoisan we can put back to work because one job will help someone put food on the table, and it will help one family stand just a little taller. It will give people the opportunity to participate in the economy again, buying the goods and services they need.

That, in turn, means more jobs. One by one, these folks will turn our economy around from the bottom up. So I do not dismiss this recent jobs report. This is a step in the right direction. It is welcome news. But it is only a drop in the bucket. For every person we have put back to work, many others are still hurting—and hurting badly.

Our landmark stimulus law, which we enacted more than a year ago, has done a great deal to stop the economy from collapsing and set Americans back on the road to recovery. The economy is growing again. Many key indicators have turned around. I am proud to say the American Recovery and Reinvestment Act has been instrumental in preventing a second Great Depression.

But job creation continues to lag behind. We have made progress in some areas, but we still have a long way to go. That is why I urge my colleagues to come together and support job creation measures so we can keep putting people back to work.

At the same time, I urge them to support further extensions of unemployment and COBRA benefits so we can help people keep their heads above water until the recovery is complete.

These are difficult times. Through no fault of their own, millions of people have suddenly found themselves without a job. These folks are the victims of reckless behavior on Wall Street, but they, rather than Wall Street, have been forced to pay the price.

More Americans are classified as ''long-term unemployed'' and ''disadvantaged workers'' than ever before. Many have exhausted their unemployment benefits or they are dangerously close to doing so.

I believe we must pass this extenders package and restore stability by helping States cover the rising cost of unemployment insurance.

We need to increase access to COBRA so that people can remain on their old health insurance for a period of time after they lose their jobs.

We need to extend these benefits to more hard-working Americans who are struggling to find work during this time of uncertainty.

Just last month, after a long partisan battle, we passed a temporary extension of these programs. But that extension expired on June 2, almost a month ago. So it is time to take up a new measure that will carry unemployment benefits and COBRA through at least another 6 months—I would love to see more time—as our friends in the House of Representatives have discussed. This proposal would make more Americans eligible for existing benefits. It would not increase the current 99-week limit on these programs, but it would offer a helping hand to those who have lost their jobs recently and make sure they have access to the same resources.

This extension would not be a comprehensive fix, but it would help ease the situation and the strain on the victims of this financial crisis until the full effects of our stimulus law have taken hold and the unemployment rate begins to decline at a steady rate.

This extenders package will provide needed relief to those who need it most. That is why I am deeply disappointed that some of my colleagues have proposed cuts to this legislation. Some say we should cut $25 a week in extra unemployment compensation.

Relative to the overall legislation, these cuts would be minimal. But to a family who has been hit hard by this crisis, $25 a week could make a tremendous difference. Some will say we cannot afford to provide these benefits in light of our continued recovery. But what do I say? I say we cannot afford not to.

We cannot afford to nickel and dime these people who are barely scraping by as it is. We need to give them the support they deserve. Let's dispense with this hollow rhetoric about fiscal responsibility from those who have lost their credibility on this issue.

Over the last decade, Republicans squandered our surplus by spending wildly on massive tax breaks for the wealthy and the special interests, a war not paid for, and a medical program not paid for. During the years when they were in control, Senate Republicans voted seven times to increase the debt limit. They refused to pay for major initiatives, they cut revenue, and they increased spending.

It doesn't take a financial expert to recognize that this is just plain irresponsible. It is easy to say their record simply does not match their rhetoric.

Let's be honest with the American people. Let's work together to solve this problem rather than hiding behind the same irresponsible policies that got us here in the first place.

I recognize that job creation must remain our top priority, and I am confident that Democrats and Republicans can agree we need to help people get back to work. In the meantime, let's pass this extension so that folks can get food on the table and get access to the medical care they need. Let's stand up for those who have been hit hardest by this crisis and send them a message loud and clear: We haven't forgotten you and, hopefully, help is on the way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I ask unanimous consent that I may speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF ELENA KAGAN

Mr. SPECTER. Madam President, I have sought recognition to comment on the range of questions for Solicitor General Kagan on her forthcoming hearings before the Senate Judiciary Committee.

Solicitor General Kagan has issued a fairly broad invitation, in effect, on questioning. In an article that she published in the Chicago Law Review back in 1995, her comment at that time was, in part, as follows:

When the Senate ceases to engage nominees in meaningful discussion of legal issues, the confirmation process takes on an air of vacuity . . . and the Senate becomes incapable of either properly evaluating nominees or appropriately educating the public. For nominees, the safest and surest route to the prize lay in alternating platitudinous statements and judicial silence. Who would have done anything different in the absence of pressure from Members of Congress?

That is a fair-sized invitation for a little pressure from Members of the Senate. I think she is right in her pronouncements, and it is something we ought to do. She goes on to write in the law review article:

Chairman Biden and Senator Specter, in particular, expressed impatience with the game as played. Specter warned that the Judiciary Committee one day would ''rear up on its hind legs'' and reject a nominee who refused to answer questions. Senators do not insist that any nominee reveal what kind of a Justice she would make by disclosing her views on important legal issues. Senators have not done so since the hearings on the nomination of Judge Bork.

Solicitor General Kagan goes on to write:

A nominee lacking a public record would have an advantage over a highly prolific author.

There has been some questioning as to whether this nominee has such a small paper trail that it will be doubly difficult, or significantly more difficult, to find out her views. But in her law review article, noting the difference with that kind of a paper trail is, again, another invitation.

The author of the law review article, Solicitor General Kagan, goes on to write:

The Senators' consideration of a nominee, and particularly the Senate's confirmation hearing, ought to focus on substantive issues.

Well, that, then, raises the question about how do you get answers on substantive issues, and what is the value of the substantive issues when the nominee, after being confirmed, is on the bench?

Earlier this week, I made an extensive statement reviewing the records of Chief Justice Roberts and Justice Alito in their confirmation hearings. Although both professed to give great deference to Congress on findings of the facts of the record, when it came to making a decision—for example, in Citizens United—their judicial views were much different.

Both Chief Justice Roberts and Justice Alito talked at length about how it was the legislative function to have hearings, compile the record and find the facts; that it was not a judicial function, and that when judges engaged in that, they were engaging in legislation. But when it came to the case of Citizens United, overturning a century of a prohibition on corporations engaging in paying for political advertising, both Chief Justice Roberts and Justice Alito found the 100,000-page record insufficient. Both of them talked about stare decisis and the value of precedent and the factors that led to the strengthening of stare decisis. Chief Justice Roberts spoke emphatically about not giving the legal system a ''jolt.'' Well, that is hardly what has happened during their tenure on the bench.

So the question which we will put to Solicitor General Kagan, among others, is, How does Congress get those promises translated into actual practice? And in making the comments about Chief Justice Roberts and Justice Alito, I do so without challenging their good faith. There is a big difference between answering questions in a Judiciary Committee hearing and deciding a case in controversy. But the question remains as to how we handle that.

As expressed in my statement earlier this week, I am very much concerned about the fact that there has been a denigration of the strong constitutional doctrine of separation of power and that we have moved to a concentration of power. That has happened by the Supreme Court taking on the proportionality and congruence test, which, as Justice Scalia noted in a dissent, is a ''flabby'' test designed for judicial legislation.

The Court has also ceded enormous powers to the executive by refusing to decide cases where there are conflicts between the executive and legislative branches. I spoke at length earlier this week about the failure of the Supreme Court to deal with the conflict between Congress's Article I powers in enacting the Foreign Intelligence Surveillance Act versus the President's authority as Commander in Chief. I did that in the context of noting that the Supreme Court has time for deciding many more cases.

These are, I think, impressive statistics. In 1886, the Supreme Court had 1,396 cases on its docket and decided 451 cases. In 1987, a century later, the Supreme Court issued 146 opinions. By 2006, the Supreme Court heard argument on 78 cases, wrote opinions in 68. In 2007, they heard argument in 75 cases, wrote opinions in 67 cases. In 2008, they heard arguments in 78 cases, wrote opinions in 75 cases.

In addition to not deciding cases such as the terrorist surveillance program and the sovereign immunities case, which I talked about extensively earlier this week, the Supreme Court has allowed many circuit splits to remain unchecked. There is an informative article in the July/August 2006 edition of the Atlantic entitled ''Of Clerks and Perks,'' written by Stuart Taylor, Jr. and Benjamin Wittes. In that article, the authors point out about how much time the Supreme Court Justices have, noting that one Justice produced four popular books on legal themes while on the bench, another is working on a $1.5 million memoir, and another Justice took 28 trips in 2004 alone and published books in 2002, 2003, and 2005.

Madam President, I ask unanimous consent to have printed in the RECORD the full article to which I just referred.

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

[From the Atlantic, July/August 2006]

OF CLERKS AND PERKS

WHY SUPREME COURT JUSTICES HAVE MORE FREE TIME THAN EVER—AND WHY IT SHOULD BE TAKEN AWAY

(By Stuart Taylor Jr. and Benjamin Wittes)

There are few jobs as powerful as that of Supreme Court justice—and few jobs as cushy. Many powerful people don't have time for extracurricular traveling, speaking, and writing, let alone for three-month summer recesses. Yet the late Chief Justice William Rehnquist produced four popular books on legal themes while serving on the bench. Clarence Thomas has been working on a $1.5 million memoir. And Sandra Day O'Connor, who retired to general adulation, took twenty-eight paid trips in 2004 alone, and published books in 2002, 2003, and 2005.

All this freelancing time breeds high-handedness. Ruth Bader Ginsburg tars those who disagree with her enthusiasm for foreign law with the taint of apartheid and Dred Scott; Antonin Scalia calls believers in an evolving Constitution ''idiots,'' and carries on a public feud with a newspaper over whether a dismissive gesture he made after Sunday Mass—flicking fingers out from under his chin—was obscene. Meanwhile, on the bench the justices behave like a continuing constitutional convention, second-guessing elected officials on issues from school discipline to the outcome of the 2000 election, while leaving unresolved important, if dust-dry, legal questions that are largely invisible to the public.

Many lawmakers are keen to push back against a self-regarding Supreme Court, but all of the obvious levers at their disposal involve serious assaults on judicial independence—a cure that's worse than the disease of judicial unaccountability. The Senate has already politicized the confirmation process beyond redemption, and attacking the federal courts' jurisdiction, impeaching judges, and squeezing judicial budgets are all bludgeons that legislators have historically avoided, and for good reason.

So what's an exasperated Congress to do? We have a modest proposal: let's fire their clerks.

Eliminating the law clerks would force the justices to focus more on legal analysis and, we can hope, less on their own policy agendas. It would leave them little time for silly speeches. It would make them more ''independent'' than they really want to be, by ending their debilitating reliance on twentysomething law-school graduates. Perhaps best of all, it would effectively shorten their tenure by forcing them to do their own work, making their jobs harder and inducing them to retire before power corrupts absolutely or decrepitude sets in.

No justice worth his or her salt should need a bunch of kids who have never (or barely) practiced law to draft opinions for him or her. Yet that is exactly what the Court now has—four clerks in each chamber to handle the lightest caseload in modern history. The justices—who, unlike lower-court judges, don't have to hear any case they don't wish to—have cut their number of full decisions by more than half, from over 160 in 1945 to about 80 today. During the same period they have quadrupled their retinue of clerks.

Because Supreme Court clerks generally follow a strict code of omertà, the individual justices' dependence on them is hard to document. But some have reportedly delegated a shocking amount of the actual opinion writing to their clerks.

Justice Harry Blackman's papers show that, especially in his later years, clerks did most of the opinion writing and the justice often did little more than minor editing, as well as checking the accuracy of spelling and citations. Ginsburg, Thomas, and Anthony Kennedy reportedly have clerks write most or all of their first drafts—according to more or less detailed instructions—and often make few substantial changes. Some of O'Connor's clerks have suggested that she rarely touched clerk drafts; others say she sometimes did substantial rewrites, depending on the opinion.

There's no reason why seats on the highest court in the land, which will always offer their occupants great power and prestige, should also allow them to delegate the detailed writing to smart but unseasoned underlings. Any competent justice should be able to handle more than the current average of about nine majority opinions a year. And those who don't want to work hard ought to resign in favor of people who do.

Cutting the clerks out of the writing will also improve the justices' decision- making, by forcing them to think issues through. As the eighty-six-year-old John Paul Stevens, the only justice who habitually writes his own first drafts, once told the journalist Tony Mauro: ''Part of the reason [I write my own drafts] is for self-discipline . . . I don't really understand a case until I write it out.''

This is not to suggest that the justices should have to spend their time on scut work—reading all 8,000 petitions for review filed in a typical year, or hitting the library to dig up obscure precedents. These are the tasks that law clerks used to do. And this sort of thing is all they will have time to do if Congress cuts each justice's clerk complement from four back to one, as legal historian David Garrow has suggested.

For much of American history, the life of a justice was something of a grind. Watching the strutting pomposity of modern justices, this ''original understanding'' of the job—as a grueling immersion in cases, briefs, and scholarship—seems increasingly attractive.

Justice Louis Brandeis once said that the reason for the Supreme Court justices' relatively high prestige was that ''they are almost the only people in Washington who do their own work.'' That was true then. It should be true again.

Mr. SPECTER. Madam President, this raises the issue about deciding these cases where the workload is not very high, where there is a recess of some 3 months, extensive travels, and extensive lectures. Now they may do what they please, and they will, but there is a balance here. The question is: How do you get more cases decided? How do you deal with the question of having the Justices put into practice, once they are on the bench, what they are talking about in the confirmation hearings? That is hard to determine.

The best way, in my view, and I have spoken about this in some length, is by publicizing their failures. I think when we take up their budget, for example, it is fair to consider how many clerks they need, given their workload. The number started at one, went to two and three, and is now at four. Is it fair to consider the recess period? In evaluating their budget, we have to be very careful not to intrude upon judicial independence, which is the hallmark of our Republic. But on the issue of publicizing what the Court does, I think it is fair game; preeminently reasonable.

For decades now, I have been pressing to have the Supreme Court proceedings televised. Only a very limited number of people can fit inside the chamber—a couple of hundred; less than 300. People are permitted to stay there for only 3 or 4 minutes. Twice the Judiciary Committee has passed out legislation by substantial margins—12–6, and in the current term 13–6—calling on the Supreme Court to be televised.

When the case of Bush v. Gore was argued, Senator Biden and I wrote to the Chief Justice asking that the television cameras be permitted to come in. The Chief Justice declined, but did—in a rather unusual way—authorize a simultaneous audio.

There have been continuing efforts by C–SPAN to have more access to the Court, and I ask unanimous consent to have printed in the RECORD a document entitled ''C–SPAN Timeline: Cameras in the Court'' at the conclusion of this presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Madam President, I don't have time to go into it now, with the limited time available, but the reader of the CONGRESSIONAL RECORD can see how frequently the Court has denied access to even the audio.

It is a matter of general knowledge that the Supreme Court Justices engage in television interviews with some frequency. Justice Scalia, for example, appeared on the CBS News program ''60 Minutes'' on April 27 of 2008; Justice Thomas was on ''60 Minutes'' on September 30, 2007; Justices Breyer and Scalia have engaged in several televised debates, including a debate on December 5, 2006. All Justices have sat for television interviews conducted by C–SPAN.

A point I have made with some frequency on the floor of the Senate is the great importance of the Supreme Court in our government. The Supreme Court has the final word. There is nothing in the Constitution which gives the Supreme Court the final word, but they took it in the celebrated case of Marbury v. Madison, and I believe it has been for the betterment of the country. You find the inability of the Congress to act. The most noteworthy illustration of that was segregation, for years the practice in this country. The executive branch did not handle it, but the Court was able to integrate our schools in a recognition of the changing values and the flexible interpretation of a living Constitution.

It is often said that the Court is not final because they are right, but they are right because they are final. Somebody has to make these final decisions, and I think the Court should do it. But I do believe it is of great value if the people in this country understood what the Court is deciding.

Madam President, I ask unanimous consent to have printed in the RECORD a statement of some 11 cases entitled ''List of Cutting-Edge Decisions of the Roberts' Court.''

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

LIST OF CUTTING-EDGE DECISIONS OF THE ROBERTS COURT

Citizens United v. Federal Election Commission (2010). A five-four majority of the Court struck down as facially unconstitutional section 203 of the McCain-Feingold Act, despite an extensive body of Congressional findings, two Supreme Court precedents explicitly uphold section 203 (Austin (1990) and McConnell (2003)), and prohibition on corporation money in federal elections stretching back to 1907.

Parents Involved in Community Schools v. Seattle School District No. 1 (2007). In a 5–4 opinion by Chief Justice Roberts, the Court struck down narrowly tailored race-conscious remedial plans adopted by two local boards designed to maintain racially integrated school districts, contrary to a ''long-standing and unbroken line of legal authority tells us that the Equal Protection Clause [of the Fourteenth Amendment] permits local school boards to use race-conscious criteria to achieve positive race-related goals, even when the Constitution does not compel it.''

Hein v. Freedom from Religion Foundation, Inc. (2007). In a 5–4 opinion by Justice Alito, the Court held that an individual taxpayer did not have standing to challenge the constitutionality of government expenditures to religious organizations under the Bush administration's ''faith-based initiatives'' program. That conclusion ran counter to a four-decade-old precedent holding that taxpayers have standing to challenge federal expenditures as violative of the Establishment Clause (Flast v. Cohen (1968)).

Morse v. Frederick, (2007). In a 5–4 opinion by Chief Justice Roberts, the Court held that the suspension of high school students for displaying a banner across the street from their school that read ''BONG Hits 4 JESUS'' did not violate the First Amendment. That holding ran counter to a long-standing precedent, Tinker (1969), which held unconstitutional the discipline of a public-school student for engaging in First Amendment-protected speech unless it disrupts school activities.

Penn Plaza, LLC v. Pyett (2009). In a 5–4 opinion by Justice Thomas, the Court upended the Court's unanimous 1974 decision in Alexander v. Gardner-Denver Co. (1974), which held that an employee cannot be compelled to arbitrate a statutory discrimination claim under a collectively bargained-for arbitration clause to which he did not consent. The Court held otherwise in Pyett, thereby depriving many employees of their right to bring statutory discrimination claims in federal court.

Leegin Creative Leather Products, Inc. v. PSKS (2007). In a 5–4 opinion by Justice Kennedy, the Court overturned a century-old precedent holding that vertical price-fixing agreements per-se violate the federal antitrust laws.

Federal Election Commission v. Wisconsin Right to Lift (2007). In a 5–4 opinion by Justice Roberts, the Court ruled that the McCain-Feingold Act's limitations on political advertising were unconstitutional as they applied to issue ads like WRTL's (which in this case encouraged viewers to contact two U.S. Senators and tell them to oppose filibusters of judicial nominees). Justice Scalia went so far as to accuse Chief Justice Roberts and Justice Alito of practicing what he called ''faux judicial restraining'' by effectively overruling McConnell (2003) ''without expressly saying so.''

Northwest Austin Municipal Utility District v. Holder (2009). An opinion by Chief Justice Roberts discussed whether the 2006 extension of 5 of the Voting Rights Act of 1965 was supported by an adequate legislative record. Although the court ultimately decided the case on a narrow statutory ground, Roberts made clear that he was disinclined to accept Congress's legislative finding as to the need for §5, despite an extensive record amassed over ten months in 21 hearings.

Ledbetter v. Goodyear Tire and Rubber Company (2007). In a 5–4 opinion by Justice Alito, the Court ruled that Ledbetter's employment discrimination claim was time-barred by Title VII's limitations period, despite the fact that she had only recently found out that the discrimination was occurring.

Ashcroft v. Iqbal (2009) and Bell Atlantic v. Twombly (2007). In these decisions, the Court fundamentally changed the long-standing rules of pleadings under the Federal Rules of Civil Procedure while refusing to acknowledge that a change had been made. These decisions created a heightened pleading standard that may impair the ability of American to access the courts.

District of Columbia v. Heller (2008), In a 5–4 decision, the Court held that the Second Amendment guarantees an individual right to bear arms unconnected with service in a state militia, and, in doing, struck down a District of Columbia gun control law that had been in place for over three decades. The majority and minority opinion diverged sharply on the framer's original understanding of the Second Amendment.

Mr. SPECTER. There is insufficient time to go over them now, but most of them are 5–4 decisions. The Supreme Court decides everything from life to death, Roe vs. Wade to the death penalty cases and double jeopardy. These cases involve the integration issue, religious freedom, freedom of speech, collective bargaining, the antitrust laws, and all of the cutting-edge questions are decided.

It is my hope that we will find time on the Senate's agenda—with as many quorum calls as we have had we ought to find some time—to take up the issue of televising the Supreme Court. And as we approach next Monday's hearings on Solicitor General Kagan, we will be pursuing these very important issues.

In the remaining time available, one other matter which I wish to comment about—and I have sent Solicitor General Kagan three letters setting forth the areas of questioning which I intend to make—is a remarkable, perhaps unprecedented, action by the Supreme Court invalidating the Arizona clean elections law.

Arizona set up a law to provide matching funds. The District Court in Arizona declared it unconstitutional, but the Ninth Circuit overturned the district court. The district court had issued an injunction—that is, to prevent the law from being carried out—on matching funds. The Ninth Circuit reversed that. The Supreme Court—in an unusual decision, to put it mildly—earlier this month, on June 8, put the injunction back into effect.

This is in the context where there hasn't even been a petition for certiorari filed. The regular practice—the regular order—is a petition for cert, briefs, argument. That is the way cases are decided. But here, in the wake of Citizens United, invalidating a key part of McCain-Feingold, we have the Supreme Court invalidating the Arizona law without even the customary procedures.

All of this is in the face of congressional action and action by states to try to respond to public opinion. A recent Hart poll showed that some 95 percent of the American people think that corporations make contributions to exert political influence, and 85 percent of the people feel that corporations ought not to be able to contribute to political campaigns.

These are among the questions which we will be considering with the confirmation proceeding on Solicitor General Kagan. I cited at some length her law review article where she is inviting us to do so, committing at least in her law review article in 1995 to provide substantive answers and acknowledging that someone with a thin paper trail, as she has, is under more of an obligation to respond.

I note the time has expired.

EXHIBIT 1

C–SPAN TIMELINE: CAMERAS IN THE COURT

C–SPAN has sought to provide its audience with coverage of the Judiciary, just as it has covered the Legislative and Executive branches of government. The prohibition of televised coverage of the Supreme Court's oral arguments has been an obstacle to fulfilling that goal. Below is a record of C–SPAN's efforts to make the Court more accessible to the public.

1981—C–SPAN televises its first Supreme Court Senate confirmation hearing with gavel-to-gavel coverage, with the nomination of Sandra Day O'Connor.

1985—C–SPAN launches ''America & the Courts,'' a weekly program focusing on the Judiciary with an emphasis on the Supreme Court.

1987—Court permits C–SPAN to originate live Interview and call-in programs from its Press Room.

2/1988—First letter to Chief Justice Rehnquist requesting camera coverage of Supreme Court.

11/1988—Participated in demonstration of potential camera coverage in Supreme Court.

9/1990—C–SPAN airs first live telecast of a federal court proceeding from a military appeals court.

1991—C–SPAN is instrumental in advocating and implementing a 4-year experiment with the Judicial Conference to test television coverage of civil cases before two federal Courts of Appeals and six District Courts.

11/2000—Letter to Chief Justice Rehnquist requesting camera coverage of Bush v. Palm Beach County Canvassing Board. Court agreed to release audio only.

12/2000—Letter to Chief Justice Rehnquist requesting live audio release of Bush v. Gore. Received early audio release, not live.

2003—Sent letter requesting early audio release of Grutter v. Bollinger and Gratz v. Bollinger. (Affirmative action cases) Court agreed.

2003—Requested early audio release of McConnell v. FEC. (Campaign finance rules) Court agreed.

5/2003—Justice O'Connor participates in C–SPAN's ''Student and Leaders'' with students at Gonzaga College High School in Washington, DC.

5/2003—Justice Thomas participates in C–SPAN's ''Student and Leaders'' with students at Banneker High School.

2004—Requested early audio release in the following cases. Rasul v. Bush and Al Oday v. United States; Cheney v. U.S. District Court; Hamdi v. Rumsfeld; Rumsfeld v. Padilla. Court agreed.

2004—Requested early audio release of Roper v. Simmons. (Execution of juveniles) Denied.

2005—Requested early audio release of Van Orden v. Perry and McCreary County v. ACLU of Kentucky. (Separation of church and state) Denied.

1/2005—Senator Arlen Specter (R–PA) introduces legislation to televise the Supreme Court Statement. Read

4/2005—C–SPAN airs live a ''Constitutional Conversation'' moderated by Tim Russert with Justices Breyer, O'Connor and Scalia. They discuss the role and operation of the Court, among other subjects. Watch

10/2005—First letter to Chief Justice Roberts offering C–SPAN capabilities to provide gavel-to-gavel camera coverage of Supreme Court.

11/2005—Requested early audio release of: Ayotte v. Planned Parenthood of Northern New England (abortion) and Rumsfeid v. Forum for Academic and Institutional Rights (''don't ask, don't tell'' policy). Agreed.

11/2005—C–SPAN CEO Brian Lamb testifies before the Senate Judiciary Committee hearing on the issue of cameras in the Supreme Court. Watch/Read

11/2005—U.S. House passes provisions of Sunshine in the Courtroom Act Statement. Read

2006—Requested audio release of tape of the investiture of Justice Alito. Denied.

2006—Requested early audio release of voting rights act cases. League of United Latin v. Perry; Travis County, Texas v. Perry; Jackson v. Perry; GI Forum v. Perry. Denied.

3/2006—Requested early audio release of Hamdan v. Rumsfeld. (Military Tribunals) Court agreed. Press Release

3/2006—Sens. Grassley (R–IA) and Schumer (D–NY) introduced Sunshine in the Courtroom Act. Press Release

6/2006—Letter to Chief Justice Roberts requesting simultaneous release of all oral arguments beginning with 2006 term. Denied.

8/2006—C–SPAN's Brian Lamb interviews Chief Justice John Roberts in one of his first television interviews since joining the court. Transcript/Watch

10/2006—Requested early audio release of Gonzalez v. Planned Parenthood and Gonzalez v. Carhart (abortion). Court agreed. Press Release

10/2006—C–SPAN airs live a discussion between Justice Scalia and Nadine Strossen, President of the ACLU, called '' The State of Civil Liberties.'' Watch

11/2006—Sent letter requesting early audio release of Parents Involved v. Seattle School District No. 1 and Meredith v. Jefferson County Board of Education (affirmative action). Court agreed.

11/2006—Requested early audio release of oral arguments in Parents Involved v. Seattle School District No. 1 and Meredith v. Jefferson County Board of Education (Affirmative action) Court agreed. Press Release

1/2007—Sent letter requesting early audio release of Davenport v. Washington Education Association and Washington v. Washington Education Association (Union dues). Denied.

1/2007—Introduction of the Sunshine in the Courtroom Act of 2007 in the 110th Congress, co-sponsored by Sens. Grassley (R–IA), Leahy (D–VT) and Schumer (D–NY).

1/2007—Sen. Arlen Specter (R–PA) introduces cameras in the Supreme Court legislation. Watch

2/2007—Sent letter requesting early audio release of Rita v. United States and Claiborne v. United States (Federal sentencing guidelines). Denied

2/2007—Rep. Ted Poe (D–TX/2nd), a former judge, delivers a floor speech about opening the court to cameras. Watch

2/2007—Sens. Specter and Cornyn discuss cameras in the courts with Justice Anthony Kennedy during Judiciary Committee hearing. Sen. Specter questions Justice Kennedy directly. Watch/Sen. Cornyn remarks on his experience with cameras. Watch/Watch Hearing

3/2007—Justices Kennedy and Thomas comment on cameras in the court before a House Appropriations Subcommittee hearing on the FY08 Supreme Court budget. Watch Justice Kennedy/Watch Justice Thomas

3/2007—Sent letter requesting early audio release of FEC v. Wisconsin Right to Life and McCain v. Wisconsin Right to Life (Campaign Finance). Denied.

3/7/2007—Sent letter requesting camera coverage of 3rd circuit CBS vs. FCC hearing on Television Indecency Standards. Received permission for audio only.

8/16/2007—Aired camera footage of Ninth Circuit Court of Appeals 8/15/07 oral argument in two cases on the government's warrantless wiretapping program. Al-Haramain Islamic Foundation, Inc. v. Bush Hepting v. AT&T

9/11/2007—Aired same-day audio of CBS vs. FCC hearing on Television Indecency Standards.

9/27/2007—C–SPAN President Susan Swain testifies before House Judiciary Committee on H.R. 2128, Sunshine in the Courtroom Act of 2007. Watch/Read Testimony

9/2007—Sent letter requesting early audio release of Medellin v. Texas (Presidential Powers) and Stoneridge Investment v. Scientific-Atlanta (Securities Fraud). Denied.

10/2007—Sent letter requesting early audio release of Boumediene v. Bush & Al Odah v. U.S. (Guantanamo Detainees) Court Agreed. Press Release

11/16/2007—9th Circuit Court of Appeals opinion in Al-Haramain Islamic Foundation v. Bush cites C–SPAN'S request to record oral argument and date footage was televised. See footnote 5, page 14969.

12/06/2007—Senate Judiciary Committee votes in favor of sending S. 344 to the full Senate for a vote. The bill would require television coverage of the Supreme Court's open sessions unless a majority of justices vote to block cameras for a particular case.

1/2008—Request for same-day audio release of oral argument in Baze v. Rees (Lethal Injection). Court agreed. Press Release

1/02/2008—Request for same-day audio release of oral argument in Crawford v. Marion County (Voting Rights). Denied.

1/16/2008—NY Times Editorial on Cameras in the Supreme Court.

3/2008—Request denied for same-day audio release of oral argument in United States v. Ressam (''Millenium Bomber'' case).

3/2008—Request granted for same-day audio release of oral argument in District of Columbia v. Heller (DC Gun Law). Press Release

3/6/2008—The Senate Judiciary Committee passes the ''Sunshine in the Courtroom Act'' which allows cameras in federal court rooms with a vote of 10–8 with one member abstaining. The bill is referred to the full senate for consideration. Press Release

3/21/2008—Rochester Democrat and Chronicle Editorial on allowing cameras in the Supreme Court.

4/14/08—Request for same-day audio release of oral argument in Kennedy V. Louisiana (Death Penalty for Rape) denied.

9/26/2008—Request for same-day audio release of oral argument in Altria Group, Inc. v. Good (Marketing of ''Light'' Cigarettes) and Winter v. Natural Resources denied. Request Letter

10/15/2008—Request for same-day audio release of oral argument in FCC v. Fox Television Stations (Television Indecency Standards) denied. Request Letter Story

11/12/2008—Request for audio release of oral argument in Pleasant Grove City v. Summum (Free Speech) denied.

12/3/2008—Request for audio release of oral argument in Phillip Morris USA Inc. v. Williams (Supreme Court-State Court authority) denied.

12/10/2008—Request for same-day audio release of oral argument in Ashcroft v. Iqbal (Can President's Cabinet be sued for constitutional violations by subordinates) denied.

3/3/2009—Request for audio release of oral argument in Caperton v. A.T. Massey (Should elected state judges recuse themselves) denied.

3/27/2009—Joint request for same-day audio release of oral argument in Northwest Austin Municipal Utility District Number One v. Holder 4–291 granted. Request Letter Article

7/2009—Judge Sotomayor questioned about cameras in the court during her confirmation hearings. Sen. Specter on Opinion Poll Sen. Specter on Cameras in the Court Sen. Kohl on Cameras in the Court

7/2009—British Supreme Court decides to televise events from inside the court's three chambers. Article

8/7/2009—Boston Herald op-ed by Wayne Woodlief: ''Televised justice would be for all.'' Article

9/9/2009—Request for Citizens United v. Federal Election Commission (Campaign Finance). Agreed.

11/2009—Requests for audio releases of oral arguments in Jones v. Harris Associates (Investment fund fees), Graham v. Florida (life sentence for minor), and Sullivan v. Florida (life sentence for minor). Denied.

2/16/10—Request for request for same-day audio release of oral argument in Holder v Humanitarian Law Project. Denied.

2/26/10—C–SPAN requests for same-day audio release of oral arguments in Skilling v. United States and McDonald v. City of Chicago on Tuesday, March 2nd—denied.

4/7/10—C–SPAN requests same-day audio release of oral argument in Christian Legal Society Chapter v. Martinez on April 19. Denied.

4/15/10—During hearing of House Appropriations-Subcommittee on Financial Services and General Services, Supreme Court Justice Stephen Breyer comments on cameras in the court. Click here to watch

4/29/10—C–SPAN statement on today's Senate Judiciary Committee passage of two bills concerning TV cameras in the Supreme Court. Press Release

5/10/10—Pres. Obama nominates U.S. Solicitor General Elena Kagan. She gave remarks on cameras in the court during a Ninth Circuit Judicial Conference from July, 23, 2009. Click here to watch

RECESS

The PRESIDING OFFICER. The Senate stands in recess, under the previous order, until 2:30 p.m.

Thereupon, the Senate, at 1:01 p.m., recessed until 2:30 p.m., and reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that Senator NELSON of Florida be recognized for up to 11 minutes as in morning business and Senator DEMINT be recognized for up to 10 minutes; that during this time that has been requested, there be no amendments or motions in order, and that upon use or yielding back of the time, I be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Florida is recognized.

THE GULF COAST DISASTER

Mr. NELSON of Florida. Mr. President, in my at least weekly report to the Senate about what is happening down on the Gulf Coast, I am sad to report to you that as of this moment, one of the remote operating vehicles has bumped into that top hat process that was funneling the oil off of the big structure, the blowout preventer from the pipe, the riser pipe, with the result that all of that oil now is not being siphoned off. The estimates now are upwards and probably pretty close to 60,000 barrels a day of oil gushing into the Gulf of Mexico.

Remember, when it started off, oh, it was only 1,000 barrels a day. Then it was only 5,000 barrels a day. Then it was maybe 12,000 barrels a day but max 20,000 barrels a day. Senator BOXER and I were able to get the streaming video out so the scientists could look and they could make their estimates, their calculations. Anyway, it has gone on and on. It is now up to 60,000 barrels of oil a day.

The oil industry had said they had started siphoning off—first it was 10,000, then it was 15,000. They were trying to get it up to 25,000. Now, since this accident, that is being shut down—let's hope just very temporarily, but we are now back to the point that most of the oil is gushing back into the gulf. We know the result.

If this continues for another 2 months, to the end of the summer, it is going to fill up the gulf with oil and it is going to do just what it is doing now. When the wind comes this way, it brings the oil from the South to the North; it brings it in onshore. The oil

is now all the way from the wellhead off Louisiana, all the way across the gulf coast of northwest Florida. The blessing we had is that the wind has kept most of it off the coast. But, inevitably, when the wind rises up in the South, it brings the tar balls up. It has brought some of that terrible-looking orange mousse. That is one of the most repulsive-looking things. When I saw that in Pensacola Bay, to think of that in a pristine bay such as that and that the tides and wind were carrying it right to downtown Pensacola—that is what we are having to deal with.

Tomorrow, the Energy Committee is having a hearing on legislation Senator MENENDEZ and I have sponsored. This is to rectify the situation that brought us to this situation in the first place; that is, the safety checks were not made, the attention to detail on the application was not paid, and the checks were not made to see that the backup devices on the blowout preventer were, in fact, going to be there. In other words, the oil regulator—the part of the U.S. Government that is supposed to do all of these safety checks—was not functioning.

Why was it not functioning? Because for better than a decade, there has been a cozy relationship between the oil industry and the regulator, called the Minerals Management Service in the Department of the Interior, and that regulator was so compromised by gifts, by trips, by jobs. Indeed, I am sad to report that the 2008 inspector general's report talked about there were parties, there was booze, there were drugs, there were illicit sexual relationships going on between the industry and the government regulators. How can you have government regulation under these conditions?

Of course, there was the revolving door. The revolving door happens in other regulated industries as well, but this one was particularly revolving and revolving. What that is, somebody would come out of the oil industry, they would go through the revolving door, they would go right into the government regulator shop, they would stay there for a while and they would supposedly be an independent regulator, but, no, the door would revolve again and they would then go right back out of the government job, back into the oil industry—the very industry they were supposed to be regulating before. Is that a conflict of interest? You bet it is. Can you have an independent regulator? Of course you can't under those circumstances.

So Senator MENENDEZ and I have filed a bill. As a matter of fact, we had this back in 2008 when that inspector general's report came out. We could not get anybody to pay any attention to it back then. What is the result of lax regulation? It is exactly what has been visited upon us—this trauma so many people in that region of the Gulf of Mexico are suffering.

As the administration goes about the process of cleaning up the Minerals Management Service, reorganizing it, getting new personnel, then it is up to us to change the law to make sure there are penalties—indeed, even criminal penalties—for gifts and trips by the very industry you are supposedly regulating, which in this case claimed 11 lives and countless jobs and livelihoods and a whole way of life in a culture along the gulf coast.

The bill that will be heard tomorrow, which we are grateful for, sets new penalties. It sets a limit—a mere 2 years—so that when someone comes out of the government regulator's office, they can't be employed in that oil industry they have just regulated until a period of time of 2 years has lapsed. It also provides penalties for the gifts, the trips, the favors we have seen chronicled, not in my words but in the words of the 2008 inspector general's report; the report 2 months ago, the inspector general's report; and the report a month ago, the inspector general's report. In this last report, he particularly talked about the revolving door. It is something we have to change. Sadly, it has taken the biggest environmental disaster in U.S. history, but because of this tragic condition, this Congress ought to be poised now to crack down on the government's buddy-buddy relationships with the oil industry.

Tomorrow, the Senate Energy Committee is set to begin debating legislation aimed at cutting the oil drillers' close ties to the industry and aimed at stopping that revolving door. It is going to prohibit the employees of the Minerals Management Service or its successor—since the Secretary of Interior, Ken Salazar, is now busting it up—they are going to have to wait around for 2 years before they get a job back in the industry. The goal is obvious: to limit the degree of influence big oil has on those who are hired to keep the drillers in line. It is the least we can do for those folks down home who are suffering so much right now. They expect us to update laws to meet the times. This is such a time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

THE CAPITAL GAINS AND DIVIDEND TAX

Mr. DEMINT. Mr. President, I wish to speak for a few minutes on the motion that relates to the coming increases in capital gains tax and dividend tax. Very few Americans are aware and I think even some people in the Senate are not aware that in about 6 months, there is going to be a tax explosion in this country—taxes on everyone from the 10-percent bracket all the way up to major corporations. Taxes are going up at a time when we know raising taxes will kill jobs in America.

The Heritage Foundation estimates that if we allow taxes to expire this year, the current rate of taxes to expire, and taxes go up in our economy, in the first year we could lose 270,000 jobs. This is really unacceptable when unemployment is already nearly 10 percent, the economy is waning, and we just got a bad housing report. As all of these companies plan for their future, they are certainly not going to risk capital to expand their companies and add people if they know their taxes are going to go up.

What I proposed as part of this debate on a tax bill is to focus on just one area that we know has a lot to do with investment, with growth of companies; that is, the capital gains tax and the dividends tax. My motion would refer the underlying bill back to committee to add the provisions that cap gains tax and dividend taxes will both stay at 15 percent. If we do not act, in 6 months the capital gains taxes will go from 15 to 20 percent and the dividend taxes, which affect a lot of senior citizens on fixed incomes, will go from 15 all the way up to nearly 40 percent. That makes absolutely no sense in a recession and with the joblessness we have across this country. Surely, as a Senate, as a Congress, we could recognize that raising taxes on investment—those who are going to risk their capital—does not make sense when we are trying to do everything we can to stimulate the economy.

We tried it the other way. We tried the government spending approach. We all know this government spending plan we call the stimulus, where we spent nearly $1 trillion, has failed. The President promised that if we rushed that through and got stimulus immediately into the economy, over a year ago, that we could keep unemployment below 8 percent and put Americans back to work. But since then, we have lost millions of real jobs. We have added some government jobs because this is basically a government spending plan, but we certainly have not put the real economy most Americans depend on back to work.

We are continuing to lose ground. Yet we stick to this failed stimulus plan. Even when we try to pay for extending unemployment benefits with unspent stimulus money, my colleagues on the other side are holding so tightly to this that they will not even use that money to pay for it. Instead, they want to raise taxes and add to our debt—again, at a time when we really cannot afford this as a nation, when all of the so-called economic experts are warning us that this debt we have today is unsustainable. But almost every week in this body, the Democrats are proposing programs that add to the debt, that increase taxes—everything that is counter to improving our economy and adding to jobs and helping to build a brighter future in this country. Even some of those who were strong supporters of the stimulus bill have come out publicly and said: We guessed wrong. I am afraid we should not continue to guess.

One thing we know from history is—if we look back over several decades—

when we lower capital gains and dividends we improve the economy and we increase job creation in the economy. It makes no sense for us to move ahead, sending the signal to all of the investors in this country that we are going to punish their investment at a time when we need them to step up to the plate.

I hope my colleagues will consider this. What we are asking is that the bill be sent back to the Finance Committee so they can work on ways to keep capital gains and dividend taxes the same rather than let them explode, along with all of the other taxes that are going to go up in the next 6 months.

I hope we will have a chance to vote on this bill. I understand the majority is trying to table this motion. I strongly urge my colleagues to take up this matter, to send it back to the Finance Committee where they can figure out how to make sure we do not kill more jobs in the economy like we have done with the other failed stimulus plan.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, we are working to complete work on the so-called extenders bill. We thought we would be ready to do the procedural votes to get to that a couple of hours ago. But as things happen around here, there has been changes requested by a number of Senators. As a result of that, we are going to have to go back to the Joint Committee on Taxation and get some more numbers. That is probably going to take about an hour.

So we are not jammed for time, I ask unanimous consent that the Senate proceed to a period of morning business until 4:30 p.m. today, and that during that period of time Senators be allowed to speak for up to 10 minutes each. We are not going to divide the time Democrat and Republican. What we will do is, if there is a Democrat who wants to talk, talk for 10 minutes. If there is a Republican here, then it would be their turn.

We will try to work this out by a gentlemen-and-ladies agreement to go back and forth, if in fact there are people who want to talk, with 10-minute limitations alternating time, if in fact there are the Senators. If there are two Republicans and no Democrat here, then the two Republicans and vice-versa.

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 assistant bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

ELENA KAGAN AS POLITICAL OPERATIVE

Mr. MCCONNELL. Mr. President, on Monday, the Senate will begin the confirmation hearings on Supreme Court nominee Elena Kagan. And I think it is safe to say most American do not know all that much about her.

But a fuller picture of this nominee is beginning to emerge.

The recent release of documents relating to Ms. Kagan's work in the Clinton White House reveals a woman who was committed to advancing a political agenda, a woman who was less concerned about objectively analyzing the law than the ways in which the law could be used to advance a political goal.

In other words, these memos and notes reveal a woman whose approach to the law was as a political advocate, the very opposite of what the American people expect in a judge.

This is the kind of thinking behind the current Democratic effort to pass the so-called DISCLOSE Act, a bill designed to respond to the Supreme Court's decision in Citizens United that they think puts them at a political disadvantage in the fall. That is why the bill was written by the chairman of their campaign committee.

And this is also the kind of thinking that seems to have motivated the Clinton White House to seek a similar legislative response the last time the Supreme Court issued a decision in this area that Democrats thought put them at a political disadvantage.

I am referring here to the case of Colorado Republican Federal Campaign Committee v. FEC, a case in which the Supreme Court essentially said that the Federal Government could not limit political parties from spending money on campaign ads called ''independent expenditures'' that said things like, ''Vote against Smith,'' or ''Vote for Jones.''

This was not an especially controversial decision, as evidenced by the fact that it was written by Justice Breyer, one of the Court's most prominent liberals. But the decision put Democrats at a political disadvantage. So the Clinton administration did the same thing then that the Obama administration is trying to do today. They considered proposals to lessen its impact and to benefit Democrats over Republicans. And Elena Kagan worked to advance that goal as part of President Clinton's campaign finance task force.

Ms. Kagan's notes reveal that finding ways to help Democrats over Republicans was very much on her mind. According to one of her notes, she wrote:

''Free TV as balance to independent expenditures? Clearly, on mind of Dems—need a way to balance this.''

The ''balance'' Ms. Kagan is referring to was a way for Democrats to balance what they viewed as the Republicans' advantage in helping their candidates with independent expenditures. And ''free TV,'' well, that is a reference to Democrats wanting free television to help them out in their campaigns. Providing free TV would be a ''significant benefit,'' Ms. Kagan wrote. It was also something the Clinton administration could bring about, she suggested, by simply having the FCC issue a new regulation, or by adding such a provision to legislation the White House was helping to craft.

But this was not the only way in which Ms. Kagan thought about stacking the deck to help Democrats over Republicans at the time. Another note reveals her approach to the issue of soft money, the money political parties used to spend outside of Federal elections. Ms. Kagan's notes show that she thought banning it would hurt Republicans and help Democrats. She even seemed to delight in the prospect of finding ways to disadvantage Republicans. Here is what she wrote in her notes:

''Soft [money] ban—affects Repubs, not Dems!''

And if I had this quote up on a chart, you would see that she punctuated this sentence with an exclamation point.

So let me repeat that quote one more time:

''Soft [money] ban—affects Repubs, not Dems''—punctuated with an exclamation point.

We already knew that Ms. Kagan and her office argued to the Supreme Court at different points in the Citizens United case that the Federal Government had the power to ban political speech in videos, books and pamphlets if it did not like the speaker.

Then we learned she went out of her way to prevent lawyers at the Justice Department from officially noting their serious legal concerns with campaign finance legislation in order to help the Clinton administration achieve its political goals.

Now we learn that she thought about drafting such legislation in ways to help Democrats and hurt Republicans. And her advocacy and apparent glee at identifying some political harm to Republicans is, to my mind, another piece of her record that calls into question her ability to impartially apply the law to all who would come before her as a Justice on our Nation's highest Court.

The more we learn about Ms. Kagan's work as a political adviser and political operative, the more questions arise about her ability to make the necessary transition from politics to neutral arbiter. As Ms. Kagan herself once noted, during her years in the Clinton

administration, she spent ''most'' of her time not serving ''as an attorney'' but as a policy adviser. And her notes and memoranda reveal that all too often her policy advice and actions were based, first and foremost, on what was good for Democrats.

This kind of thinking might be okay for a political adviser. But there is a place for politics and for advocating for one's party, and that place is not on the Supreme Court. A political adviser may be expected to seek political advantage, but judges have a different task.

We do not know how Elena Kagan will apply the law because she has no judicial record, little experience as a private practitioner, and no significant writings for the last several years. So the question before the Senate is whether, given Ms. Kagan's background as a political adviser and academic, we believe she could impartially apply the law to groups with which she does not agree and for which she and the Obama administration might not empathize. So far, I do not have that confidence.

As the hearings progress, we will know better whether Ms. Kagan could ''administer justice without respect to persons,'' as the judicial oath requires.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I understand we are in a period of morning business.

The PRESIDING OFFICER. The Senator is correct.

HEALTH CARE

Ms. MURKOWSKI. Mr. President, I rise to speak about the health care debate that has gone on in the Congress throughout the past year. President Obama promised that the Democrats' health care bill would reduce the spiraling cost of health care. The promise was made that if one likes their health care plan, they can keep it. Not necessarily every day but just about every other day there is yet another report released that confirms what many of us who opposed a Federal takeover of the health care system feared all along—higher costs, less access, and unsustainable spending. The President and this Democratically controlled Congress need to repeal this bill and put in place meaningful health care reform measures that will allow individuals to exercise more control over their health benefits and see their premiums actually go down instead of up.

I wish to speak to some of the reports that have been coming out. Let's start with a government report that came out 4 weeks after the health care bill was signed into law. It was from the President's own Chief Actuary at the Centers for Medicare and Medicaid Services, CMS, a gentleman by the name of Rick Foster. He released his report saying that President Obama's new health care reform law will actually increase national health care spending by $311 billion over the next 10 years. Foster's report also said about 14 million people would lose their employer coverage by the year 2019, largely as a result of small employers terminating coverage and workers who currently have employer coverage enrolling in Medicaid.

Mr. Foster also reports that the $530 billion in Medicare cuts may not be what he calls ''realistic and sustainable,'' potentially driving 15 percent of all hospitals, nursing homes, and similar providers into the red within 10 years. This would cause providers who depend on Medicare for a substantial part of their business to be forced to drop out of the program, ''possibly jeopardizing access to care''—those are Mr. Foster's words: ''jeopardizing access to care''—for our senior citizens.

The situation in my home State of Alaska is particularly dire. I have stood on this floor and I have discussed and certainly spoke to the statistics. Back in March of 2009, the Institute for Social and Economic Research at the University of Alaska reported that just 13—13—out of 75 primary care physicians in Anchorage were accepting new Medicare patients. Anchorage is our State's largest community, and we had 13 out of 75 primary care physicians who were accepting new Medicare patients. Just 15 months after this report was done by ISER, that number has dropped to the single digits.

Further cuts to Medicare will only worsen this situation for the most vulnerable Alaskans—our senior and disabled citizens. This is one of the main reasons I simply could not support the health care bill that came forward. The issue, as it relates to access for those who are Medicare eligible, has been a crisis in our State that only continues to worsen. But there are some other reasons for my objections.

In May—so last month—the neutral government scorekeeper, the Congressional Budget Office, or CBO, revised its initial cost estimate of the bill to say that the law will likely cost $115 billion more in discretionary spending over 10 years than the original projection. So 2 months after the law was enacted, the American people learn from yet another new government report that their Congress has passed a bill that would increase their health care costs and reduce their benefits. Again, this was something Republicans warned about over and over again during the last year as we discussed health care.

The small businesses in this country stand to lose the most under this health care bill. They were promised a pipedream, filled with tax credits to save small businesses money, but the bill is simply not having that effect. In fact, it is having the opposite effect. The Associated Press released a ''fact-check'' article last month that stated point blank: The small business tax credit included in the health care reform falls short.

The story interviews a gentleman by the name of Zach Hoffman. I know this story has been repeated on the Senate floor, but it is worth repeating.

Mr. Hoffman is the owner of an Illinois furniture company. He has 24 employees. They earn an average of $35,000 a year—clearly, a very modest wage by any standard. Yet the amount of the credit Mr. Hoffman calculated he would receive under this new law as a small business would be zero to him.

The AP article points out, the ''fine print''—which many small businesses will not qualify for the credit—was left out of the administration's press releases that touted the credit's ''broad eligibility.'' But you really just need to go back to the individuals who are being impacted by this or had hoped they would be impacted positively. Go back to the Illinois small business owner and look at his comment. He says:

> It leaves you with this feeling of bait-and-switch.

But thinking of how Mr. Hoffman could be eligible for the tax credit, he learned that all he needed to do was to cut his workforce to 10 employees and cut their wages. To this, the small business owner says: This does not make sense. He says:

> That seems like a strange outcome, given we've got 10 percent unemployment.

I think we would all agree it is a strange outcome. An unacceptable outcome is what it is.

This Illinois employer's situation is no different than any other employer regardless of what State they are in. In States such as Alaska and other particularly high-cost localities—whether it is New York City, San Francisco—where wages are higher because of the cost of living, the employers stand to lose because they will not be able to be eligible for these tax credits simply because they pay their employees higher wages than are allowed for in the health care bill.

Since enactment of the health care law, we have also heard from well-respected health care consulting firms that have released information showing that businesses fear the law's new employer mandate penalties. According to a report, more than one in four employers—about 26 percent—and nearly two in five retailers may not be in compliance with provisions requiring coverage of all employees working over 30 hours per week. Of those, a majority—54 percent—said they would consider changing their business practices ''so that fewer employees work 30 hours or more per week.'' This would be a devastating blow—a devastating blow—to an already ravaged economy.

We have another well-known consulting firm, Mercer. They released a

survey of the impact of the new health care law on employers just last month. The survey shows there is near unanimous belief by employers that the new law will raise employees' premiums. Only 3 percent of employers that responded said they believed the legislative changes would not cause their premiums to rise. This does not demonstrate very much faith in how this is going to benefit them.

One-quarter of respondents believed the bill would raise premiums by at least 3 percent over and above this year's normal rise in costs due to medical inflation.

Last week, there was a PricewaterhouseCoopers report that stated the cost for businesses providing health care coverage to employees will jump by 9 percent next year, in 2011, which analysts predict employers will shift more of the cost to workers next year. For the first time, most of the American workforce is expected to have health insurance deductibles of $400 or more.

Also, last week, the administration's new regulations on grandfathered health plans were released, outlining the various ways in which existing employer health plans will be forced to change under the new law. According to the Obama administration report, these regulations could result in nearly 7 out of 10 workers—and 80 percent of workers at small businesses; so 80 percent of the workers in our small businesses—would see changes in their plans.

In other words, under the new health care bill, more than half of those who get insurance through their jobs may be forced to change their plans whether they want to or not. Internal administration documents reveal that up to 51 percent of employers may have to relinquish their current health care coverage because of the health care bill—which takes me back again to the statement the President initially made: If you like your health care plan, you can keep it. That simply is not what we are seeing. It is not translating in the real world.

Then, of course, we have the CBO letter that just came out. This is dated June 21—just the day before yesterday. This letter comes from Mr. Elmendorf, the Director of the Congressional Budget Office, in responding to the ranking member on the HELP Committee about the high-risk pools. That letter confirms that an additional $5 billion to $10 billion would be needed to fully fund all eligible enrollees in the high-risk pool expansion, and, further, that the new high-risk pool program, which was supposed to be providing health insurance coverage to Americans—but to date the government has failed to provide any funding for these new high-risk programs and those with preexisting coverage have not been able to enroll in these new high-risk pools—but, again, coming from the Congressional Budget Office, with these new estimates, in fact, the funding available for the subsidies is simply not sufficient to cover the costs of all applicants and then the additional cost that is anticipated, an additional $5 billion to $10 billion to cover all eligible enrollees.

With new government reports telling us this bill will not reduce the premiums, and with employer groups looking at how they can minimize the hits they are taking under this new law, we have put American businesses, particularly our small businesses, in peril of dropping employees to avoid the $2,000-per-employee penalty, called the employer mandate. We have put these small businesses in peril of reducing employee wages in order to qualify for small business credits. We have passed a bill that hurts our small businesses during one of the worst economic downturns in the history of our Nation.

Last week, Investor's Business Daily stated that small firms will be even more likely to lose existing plans. In fact—this is their statement—the ''midrange estimate is that 66% of small employer plans and 45 percent of large employer plans will relinquish their grandfathered status by the end of 2013.''

So in the worst-case scenario, 69 percent of employers—again, 80 percent of smaller firms—would lose that status, exposing them to far more provisions under the new health care law.

Again, it makes you ask the question: Was this what the President envisioned in health care reform when he said: ''If you like what you have, you can keep it''? I think this new law has failed—has clearly failed—to keep the President's promise to the people.

It was for these reasons I objected at the time this bill was moving through the process. I have stood up and strongly supported the efforts of the State of Alaska and other States to strike the most egregious provisions of the law through a multistate lawsuit. Again, it is why I voted to repeal the entire law when we had that opportunity this past March.

This law is not what the American people wanted, and it is not what our President promised. I believe the legislation has to be repealed. It has to be replaced with sensible alternatives that are widely supported. We know what so many of those are: buying across State lines; implementing medical malpractice reform; reimbursing for quality of service, not quantity of service. This is what the people wanted. This is what the American people expected. Yet this is not what was delivered.

It is time to help our economy rather than to kill it with this legislation that was passed.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO REGAN MURRAY

Mr. KAUFMAN. Mr. President, I rise today to recognize another of our Nation's great Federal employees. Americans continue to watch closely the efforts in the Gulf of Mexico to clean up the worst oilspill in our Nation's history. That oilspill has been a reminder to all of us just how important clean water is for wildlife, businesses, and our food supply.

The Federal employee I have chosen to honor today designed innovative software to identify risks and solutions to possible attacks against our Nation's water supply.

Dr. Regan Murray is a native of Cincinnati, OH. She holds a bachelor's degree from Kalamazoo College and a Ph.D. in applied mathematics from the University of Arizona. After completing her doctorate, she worked in the private sector but soon realized she wanted to make a difference by serving her country.

Then came the attacks of September 11. Shortly after that tragic day, Regan started working at the Environmental Protection Agency as a mathematical statistician.

Looking back at her decision to pursue public service, Regan said:

> I wanted to do more meaningful work that directly impacted people's lives.

Regan was instrumental in leading the development team for new software that identifies security vulnerabilities in our water supply and helps devise solutions to make it safer. One of these programs, TEVA–SPOT, helps find the best locations in water utility distribution systems in which to install sensors. Another, called CANARY, is a real-time data analysis program to monitor the sensors and identify contaminants.

Regan attributes her success to a strong background in mathematics. She has said:

> Math is the language of science, which is perfect when leading an interdisciplinary group of researchers.

I have spoken often on this floor about the desirability of more of our students, especially women, to consider careers in the fields of science, technology, engineering, and math, or STEM. Regan is a wonderful example of how someone who studies mathematics can make a real and important difference.

Her story, though, does not end with her success in developing these software programs. Regan also worked hard to build and maintain important relationships with water utilities in order to ensure that these programs would be put to use.

Furthermore, despite her long hours of work for the agency, Regan co-founded a nonprofit that focuses on improving the lives of children affected by HIV–AIDS and poverty in Africa. She visits Zambia annually and has raised thousands of dollars to benefit the schools there.

Outstanding government employees such as Dr. Regan Murray are making a difference each and every day. So many of them also serve as volunteers in their communities and around the world.

I hope my colleagues will join me in thanking Dr. Regan Murray and all those working at the Environmental Protection Agency for their hard work and dedicated service on behalf of the American people. They are all truly great Federal employees.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TURKEY

Mr. LAUTENBERG. Mr. President, this past weekend, 12 Turkish soldiers were killed by PKK terrorists. Yesterday, another four Turkish soldiers were killed, as well as the innocent daughter of an officer, and according to the Turkish government, the PKK is responsible for this massacre as well.

Our condolences go out to these families and all the people of Turkey. Terrorist assaults are unacceptable wherever they occur in the world, and we all have to fight together against them.

We are reminded of our common bond with Turkey, and our common fight against terrorists and terror wherever we see it. Turkey has been an important ally, a democracy in a troubled region and a force for stability.

We must keep in mind that Turkey has been a member of NATO since 1952. They established a strategic and military alliance with Israel in the 1990s, and now have boots on the ground in Afghanistan helping us there.

For many years, the bond between the United States and Turkey has been strong and unchallengeable. Despite this progress, Turkey's current prime minister is jeopardizing and risking much of what his country and the Turkish people have accomplished over recent decades. Moving Turkey away from the middle and toward a dangerous extremist path cannot possibly be a good course of action for that country.

Prime Minister Erdogan used his vote on the U.N. Security Council to oppose sanctions on Iran. He calls Iranian President Ahmadinejad a friend, while turning away from those in Iran who would promote peace. He has normalized relations with Syria, despite its support for terrorist groups Hezbollah and Hamas.

In fact, I was on a visit recently—last year—to Turkey with two other Senators. We joined the prime minister in his conference room. Upon sitting down, he forcefully declared that ''Hamas is not a terrorist organization.'' That is a deeply troubling statement from a member of NATO.

Hamas has refused to accept the existence of Israel, a country of more than 7 million people, while declaring threats to destroy the country. It has unleashed more than 10,000 rockets on Israeli neighborhoods and threatens to send thousands more.

This group has sent suicide bombers into Israel, who have killed not only Israelis, but Americans also, including people from my State of New Jersey.

What puzzles me most of all is how Prime Minister Erdogan refuses to condemn Hamas for a terrorist organization for engaging in the same murderous activity as the PKK. It doesn't add up. It challenges Turkey's standing across the world.

The PKK is so dangerous to the Turkish people, their economy, and their national well-being for the very same reasons that Hamas is dangerous to Israel.

The prime minister's alignment with the most radical forces in the Middle East is a serious concern for all of us. But the situation is not irreversible.

I hope that Prime Minister Erdogan changes course, rejects his drift toward extremism, and embraces the moderate forces within Turkey and across the Middle East. If Turkey wants the standing and respect that a balanced democratic nation earns, it has to treat all peaceful nations the same and terrorists with disdain.

I was in Turkey some years ago when the PKK—primarily of Kurdish population—was thought to be a concern, but not particularly active in the terrorism that I saw, anyway, in my visit there. But we saw them then putting people in prison because they differed in opinion with the government. I thought that was a sign of censorship that didn't fit the picture, but they knew that in the Kurdish community, there was a lot of resistance to what the Turkish Government was doing.

Now we see that Turkey has 30,000 troops chasing the PKK on the border near Iraq. So it is hard to understand how a nation that has the power that Turkey could have in the Middle East—and in the world generally—is falling prey to identifying one group as friendly and another group—or one group as terrorists in one place and a good-meaning organization in another. Hamas is a terrorist organization, and everybody knows it. They have overtaken the Gaza, and they control all the flow of everything there—arms, et cetera—and maintain an arsenal with which to attack Israel.

We have to let Turkey know this is not a good way for us to continue an alliance. We have an interest in balance and respect for the countries in the Middle East. So I hope we can continue a long-time, close relationship with this great country and long-time friend.

I close with a wish that in Turkey they will take a second look at the policies they are currently condoning and join with us in the fight against terrorism.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. 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.

ASIAN CARP FOUND IN LAKE CALUMET

Ms. STABENOW. Mr. President, I rise today with a very urgent and critical situation from my home State and the home State of the Presiding Officer and for our Great Lakes in general.

We are just finding out today that a commercial fisherman, contracted by the government to do routine sampling of areas leading into the Great Lakes and Lake Michigan, caught a 34-inch, 20-pound Asian carp in Lake Calumet, approximately 6 miles downstream from Lake Michigan, past the barriers, and on its way to Lake Michigan. This is the first Asian carp found past the electric barriers. It represents a very serious risk to the Great Lakes' ecosystem and, frankly, to our way of life in the Great Lakes region. These fish are huge, and they are able to invade the Great Lakes. They could easily destroy our $7 billion fishing industry and our $16 billion recreational boating industry. Invasive species in the Great Lakes have already contributed to significant declines in fish populations. The Asian carp could completely unwind the food chain, with devastating effects for our existing fish populations. We heard in testimony before my Subcommittee on Water and Power that these fish, which can get up to 90 or 100 pounds, effectively have no stomach. They eat all the time. They eat up everything in the food chain, leaving other fish to die throughout the Great Lakes. It is extremely serious.

We have been working on this issue for a number of years with electric fencing and most recently poisoning a part of the waters in the Chicago channels to determine whether there are any of these Asian carp that have come up the Mississippi River and into the Illinois River. At the time, they didn't find anything. Unfortunately, today they did, and it was well past the electric barriers and fences for the first time.

Let me share with you one story from a few years ago that reflects what

happens if these huge fish get into our precious Great Lakes. In 2003, a woman named Mary Poplett, from Peoria, IL, decided to enjoy some warm October weather with a little jet skiing on the Illinois River. As she cruised the waves, the sound of her ski's motor excited a 30-pound Asian carp swimming under the water, which then leapt up and crashed into her. Imagine being hit in the face by a bowling ball. That is how she referred to it. She was knocked unconscious. She broke her nose, fractured a vertebrae, and she would have drowned if other boaters in the area had not gotten to her in time. Imagine that. Imagine that happening over and over again in Lake Michigan, in Lake Superior, and around our Great Lakes. I can't imagine it. I don't want to imagine it.

Mary is not alone. Since Asian carp were introduced to control algae in catfish ponds down South in the 1970s, the carp have spread at a very rapid pace, causing injuries, destroying ecosystems, and threatening entire industries. Now that an Asian carp has been found so close to Lake Michigan, it better be a huge wake-up call that we have to act swiftly to contain this threat.

Despite everyone's best efforts, this situation we find ourselves in is calling for very decisive action. I have introduced legislation to close the locks until we have a permanent solution. This has also been introduced in the House by my colleague, Congressman CAMP, and others, and I today urge in the strongest possible terms that the Army Corps close the locks between the rivers and Lake Michigan now—now, today—while they continue to determine the best way to permanently separate the Chicago area waterway system from the Great Lakes.

We know we need additional monitoring and sampling of resources applied to the area. I appreciate that last December, when there was fish DNA found above the locks, the administration worked with us very quickly to redirect resources to the Army Corps to take some immediate actions at that time. But now it is not just DNA from a dead fish. Now it is a live fish, and it is beyond the electric barrier. It is on its way in open waters into our Great Lakes, and we have to act decisively and immediately to protect our waters while a long-term solution is found.

Again, I urge the Army Corps of Engineers and the other agencies involved to take this finding very seriously and to act with the same tremendous urgency that all of us who represent Great Lakes States feel to prevent further encroachment by these Asian carp into our Great Lakes. This isn't just the economy, it is not just boating, and it is not just fishing; it really is our way of life in the Great Lakes. Despite efforts that have gone on for years to stop the fish, that hasn't happened, and now we have to take very decisive action to close the locks immediately so we can determine how best, in the long term, to solve this problem.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE SUMRALL BASEBALL TEAM

Mr. WICKER. Mr. President, I rise today to inform the Senate of the accomplishments of Mississippi's Sumrall High School varsity baseball team. Earlier this year, the Bobcats set a Mississippi record by winning 67 consecutive games and winning their third straight State championship, an impressive achievement worthy of recognition.

The team fell just eight wins shy of breaking the national record for consecutive wins and secured their spot as the team with the Nation's fourth longest winning streak. Some teams might have been discouraged after a loss ended such an impressive streak, but the Bobcats regrouped and went on to win their final 11 games and their third consecutive Class 3–A State Championship. The Bobcats' state title and 36–1 record earned them the top spot in USA Today's national high school baseball rankings.

Sumrall High's baseball staff consists of Head Coach Larry Knight and Assistant Coaches Steve Cooley, Andy Davis, Richard Broom, and Matt Thomas. The team members and coaching staff have demonstrated outstanding teamwork, discipline, and sportsmanship. I congratulate the Sumrall High School baseball team and wish them continued success both on and off the field.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill 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. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, we are still working on this extenders bill. We thought we had it all worked out. There was one of the Senators who wanted some more changes. Each time we do that, we have to rescore the bill. It takes time. We are in the process of doing that right now. So I apologize to everyone for not having these votes.

I ask unanimous consent now that the Senate be in a period of morning business until 6 o'clock tonight, with Senators allowed to speak for up to 10 minutes each; that during this time we are involved in morning business it would be for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill 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. Without objection, it is so ordered.

Mr. REID. I ask for the regular order.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

The PRESIDING OFFICER. The clerk will report the pending business.

The bill clerk read as follows:

Motion to concur in the House amendment to the Senate amendment with an amendment to H.R. 4213, an act to amend the Internal Revenue Code of 1986, to extend certain expiring provisions, and for other purposes.

Pending:

Baucus motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus amendment No. 4369 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute.

Coburn amendment No. 4331 (to amendment No. 4369), to pay for the cost of this act by reducing wasteful, inefficient, excessive, and duplicative government spending.

Casey/Brown (OH) amendment No. 4371 (to amendment No. 4369), to provide for the extension of premium assistance for COBRA benefits.

LeMieux amendment No. 4300 (to amendment No. 4369), to establish an expedited procedure for consideration of a bill returning spending levels to 2007 levels.

DeMint motion to refer the House message to accompany H.R. 4213, to the Committee on Finance with instructions.

MOTION TO REFER

Mr. REID. Is the pending matter the DeMint motion?

The PRESIDING OFFICER (Mr. WARNER). It is the motion to refer.

Mr. REID. I move to table that motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—57

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Voinovich
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—40

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Wicker
Corker	Kyl	
Cornyn	LeMieux	

NOT VOTING—3

Byrd	Roberts	Rockefeller

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, for the benefit of all Members, we are trying to work through having an amendment Senator BAUCUS will offer when we dispose of the present amendment.

I have had one Senator come to me and ask: Once we get on the next Baucus amendment, what are we going to do? I will be happy to confer with the Republican leader and see if there is a way of moving forward. We have been on this matter for a long time—not on a contiguous basis, but this is the beginning of the end of the eighth week on this piece of legislation. But we have no desire at this time to have an outline of how we are going to get where we are going to.

I will be happy to visit with the Republican leader because one of his Senators asked me what we were going to do once we get on the Baucus amendment. The plan would be to complete tabling the Baucus amendment, and then the plan would be to recess subject to the call of the Chair. At that time, Senator BAUCUS would lay down the amendment. It is not ready. That is why we are not doing it now. And then we could decide at that time, or maybe even in the morning, how we are going to proceed. I think that gives everyone a general idea. There will be no more votes tonight after we have this one vote.

Mr. President, I move to table the Baucus motion to concur in the House amendment to the Senate amendment with amendment No. 4369, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from North Dakota (Mr. DORGAN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—56

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NAYS—40

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Risch
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Voinovich
Collins	Johanns	Wicker
Corker	Kyl	
Cornyn	LeMieux	

NOT VOTING—4

Byrd	Roberts
Dorgan	Rockefeller

The motion to table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business and that Senators be recognized for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDIAN ARTS AND CRAFTS AMENDMENTS ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 339, H.R. 725.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 725) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Dorgan amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4391) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 725), as amended, was read the third time and passed.

IMPROPER PAYMENTS ELIMINATION AND RECOVERY ACT OF 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 430, S. 1508.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1508) to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

S. 1508

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improper Payments Elimination and Recovery Act of 2009''.

SEC. 2. IMPROPER PAYMENTS ELIMINATION AND RECOVERY.

(a) SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (a) and inserting the following:

''(a) IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—

''(1) IN GENERAL.—The head of each agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget, periodically review all programs and activities that the relevant agency head administers and identify all programs and activities that may be susceptible to significant improper payments.

''(2) FREQUENCY.—Reviews under paragraph (1) shall be performed for each program and activity that the relevant agency head administers during the year after which the Improper Payments Elimination and Recovery Act of 2009 is enacted and at least once every 3 fiscal years thereafter.

''(3) RISK ASSESSMENTS.—

''(A) DEFINITION.—In this subsection the term 'significant' means—

''(i) except as provided under clause (ii), that improper payments in the program or activity in the preceding fiscal year may have exceeded—

''(I) $10,000,000 of all program or activity payments made during that fiscal year reported and 2.5 percent of program outlays; or

''(II) $100,000,000; and

''(ii) with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget, that improper payments in the program or activity in the preceding fiscal year may have exceeded—

''(I) $10,000,000 of all program or activity payments made during that fiscal year reported and 1.5 percent of program outlays; or

''(II) $100,000,000.

''(B) SCOPE.—In conducting the reviews under paragraph (1), the head of each agency shall take into account those risk factors that are likely to contribute to a susceptibility to significant improper payments, such as—

''(i) whether the program or activity reviewed is new to the agency;

''(ii) the complexity of the program or activity reviewed;

''(iii) the volume of payments made through the program or activity reviewed;

''(iv) whether payments or payment eligibility decisions are made outside of the agency, such as by a State or local government;

''(v) recent major changes in program funding, authorities, practices, or procedures;

''(vi) the level and quality of training for personnel responsible for making program eligibility determinations or certifying that payments are accurate; and

''(vii) significant deficiencies in the audit report of the agency or other relevant management findings that might hinder accurate payment certification.''.

(b) ESTIMATION OF IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (b) and inserting the following:

''(b) ESTIMATION OF IMPROPER PAYMENTS.—With respect to each program and activity identified under subsection (a), the head of the relevant agency shall—

''(1) produce a statistically valid or otherwise appropriate estimate of the improper payments made by each program and activity; and

''(2) include those estimates in the accompanying materials to the annual financial statement of the agency required under section 3515 of title 31, United States Code, or similar provision of law and applicable guidance of the Office of Management and Budget.''.

(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (c) and inserting the following:

''(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—With respect to any program or activity of an agency with estimated improper payments under subsection (b), the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to reduce improper payments, including—

''(1) a description of the causes of the improper payments, actions planned or taken to correct those causes, and the planned or actual completion date of the actions taken to address those causes;

''(2) in order to reduce improper payments to a level below which further expenditures to reduce improper payments would cost more than the amount such expenditures would save in prevented or recovered improper payments, a statement of whether the agency has what is needed with respect to—

''(A) internal controls;

''(B) human capital; and

''(C) information systems and other infrastructure;

''(3) if the agency does not have sufficient resources to establish and maintain effective internal controls under paragraph (2)(A), a description of the resources the agency has requested in its budget submission to establish and maintain such internal controls;

''(4) program-specific and activity-specific improper payments reduction targets that have been approved by the Director of the Office of Management and Budget; and

''(5) a description of the steps the agency has taken to ensure that agency managers, programs, and, where appropriate, States and localities are held accountable through annual performance appraisal criteria for—

''(A) meeting applicable improper payments reduction targets; and

''(B) establishing and maintaining sufficient internal controls, including an appropriate control environment, that effectively—

''(i) prevent improper payments from being made; and

''(ii) promptly detect and recover improper payments that are made.''.

(d) REPORTS ON ACTIONS TO RECOVER IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (d) and (f) as subsections (f) and (g), respectively; and

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

''(d) REPORTS ON ACTIONS TO RECOVER IMPROPER PAYMENTS.—With respect to any improper payments identified in recovery audits conducted under section 2(h) of the Improper Payments Elimination and Recovery Act of 2009 (31 U.S.C. 3321 note), the head of the agency shall provide with the estimate under subsection (b) a report on all actions the agency is taking to recover improper payments, including—

''(1) a discussion of the methods used by the agency to recover overpayments;

''(2) the amounts recovered, outstanding, and determined to not be collectable, including the percent such amounts represent of the total overpayments of the agency;

''(3) if a determination has been made that certain overpayments are not collectable, a justification for that determination;

''(4) an aging schedule of the amounts outstanding;

''(5) a summary of how recovered amounts have been disposed of;

''(6) a discussion of any conditions giving rise to improper payments and how those conditions are being resolved; and

''(7) if the agency has determined under section 2(h) of the Improper Payments Elimination and Recovery Act of 2009 (31 U.S.C. 3321 note) that performing recovery audits for any applicable program or activity is not cost effective, a justification for that determination.

''(e) GOVERNMENTWIDE REPORTING OF IMPROPER PAYMENTS AND ACTIONS TO RECOVER IMPROPER PAYMENTS.—

''(1) REPORT.—Each fiscal year the Director of the Office of Management and Budget shall submit a report with respect to the preceding fiscal year on actions agencies have taken to report information regarding improper payments and actions to recover improper payments to—

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

''(B) the Committee on Oversight and Government Reform of the House of Representatives; and

''(C) the Comptroller General.

''(2) CONTENTS.—Each report under this subsection shall include—

''(A) a summary of the reports of each agency on improper payments and recovery actions submitted under this section;

''(B) an identification of the compliance status of each agency to which this Act applies;

''(C) governmentwide improper payment reduction targets; and

''(D) a discussion of progress made towards meeting governmentwide improper payment reduction targets.''.

(e) DEFINITIONS.—Section 2 of the Improper Payment Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsections (f) (as redesignated by this section) and inserting the following:

''(f) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' means an executive agency, as that term is defined in section 102 of title 31, United States Code.

''(2) IMPROPER PAYMENT.—The term 'improper payment'—

''(A) means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and

''(B) includes any payment to an ineligible recipient, any payment for an ineligible good or service, any duplicate payment, any payment for a good or service not received (except for such payments where authorized by law), and any payment that does not account for credit for applicable discounts.

''(3) PAYMENT.—The term 'payment' means any transfer or commitment for future transfer of Federal funds such as cash, securities, loans, loan guarantees, and insurance subsidies to any non-Federal person or entity, that is made by a Federal agency, a Federal contractor, a Federal grantee, or a governmental or other organization administering a Federal program or activity.

''(4) PAYMENT FOR AN INELIGIBLE GOOD OR SERVICE.—The term 'payment for an ineligible good or service' shall include a payment for any good or service that is rejected under any provision of any contract, grant, lease, cooperative agreement, or any other procurement mechanism.''.

(f) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (g) (as redesignated by this section) and inserting the following:

''(g) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Improper Payments Elimination and Recovery Act of 2009, the Director of the Office of Management and Budget shall prescribe guidance for agencies to implement the requirements of this section. The guidance shall not include any exemptions to such requirements not specifically authorized by this section.

''(2) CONTENTS.—The guidance under paragraph (1) shall prescribe—

''(A) the form of the reports on actions to reduce improper payments, recovery actions, and governmentwide reporting; and

''(B) strategies for addressing risks and establishing appropriate prepayment and postpayment internal controls.''.

(g) DETERMINATION OF AGENCY READINESS FOR OPINION ON INTERNAL CONTROL.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget shall develop—

(1) specific criteria as to when an agency should initially be required to obtain an opinion on internal control over financial reporting; and

(2) criteria for an agency that has demonstrated a stabilized, effective system of internal control over financial reporting, whereby the agency would qualify for a multiyear cycle for obtaining an audit opinion on internal control over financial reporting, rather than an annual cycle.

(h) RECOVERY AUDITS.—

(1) DEFINITION.—In this subsection, the term ''agency'' has the meaning given under section 2(f) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) as redesignated by this Act.

(2) IN GENERAL.—

(A) CONDUCT OF AUDITS.—Except as provided under paragraph (4) and if not prohibited under any other provision of law, the head of each agency shall conduct recovery audits with respect to each program and activity of the agency that expends $1,000,000 or more annually if conducting such audits would be cost-effective.

(B) PROCEDURES.—In conducting recovery audits under this subsection, the head of an agency—

(i) shall give priority to the most recent payments and to payments made in any program or programs identified as susceptible to significant improper payments under section 2(a) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note);

(ii) shall implement this subsection in a manner designed to ensure the greatest financial benefit to the Government; and

(iii) may conduct recovery audits directly, by procuring performance of recovery audits by contract (subject to the availability of appropriations), or by any combination thereof.

(C) RECOVERY AUDIT CONTRACTS.—With respect to recovery audits procured by an agency by contract—

(i) subject to subparagraph (B)(iii), the head of the agency may authorize the contractor to notify entities (including persons) of potential overpayments made to such entities, respond to questions concerning potential overpayments, and take other administrative actions with respect to overpayment claims made or to be made by the agency; and

(ii) such contractor shall have no authority to make final determinations relating to whether any overpayment occurred and whether to compromise, settle, or terminate overpayment claims.

(D) CONTRACT TERMS AND CONDITIONS.—The agency shall include in each contract for procurement of performance of a recovery audit a requirement that the contractor shall—

(i) provide to the agency periodic reports on conditions giving rise to overpayments identified by the contractor and any recommendations on how to mitigate such conditions; and

(ii) notify the agency of any overpayments identified by the contractor pertaining to the agency or to any other agency or agencies that are beyond the scope of the contract.

(E) AGENCY ACTION FOLLOWING NOTIFICATION.—An agency shall take prompt and appropriate action in response to a report or notification by a contractor under subparagraph (D)(ii), to collect overpayments and shall forward to other agencies any information that applies to such agencies.

(3) DISPOSITION OF AMOUNTS RECOVERED.—

(A) IN GENERAL.—Amounts collected by agencies each fiscal year through recovery audits conducted under this subsection shall be treated in accordance with this paragraph.

(B) USE FOR FINANCIAL MANAGEMENT IMPROVEMENT PROGRAM.—Not more than 25 percent of the amounts collected by an agency through recovery audits—

(i) shall be available, subject to appropriation, to the head of the agency or the State or local government administering the program or activity to carry out the financial management improvement program of the agency under paragraph (4);

(ii) may be credited, if applicable, for that purpose by the head of an agency to any agency appropriations and funds that are available for obligation at the time of collection; and

(iii) shall be used to supplement and not supplant any other amounts available for that purpose and shall remain available until expended.

(C) USE FOR ORIGINAL PURPOSE.—Not more than 25 percent of the amounts collected by an agency—

(i) ⟦shall be credited to the appropriation or fund, if any, available for obligation at the time of collection⟧ *shall be deposited and available subject to appropriation* for the same general purposes as the appropriation or fund from which the overpayment was made; and

(ii) shall remain available for the same period and purposes as the appropriation or fund to which credited.

(D) USE FOR INSPECTOR GENERAL ACTIVITIES.—Not more than 5 percent of the amounts collected by an agency shall be available, subject to appropriation, to the Inspector General of that agency for—

(i) the Inspector General to carry out this Act; or

(ii) any other activities of the Inspector General relating to investigating improper payments or auditing internal controls associated with payments.

(E) DEPOSIT OF PROCEEDS.—Funds made available under subparagraphs (B) and (D) by appropriations shall be—

(i) deposited into the appropriate program integrity accounts of the agency or the State or local government administering the program or activity; and

(ii) expended only as authorized in annual appropriations Acts.

(F) REMAINDER.—Amounts collected that are not applied in accordance with subparagraphs (B), (C), or (D) or to meet obligations to recovery audit contractors shall be deposited in the Treasury as miscellaneous receipts.

(G) EXCEPTIONS RELATING TO ENTITLEMENT AND TAX CREDIT PROGRAMS.—This paragraph shall not apply to amounts collected through recovery audits conducted under this subsection relating to—

(i) entitlement programs under section 3(9) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(9)); or

(ii) tax credit programs under the Internal Revenue Code of 1986.

(4) FINANCIAL MANAGEMENT IMPROVEMENT PROGRAM.—

(A) REQUIREMENT.—The head of each agency shall conduct a financial management improvement program, consistent with rules prescribed by the Director of the Office of Management and Budget.

(B) PROGRAM FEATURES.—In conducting the program, the head of the agency—

(i) shall, as the first priority of the program, address problems that contribute directly to agency improper payments; and

(ii) may seek to reduce errors and waste in other agency programs and operations.

(5) OTHER RECOVERY AUDIT REQUIREMENTS.—

(A) IN GENERAL.—Subchapter VI of chapter 35 of title 31, United States Code, is repealed.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 31, United States Code, is amended by striking the matter relating to subchapter VI.

(ii) DEFINITION.—Section 3501 of title 31, United States Code, is amended by striking ''and subchapter VI of this title''.

(iii) HOMELAND SECURITY GRANTS.—Section 2022(a)(6) of the Homeland Security Act of 2002 (6 U.S.C. 612(a)(6)) is amended by striking ''(as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code)'' and inserting ''under section 2(h) of the Improper Payments Elimination and Recovery Act of 2009 (31 U.S.C. 3321 note)''.

(6) RULE OF CONSTRUCTION.—Except as provided under paragraph (5), nothing in this section shall be construed as terminating or in any way limiting authorities that are otherwise available to agencies under existing provisions of law to recover improper payments and use recovered amounts.

(i) REPORT ON RECOVERY AUDITING.—Not later than 2 years after the date of the enactment of this Act, the Chief Financial Officers Council established under section 302 of the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note), in consultation with the Council of Inspectors General on Integrity and Efficiency established under section 7 of the Inspector General Reform Act of 2009 (Public Law 110–409) and recovery audit experts, shall conduct a study of—

(1) the implementation of subsection (h);

(2) the costs and benefits of agency recovery audit activities, including those under subsection (h), and including the effectiveness of using the services of—

(A) private contractors;

(B) agency employees;

(C) cross-servicing from other agencies; or

(D) any combination of the provision of services described under subparagraphs (A) through (C); and

(3) submit a report on the results of the study to—

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

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(C) the Comptroller General.

SEC. 3. COMPLIANCE.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given under section 2(f) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) as redesignated by this Act.

(2) ANNUAL FINANCIAL STATEMENT.—The term ''annual financial statement'' means the annual financial statement required under section 3515 of title 31, United States Code, or similar provision of law.

(3) COMPLIANCE.—The term ''compliance'' means that the agency—

(A) has published an annual financial statement for the most recent fiscal year and posted that report and any accompanying materials required under guidance of the Office of Management and Budget on the agency website;

(B) if required, has conducted a program specific risk assessment for each program or activity that conforms with section 2(a) the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note);

(C) if required, publishes improper payments estimates for all programs and activities identified under section 2(b) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in the accompanying materials to the annual financial statement;

(D) publishes programmatic corrective action plans prepared under section 2(c) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) that the agency may

have in the accompanying materials to the annual financial statement;

(E) publishes improper payments reduction targets established under section 2(c) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) that the agency may have in the accompanying materials to the annual financial statement for each program assessed to be at risk, and is meeting such targets; and

(F) has reported an improper payment rate of less than 10 percent for each program and activity for which an estimate was published under section 2(b) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) ANNUAL COMPLIANCE REPORT BY INSPECTORS GENERAL OF AGENCIES.—Each fiscal year, the Inspector General of each agency shall determine whether the agency is in compliance and submit a report on that determination to—

(1) the head of the agency;

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

(3) the Committee on Oversight and Governmental Reform of the House of Representatives; and

(4) the Comptroller General.

(c) REMEDIATION.—

(1) NONCOMPLIANCE.—

(A) IN GENERAL.—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) in a fiscal year, the head of the agency shall submit a plan to Congress describing the actions that the agency will take to come into compliance.

(B) PLAN.—The plan described under subparagraph (A) shall include—

(i) measurable milestones to be accomplished in order to achieve compliance for each program or activity;

(ii) the designation of a senior agency official who shall be accountable for the progress of the agency in coming into compliance for each program or activity; and

(iii) the establishment of an accountability mechanism, such as a performance agreement, with appropriate incentives and consequences tied to the success of the official designated under clause (ii) in leading the efforts of the agency to come into compliance for each program and activity.

(2) NONCOMPLIANCE FOR 2 FISCAL YEARS.—

(A) IN GENERAL.—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) for 2 consecutive fiscal years for the same program or activity, and the Director of the Office of Management and Budget determines that additional funding would help the agency come into compliance, the head of the agency shall obligate additional funding, in an amount determined by the Director, to intensified compliance efforts.

(B) FUNDING.—In providing additional funding described under subparagraph (A), the head of an agency shall use any reprogramming or transfer authority available to the agency. If after exercising that reprogramming or transfer authority additional funding is necessary to obligate the full level of funding determined by the Director of the Office of Management and Budget under subparagraph (A), the agency shall submit a request to Congress for additional reprogramming or transfer authority.

(3) REAUTHORIZATION PROPOSALS.—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) for more than 3 consecutive fiscal years for the same program or activity, the head of the agency shall, not later than 30 days after such determination, submit to Congress—

(A) reauthorization proposals for each program or activity that has not been in compliance for 3 or more consecutive fiscal years; or

(B) proposed statutory changes necessary to bring the program or activity into compliance.

(d) COMPLIANCE ENFORCEMENT PILOT PROGRAMS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget may establish 1 or more pilot programs which shall test potential accountability mechanisms with appropriate incentives and consequences tied to success in ensuring compliance with this Act and eliminating improper payments.

(2) REPORT.—Not later than 5 years after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the findings associated with any pilot programs conducted under paragraph (1). The report shall include any legislative or other recommendations that the Director determines necessary.

(e) REPORT ON CHIEF FINANCIAL OFFICERS ACT OF 1990.—Not later than 1 year after the date of the enactment of this Act, the Chief Financial Officers Council established under section 302 of the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note) and the Council of Inspectors General on Integrity and Efficiency established under section 7 of the Inspector General Reform Act of 2009 (Public Law 110–409), in consultation with a broad cross-section of experts and stakeholders in Government accounting and financial management shall—

(1) jointly examine the lessons learned during the first 20 years of implementing the Chief Financial Officers Act of 1990 (31 U.S.C. 901) and identify any reforms or improvements to the legislative and regulatory compliance framework for Federal financial management that will optimize Federal agency efforts to—

(A) publish relevant, timely, and reliable reports on Government finances; and

(B) implement internal controls that mitigate the risk for fraud, waste, and error in Government programs; and

(2) submit a report on the results of the examination to—

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

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(C) the Comptroller General.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendment be withdrawn; the Carper substitute amendment, which is at the desk, be agreed to, and the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, without intervening action or debate; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was withdrawn.

The amendment (No. 4392) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 1508), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL POST-TRAUMATIC STRESS DISORDER AWARENESS DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 541, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 541) designating June 27, 2010, as ''National Post-Traumatic Stress Disorder Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to; that a Conrad amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was agreed to.

The amendment (No. 4393) was agreed to as follows:

Strike the preamble and insert the following:

Whereas the brave men and women of the United States Armed Forces, who proudly serve the United States, risk their lives to protect the freedom of the United States and deserve the investment of every reasonable resource to ensure their lasting physical, mental, and emotional well-being;

Whereas up to 15 percent of Operation Iraqi Freedom and Operation Enduring Freedom veterans, 10 percent of Operation Desert Storm veterans, 30 percent of Vietnam veterans, and 8 percent of the general population of the United States suffer or have suffered from Post Traumatic Stress Disorder (referred to in this preamble as ''PTSD'');

Whereas the incidence of PTSD in members of the military is rising as the United States Armed Forces conducts 2 wars, exposing hundreds of thousands of soldiers to traumatic life-threatening events;

Whereas from 2000 to 2009, approximately 76,000 Department of Defense patients were diagnosed with PTSD;

Whereas the Department of Defense patients—

(1) were hospitalized more than 5,300 times with a primary diagnosis of PTSD; and

(2) had more than 578,000 outpatient visits in which PTSD was the primary diagnosis;

Whereas PTSD significantly increases the risk of depression, suicide, and drug and alcohol related disorders and deaths;

Whereas the Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain; and

Whereas the establishment of a National Post-Traumatic Stress Disorder Awareness Day will raise public awareness about issues related to PTSD: Now, therefore, be it

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, is as follows:

S. RES. 541

Whereas the brave men and women of the United States Armed Forces, who proudly serve the United States, risk their lives to protect the freedom of the United States and deserve the investment of every possible resource to ensure their lasting physical, mental, and emotional well-being;

Whereas 12 percent of Operation Iraqi Freedom veterans, 11 percent of Operation Enduring Freedom veterans, 10 percent of Operation Desert Storm veterans, 30 percent of Vietnam veterans, and at least 8 percent of the general population of the United States suffers from Post Traumatic Stress Disorder (referred to in this preamble as ''PTSD'');

Whereas the incidence of PTSD in members of the military is rising as the United States Armed Forces conducts 2 wars, exposing hundreds of thousands of soldiers to traumatic life-threatening events;

Whereas women, who are more than twice as likely to experience PTSD than men, are increasingly engaged in direct combat on the front lines, putting these women at even greater risk of PTSD;

Whereas—

(1) from 2003 to 2007, approximately 40,000 Department of Defense patients were diagnosed with PTSD; and

(2) from 2000 to 2009—

(A) more than 5,000 individuals were hospitalized with a primary diagnosis of PTSD; and

(B) more than 500,000 individuals were treated for PTSD in outpatient visits;

Whereas PTSD significantly increases the risk of depression, suicide, and drug and alcohol related disorders and deaths;

Whereas the Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain; and

Whereas the establishment of a National Post-Traumatic Stress Disorder Awareness Day will raise public awareness about issues related to PTSD: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 27, 2010, as ''National Post-Traumatic Stress Disorder Awareness Day'';

(2) urges the Secretary of Veterans Affairs and the Secretary of Defense to continue working to educate servicemembers, veterans, the families of servicemembers and veterans, and the public about the causes, symptoms, and treatment of post-traumatic stress disorder; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Secretary of Veterans Affairs and the Secretary of Defense.

OLYMPIC DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 552 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 552) designating June 23, 2010, as ''Olympic Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 552) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 552

Whereas Olympic Day celebrates the Olympic ideal of developing peace through sport;

Whereas June 23 marks the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics;

Whereas thousands of people in more than 170 countries will celebrate the ideals of the Olympic spirit on June 23, 2010;

Whereas for more than a century, the Olympic movement has built a more peaceful and better world by—

(1) educating young people through amateur athletics;

(2) bringing together athletes from many countries in friendly competition; and

(3) forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States Olympians and Paralympians continue to achieve competitive excellence, preserve the Olympic ideals, and inspire all people of the United States;

Whereas community celebrations of Olympic Day improve the communities of the United States and inspire the Olympic and Paralympic champions of tomorrow;

Whereas Olympic Day encourages the development of Olympic and Paralympic sport in the United States;

Whereas Olympic Day encourages the youth of the United States to participate in and support Olympic and Paralympic sport; and

Whereas, as of the date of approval of this resolution, enthusiasm for Olympic and Paralympic sport is at an all-time high: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 23, 2010, as ''Olympic Day'';

(2) supports the goals and ideals of Olympic Day; and

(3) promotes—

(A) the fitness and well-being of all people of the United States; and

(B) the Olympic ideals of fair play, perseverance, respect, and sportsmanship.

RECESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 7:35 p.m., recessed until 9:09 p.m. and reassembled when called to order by the Presiding Officer (Mr. WARNER).

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010—Continued

AMENDMENT NO. 4386

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment to the bill, with the Baucus amendment, which is at the desk. I offer this on behalf of Senator BAUCUS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for Mr. Baucus, proposes an amendment numbered 4386 to the House amendment to the Senate amendment to H.R. 4213.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4387 TO AMENDMENT NO. 4386

Mr. REID. Mr. President, I now call up the Baucus second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for Mr. BAUCUS, proposes an amendment numbered 4387 to amendment No. 4386.

The amendment is as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 3 days after enactment.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4213, the American Jobs and Closing Tax Loopholes Act, with a Baucus amendment No. 4386.

Harry Reid, Max Baucus, Patrick J. Leahy, Al Franken, Patty Murray, Richard J. Durbin, Sheldon Whitehouse, Roland W. Burris, Kent Conrad, Daniel K. Akaka, Robert P. Casey, Jr., Jeanne Shaheen, Edward E. Kaufman, Jeff Merkley, Jeff Bingaman, Mark L. Pryor, Sherrod Brown, Carl Levin.

MOTION TO REFER WITH AMENDMENT NO. 4388

Mr. REID. Mr. President, I have a motion to refer, with instructions, at the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID) moves to refer the House message on H.R. 4213 to the Senate Committee on Finance, with instructions of amendment No. 4388.

The amendment is as follows:

At the end, insert the following:

The Committee on Finance is requested to study the economic impact of the delay in

implementing the provisions of the Act on job creation on a national and regional level.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4389

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID) proposes an amendment numbered 4389 to the instructions of the motion to refer to the House message No. 4213.

The amendment is as follows:

At the end, insert the following:

''and include statistical data on the specific service related positions created.''

Mr. REID. On this, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4390 TO AMENDMENT NO. 4389

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID) proposes an amendment numbered 4390 to amendment No. 4389.

The amendment is as follows:

At the end, insert the following:

''and the impact on the local economy.''

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider, en bloc, Calendar Nos. 782, 953, 954, 955, 956, and 957; that the nominations be confirmed, en bloc; that the motions to reconsider be laid upon the table, en bloc; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

DEPARTMENT OF TRANSPORTATION

Michael Peter Huerta, of the District of Columbia, to be Deputy Administrator of the Federal Aviation Administration.

ENVIRONMENTAL PROTECTION AGENCY

Malcolm D. Jackson, of Illinois, to be an Assistant Administrator of the Environmental Protection Agency.

DELTA REGIONAL AUTHORITY

Christopher A. Masingill, of Arkansas, to be Federal Cochairperson, Delta Regional Authority.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Rafael Moure-Eraso, of Massachusetts, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years.

Mark A. Griffon, of New Hampshire, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

Rafael Moure-Eraso, of Massachusetts, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

REMEMBERING STEPHEN YOUNG

Mr. BYRD. Mr. President, the State of West Virginia and the Nation's coal industry lost a very good man last week, and I lost a good friend. Mr. Stephen Young, a native of Buckhannon, WV, who had been the vice president of government affairs at Consol Energy for more than three decades, passed away on June 15th.

Steve and I worked together to protect and promote the best interests of coal, a vital form of energy which has helped make our country strong, and on which our Nation depends. I always, I repeat, always, found Steve Young to be a friendly and cooperative person with whom to work, as well as a decent and considerate man. Steve was a gentleman. He was soft spoken, effective in everything he did, and respected and liked by all.

Steve was the director of State operations for Consol Energy. He had also been president of the West Virginia Coal Association and had served on the Board of Directors of a number of other State coal associations. He also served on the board of directors of the West Virginia Chamber of Commerce and was a member of its executive committee. As a tribute to his talents, a few years ago, Steve was elected to the West Virginia Coal Hall of Fame.

Mr. Young was simply devoted to the coal industry, to the progress of West Virginia, his home State which he loved dearly, and to his family. I will certainly miss him and his vast experience and expertise.

I extend my heart felt condolences to his wife Maureen, his children and grandchildren, and his sister.

SCENT OF THE ROSES

Let fate do her worst, there are relics of joy,
Bright dreams of the past that she cannot destroy,
That come in the night-time of sorrow and care,
And bring back the features that joy used to wear.
Long, long be my heart with such memories filled,
Like the vase in which roses have once been distilled,
You may break, you may shatter the vase if you will,
But the scent of the roses will hang round it still.—Thomas Moore.

INTERNATIONAL COMMISSION AGAINST IMPUNITY IN GUATEMALA

Mr. LEAHY. Mr. President, on June 7, the head of the International Commission against Impunity in Guatemala, CICIG, a U.N. supported body set up to investigate organized crime and clandestine groups in Guatemala, resigned. In a press conference, he highlighted problems with Guatemala's newly selected attorney general, who he accused of trying to undermine the Commission's investigations. He also described a general lack of cooperation from the Guatemalan Government in CICIG's mission.

Not long ago, on April 5, I spoke in this Chamber of Guatemala's need for an attorney general with the integrity, experience, courage and determination to show that justice can be a reality for all the people of Guatemala regardless of race, ethnicity, gender or economic status. Unfortunately, President Colom's choice fell short on all counts.

This concerns me greatly. The Commission was created three years ago, at the request of the Guatemalan Government and with the approval of the legislature. It was intended to support Guatemala in investigating and dismantling powerful criminal networks deeply entrenched in state institutions and to help strengthen the capacity of the country's dysfunctional judicial system. Since its creation, CICIG has received substantial political and financial backing from the international community, including the United States. I have been a strong supporter of the Commission, and I was encouraged that the Guatemalan Government and the legislature had the political courage to back a serious effort to challenge the organized criminal structures that threaten Guatemala's fragile democracy.

Under the leadership of internationally respected Spanish jurist and prosecutor Carlos Castresana, the CICIG, with dedicated Guatemalan personnel from the Public Ministry, the police, and the support of the courts, has made significant, indeed historic, progress in combating organized crime and ending impunity. Its work has led to the successful investigation of high-profile cases, the arrest of dozens of government officials and ex-military officers, and the purge of thousands of police officers linked to illegal groups.

Having seen that progress, I was saddened to learn of Director Castresana's resignation. I commend him, the Commission's staff, and the many Guatemalans who have supported the CICIG for their courage and resolve.

The CICIG is a ground-breaking effort and one of the few successful strategies in the fight against organized crime and rampant institutional corruption in Guatemala. Its efforts must continue. Both the U.N. and the Guatemalan Government need to act swiftly

and decisively if the CICIG is to continue as a meaningful body. I urge U.N. Secretary General Ban Ki Moon to appoint a new CICIG Commissioner with demonstrated expertise in investigating and prosecuting organized criminal networks so the advances of the CICIG continue under new leadership. Equally important is the integrity and continuity of CICIG's professional staff.

In Guatemala, the government needs to address the problems that so frustrated Director Castresana. Fortunately, Guatemala's Constitutional Court annulled the selection of the attorney general, who subsequently resigned. This is a positive step, but it needs to be followed up. Guatemala's next attorney general should have a strong commitment to working closely with and supporting the efforts of the CICIG, as well as reform of the National Police, the establishment of a high impact court for cases of organized crime with heightened security for judges, witnesses and prosecutors, a maximum security jail, and other initiatives by the Guatemalan Legislature that would facilitate the investigation and prosecution of organized crime.

It is not just the attorney general, however. Implementation of many of the CICIG's recommendations has been repeatedly delayed. The entire Guatemalan Government—the executive, legislature and the courts—must act decisively to demonstrate that it can implement urgent anti-impunity reforms, strengthen and professionalize its law enforcement and judicial institutions, and prove that it can be a partner in the fight against organized crime. Reforming the National Police, which is widely perceived as corrupt, ineffective and unaccountable, and whose officers are under-paid, under-trained, and under-equipped, is a critical priority. I hope there is convincing progress in these areas soon.

The United States is providing assistance to bolster Guatemala's institutions, particularly through our Central America Regional Security Initiative. But as chairman of the Appropriations Subcommittee on the Department of State and Foreign Operations, I would find it difficult to justify investing further resources in Guatemala's judicial system unless its own government demonstrates a strong commitment to ending impunity and combating organized criminal networks and corruption, which must be rooted out from their entrenched positions within Guatemala's state institutions.

I urge the Guatemalan Government to show, at this critical moment, its firm commitment to the CICIG and to taking the steps necessary to end impunity and strengthen the rule of law so the United States can continue to partner with Guatemala to tackle its many challenges.

EXTENDING FAMILY LEAVE

Mr. LEAHY. Mr. President, today, the Obama administration took another step toward ensuring equal treatment for all Americans by extending family leave to lesbian, gay, bisexual and transgender—LGBT—employees. Earlier this year, I praised President Obama for directing the Department of Health and Human Services to issue regulations ensuring hospital visitation rights for same-sex couples. Now these same couples will be treated fairly when their children are sick, injured, or in need of care. Both of these measures promote the value of strong families and enduring relationships.

There is a tragic history of discrimination in the workplace, but fortunately, we are making progress to end it. In 1993, Congress passed the Family Medical Leave Act, FMLA, allowing employees to take reasonable unpaid leave for certain family and medical reasons. The FMLA sought to promote equal employment opportunities for men and women. Unfortunately, the benefits of that law were not extended to LGBT families. Under the Department of Labor's new interpretation of ''son or daughter'' under the FMLA, a gay or lesbian employee may now take family and medical leave to care for a newly born, newly adopted, or sick child of the employee's same-sex partner, even if the employee does not have a biological or legal relationship with the child.

The fight for equal rights protections continues in Congress. I am a proud cosponsor of the bipartisan Domestic Partnership Benefits and Obligations Act of 2009, which would provide domestic partners of Federal employees all of the protections and benefits afforded to spouses of Federal employees, including participation in applicable retirement programs, compensation for work injuries, and health insurance benefits. I also support the Tax Equity for Health Plan Beneficiaries Act of 2009, which would end the taxation of health benefits provided to domestic partners in workplaces that provide domestic partner health benefits to their employees.

Respecting the rights of all hard-working Americans to care for their children in times of crisis is something every American should support.

RECOGNIZING THE LOS ANGELES LAKERS

Mrs. BOXER. Mr. President, I ask my colleagues to join me in congratulating the 2009–2010 National Basketball Association champions, the Los Angeles Lakers. In winning their 16th championship, and the 5th of this decade, the Lakers cemented their status as one of the most successful and storied franchises in the history of professional sports.

Led by a dedicated management and coaching staff and with contributions from an outstanding roster of perennial all-stars, reliable veterans and exciting young players, the Lakers began their successful defense of their 2008–2009 championship by compiling the best regular season record in the Western Conference.

During the playoffs, the Lakers stood tall against challengers to their title as they defeated the Oklahoma City Thunder, the Utah Jazz, and the Phoenix Suns en route to winning the Western Conference title.

In the NBA finals, the Lakers triumphed against their archrivals, the Boston Celtics, in a fiercely contested seven-game series that gripped basketball fans from coast to coast and the world over. True to their reputation as a team of great resolve and determination, the Lakers overcame a deficit in the last quarter of the deciding game in order to ensure that the NBA championship trophy will reside in Los Angeles for at least another year.

It is my pleasure to congratulate the members of the Lakers organization who worked tirelessly to bring the championship to Los Angeles and Southern California.

As the Los Angeles Lakers and their fans celebrate the 2009–2010 championship campaign, I congratulate them on another remarkable and memorable season and wish them continued success in future seasons.

UNIVERSITY OF ARKANSAS ATHLETES AND COACHES

Mrs. LINCOLN. Mr. President, today I recognize University of Arkansas athletes and coaches who are leading an effort to challenge northwest Arkansas volunteers to pack 2 million meals in 24 hours for people affected by the earthquake in Haiti. They are attempting to break the one-day record for the most food packed, which was set in Kansas City earlier this year.

Under the leadership of Jeff Long, athletic director of the University of Arkansas at Fayetteville, athletes and volunteers will meet at the Randal Tyson Track Center on the University campus June 25 and 26 to work 2-hour shifts filling and sealing packets of soy power, rice, dried vegetables, and vitamins. The packets will reach Haitians 5 to 7 days later after being transported by ground and sea transportation.

Called Razorback Relief Operation Haiti, the effort is also led by former Razorback golfer Rich Morris and sophomore track athlete Terry Prentice, a member of the student athlete advisory committee.

I commend the entire northwest Arkansas community for pulling together to help their global neighbors in need. These athletes and volunteers represent the best of Arkansas, and I am proud of their efforts.

SECRET HOLDS

Mr. UDALL of New Mexico. Mr. President, the Senate Rules Committee held another important hearing today to review yet another example of how the Senate rules are abused. I want to thank Chairman SCHUMER again for holding these hearings—they have been

invaluable in exploring ways to make the Senate work better for our country.

Over the past few months during this series of hearings, we have discussed and debated example after example of how the filibuster in particular—and the Senate's incapacitating rules in general—too often stand in the way of achieving real progress for the American people.

Today's hearing topic—secret holds and the confirmation process—was just one more example of how manipulation of the rules continues to foster a level of gridlock and obstruction unlike any we have seen before.

Senators WYDEN, GRASSLEY, and MCCASKILL testified at the hearing about their efforts to end the practice of secret holds. I applaud their work and dedication to transparency in government. Their fight to end the practice of secret holds is a worthy one that I wholeheartedly support.

Earlier this year I was proud to sign on to Senator MCCASKILL's letter to the majority and minority leaders, in which we pledged to no longer place anonymous holds and asked for Senate leadership to end the practice altogether.

At today's hearing, Senator MCCASKILL said that she has gathered enough support to surpass the 67-vote threshold required to consider and amend the Senate rules. That is no small task, as everyone in the Senate would attest. She should be congratulated for her work, as should all of our colleagues—Democrat and Republican—who have signed on to this effort. This bipartisan effort is proof that we are capable of working together.

But the mere fact that we have to have this conversation, that Senator MCCASKILL had to work for months for 67 votes to change rules that the Constitution clearly authorizes us to do with a simple majority vote, illustrates that secret holds are just another symptom of a much larger problem.

That problem is the Senate rules themselves.

The current rules—specifically rules V and XXII—effectively deny a majority of the Senate the opportunity to ever change its rules. This is something the drafters of the Constitution never intended.

As I have explained numerous times in committee hearings and here on the floor, a simple majority of the Senate can adopt or amend its rules at the beginning of a new Congress because it is not bound by the rules of the previous Congress.

Many colleagues, as well as constitutional scholars, agree with me. As my esteemed colleague from Utah, Senator HATCH, stated in a National Review article in 2005:

> The Senate has been called a 'continuing body.' Yet language reflecting this observation was included in Senate rules only in 1959. The more important, and much older, sense in which the Senate is a continuing body is its ongoing constitutional authority to determine its rules. Rulings by vice presidents of both parties, sitting as the President of the Senate, confirm that each Senate may make that decision for itself, either implicitly by acquiescence or explicitly by amendment. Both conservative and liberal legal scholars, including those who see no constitutional problems with the current filibuster campaign, agree that a simple majority can change Senate rules at the beginning of a new Congress.

It is through this path—by a majority vote at the beginning of the next Congress—that we can reform the abuse of holds, secret filibusters, and the broken confirmation process. We can end the need for multiple cloture votes on the same matter, and we can instead begin to focus on the important business at hand.

Now, critics will argue that the two-thirds vote requirement for cloture on a rules change is reasonable. They'll say that Senator MCCASKILL managed to gather 67 Senators, so it must be an achievable threshold.

As I said at today's hearing, I commend Senator MCCASKILL for her diligence in building support to end secret holds. But I think it is also important to understand that other crucial reform efforts have failed because, inexplicably, it takes the same number of Senators to amend our rules as it takes to amend the U.S. Constitution.

As Senators WYDEN and GRASSLEY said in their testimony today, their efforts to end secret holds goes back more than a decade. Indeed, the effect of holds, on both legislation and the confirmation of nominees, is hardly a new problem.

In January 1979, Senator BYRD—then majority leader—proposed changing the Senate rules to limit debate to 30 minutes on a motion to proceed. Doing so would have significantly weakened the power of holds—and thus curbed their abuse.

At the time, Leader BYRD took to the Senate Floor and said that unlimited debate on a motion to proceed, ''makes the majority leader and the majority party the subject of the control and the will of the minority. If I move to take up a matter, then one senator can hold up the Senate for as long as he can stand on his feet.'' Despite the moderate change that Senator BYRD proposed, it did not have the necessary 67 votes to overcome a filibuster.

Efforts to reform the motion to proceed have continued since.

In 1984, a bipartisan study group recommended placing a 2-hour limit on debate of a motion to proceed. That recommendation was ignored.

And in 1993, Congress convened the Joint Committee on the Organization of Congress to determine how it can be a better institution. Senator Pete Domenici, my immediate predecessor, was the co-vice chairman of the committee. At a hearing before the committee, he said, ''If we abolish [the debatable motion to proceed], we have gone a long way to diffusing the validity of holds, because a hold is predicated on the fact that you can't get [a bill] up without a filibuster.''

The final report of that joint committee stated: ''There was significant agreement that the motion to proceed to a bill should not be debatable, or that debate on the motion should be limited to 2 hours.'' Despite the recommendation, nothing came of it.

And here we are again today—31 years after Senator BYRD tried to institute a reform that members of both parties have agreed is necessary.

Talking about change, and reform, does not solve the problem. We can hold hearings, convene bipartisan committees, and study the problem to death. But until we agree that the Constitution provides the right for each Senate to adopt its rules of proceedings by a simple majority vote, there will be no real reform.

Recognizing our constitutional right to change Senate rules by a majority will not only allow reform, but it will help prevent abuse. Members are less likely to abuse a rule if they know that it can be changed by a majority in the next Congress. Conversely, if they think it takes 67 votes to change the rule, there is no disincentive against abuse.

I look forward to future hearings in the Rules Committee and exploring ways that we can bring needed reform to the Senate at the beginning of the 112th Congress.

I ask unanimous consent that an April 19 Roll Call article titled, ''In Senate, Motion to Proceed' Should be Non-Debatable'' and Senator HATCH's 2005 article from the National Review Online be printed in the RECORD.

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

[From Roll Call, Apr. 19, 2010]

STEVENSON: IN SENATE,''MOTION TO PROCEED'' SHOULD BE NON-DEBATABLE

(By Charles A. Stevenson)

There's a simple step the Senate could take that would prevent a lot of the current delay and obstruction, while still permitting lawmakers to debate some controversial matters at length.

The ''motion to proceed'' should be made non-debatable and subject to an immediate majority-rule vote.

This may seem like an arcane parliamentary matter, but in practice the chance to kill a bill or nomination before it is open to debate and amendment is a key weapon in the hands of obstructionists. They don't even have to oppose the measure; they just argue that ''now is not the time'' to take it up. In fact, in the past 20 years, more than one-fourth of the cloture petitions to end debate have been on motions to proceed.

Maybe the Senate, under pressure from voters and stymied by the recent surge in filibusters, will change or repeal the current rule that requires a 60-vote supermajority to cut off debate. But that isn't likely, since it takes 67 votes to change the rules and since all Senators can envision circumstances when they might want to fight even though outnumbered.

Even if lawmakers eliminated the 60-vote rule, obstructionists would retain numerous tools to block or delay action.

A compromise might be found on the motion to proceed, which would have substantial additional benefits while still preserving

the right of extended debate on substantive matters.

Right now, the motion to take up legislation is non-debatable only in very special circumstances: if the Senate has adjourned rather than recessing at the end of the previous day, if it has a period of morning business the next day and if it is in the second hour of the session. Even then, the bill goes back to the calendar if debate continues at the end of morning business.

The biggest problem in the Senate's current rules isn't that the majority can't work its will, but that a handful of Senators can clog the legislative stream, preventing action even on broadly supported measures.

Cutting off debate requires a day's wait after the first cloture petition is filed, and then 30 more hours of debate even if cloture is invoked. This means that the leadership needs at least four days just to end debate on the motion to proceed, plus many more on controversial amendments.

Four days on one measure is four days that can't be devoted to other matters—and the Senate has averaged only 167 days in session each year this decade.

Making the motion to proceed non-debatable would not only reduce the opportunities for filibusters but would also end the practice of individual ''holds'' on bills and nominations.

Those holds aren't in the rules, but they are the result of rules that require, for example, the Senate to take up bills and nominations in the order they were added to the calendar—that is, oldest first, with more urgent matters or more recent versions delayed until all previous matters have been disposed of.

A non-debatable motion to proceed could still be rejected by majority vote, and a matter being debated could still be filibustered, but the opponents would have to muster their troops, whereas now a single Member can hold the whole Senate hostage.

There are other rules changes that the Senate might adopt to have a more orderly and businesslike legislative process.

It could change the rule (XIX) that requires that ''all debate shall be germane and confined to the specific question then pending before the Senate'' for only the first three hours and it could enforce more rigorously the section of that rule that ''no Senator shall speak more than twice upon any one question in debate on the same legislative day.''

Senators could also drop the provision saying that the rules continue from one Congress to another unless changed by a two-thirds vote. That was added in 1959 under pressure from Senators fighting civil rights bills in order to overturn a ruling that would have allowed each new Congress to adopt rules by majority vote—as the House of Representatives does every two years.

But if Senators are unwilling to change the basic rule on filibusters, they should at least make the motion to proceed non-debatable so that the Senate can get to work without petty delays.

[From the National Review Online, Jan. 12, 2005]

CRISIS MODE: A FAIR AND CONSTITUTIONAL OPTION TO BEAT THE FILIBUSTER GAME

(By Senator Orrin G. Hatch)

Judicial nominations will be one of the most important issues facing the Senate in the 109th Congress and the question is whether we will return to the tradition of giving nominations reaching the Senate floor an up or down vote. The filibusters used to block such votes have mired the judicial-confirmation process in a political and constitutional crisis that undermines democracy, the judiciary, the Senate, and the Constitution. The Senate has in the past changed its procedures to rebalance the minority's right to debate and the majority's right to decide and it must do so again.

Newspaper editorials condemning the filibusters outnumber supporting ones by more than six-to-one. Last November, South Dakotans retired former Senate Minority Leader Tom Daschle, in no small part, because he led the filibuster forces. Yet within hours of his election to succeed Senator Daschle as Minority Leader, Senator Harry Reid took to the Senate floor to defend them. Hope is fading that the shrinking Democratic minority will abandon its destructive course of using filibusters to defeat majority supported judicial nominations. Their failure to do so will require a deliberate solution.

DIAGNOSING THE CRISIS

If these filibusters were part of the Senate's historical practice or, as a recent NRO editorial put it, merely made confirming nominees more difficult, a deliberate solution might not be warranted. But this is a crisis, not a problem of inconvenience.

Senate rules reflect an emphasis on deliberation and debate. Either by unanimous agreement or at least 60 votes on a motion to invoke cloture under Rule 22, the Senate must end debate before it can vote on anything. From the Spanish filibustero, a filibuster was a mercenary who tries to destabilize a government. A filibuster occurs most plainly on the Senate floor when efforts to end debate fail, either by objection to unanimous consent or defeat of a cloture motion. During the 108th Congress, Senate Democrats defeated ten majority-supported nominations to the U.S. Court of Appeals by objecting to every unanimous consent request and defeating every cloture motion. This tactic made good on then-Democratic Leader Tom Daschle's February 2001 vow to use ''whatever means necessary'' to defeat judicial nominations. These filibusters are unprecedented, unfair, dangerous, partisan, and unconstitutional.

A POLITICAL CRISIS

These are the first filibusters in American history to defeat majority supported judicial nominations. Before the 108th Congress, 13 of the 14 judicial nominations on which the Senate took a cloture vote were confirmed. President Johnson withdrew the 1968 nomination of Abe Fortas to be Supreme Court chief justice the day after a failed cloture vote showed the nomination did not have clear majority support. In contrast, Democrats have now crossed the confirmation Rubicon by using the filibuster to defeat judicial nominations which enjoy clear majority support.

Focusing on President Clinton's judicial nominations in 1999, I described what has been the Senate's historical standard for judicial nominations: ''Let's make our case if we have disagreement, and then vote.'' Democrats' new filibusters abandons this tradition and is unfair to senators who must provide the ''advice and consent'' the Constitution requires of them through a final up or down vote. It is also unfair to nominees who have agreed, often at personal and financial sacrifice, to judicial service only to face scurrilous attacks, trumped up charges, character assassination, and smear campaigns. They should not also be held in permanent filibuster limbo. Senators can vote for or against any judicial nominee for any reason, but senators should vote.

These unprecedented and unfair filibusters are distorting the way the Senate does business. Before the 108th Congress, cloture votes were used overwhelmingly for legislation rather than nominations. The percentage of cloture votes used for judicial nominations jumped a whopping 900 percent during President Bush's first term from the previous 25 years since adoption of the current cloture rule. And before the 108th Congress, the few cloture votes on judicial nominations were sometimes used to ensure up or down votes. Even on controversial nominees such as Richard Paez and Marsha Berzon, we invoked cloture to ensure that we would vote on confirmation. We did, and both are today sitting federal judges. In contrast, these new Democratic filibusters are designed to prevent, rather than secure, an up or down vote and to ensure that targeted judicial nominations are defeated rather than debated.

These filibusters are also completely partisan. The average tally on cloture votes during the 108th Congress was 53–43, enough to confirm but not enough to invoke cloture and end debate. Democrats provided every single vote against permitting an up or down vote. In fact, Democrats have cast more than 92 percent of all votes against cloture on judicial nominations in American history.

A CONSTITUTIONAL CRISIS

Unprecedented, unfair, and partisan filibusters that distort Senate procedures constitute a political crisis. By trying to use Rule 22's cloture requirement to change the Constitution's confirmation requirement, these Democratic filibusters also constitute a constitutional crisis.

The Constitution gives the Senate authority to determine its procedural rules. More than a century ago, however, the Supreme Court unanimously recognized the obvious maxim that those rules may not ''ignore constitutional restraints.'' The Constitution explicitly requires a supermajority vote for such things as trying impeachments or overriding a presidential veto; it does not do so for confirming nominations. Article II, Section 2, even mentions ratifying treaties and confirming nominees in the very same sentence, requiring a supermajority for the first but not for the second. Twisting Senate rules to create a confirmation supermajority undermines the Constitution. As Senator Joseph Lieberman once argued, it amounts to ''an amendment of the Constitution by rule of the U.S. Senate.''

But don't take my word for it. The same senators leading the current filibuster campaign once argued that all filibusters are unconstitutional. Senator Lieberman argued in 1995 that a supermajority requirement for cloture has ''no constitutional basis.'' Senator Tom Harkin insisted that ''the filibuster rules are unconstitutional'' because ''the Constitution sets out . . . when you need majority or supermajority votes in the Senate.'' And former Senator Daschle said that because the Constitution ''is straightforward about the few instances in which more than a majority of the Congress must vote. . . . Democracy means majority rule, not minority gridlock.'' He later applied this to judicial nomination filibusters: ''I find it simply baffling that a Senator would vote against even voting on a judicial nomination.'' That each of these senators voted for every judicial-nomination filibuster during the 108th Congress is baffling indeed.

These senators argued that legislative as well as nomination filibusters are unconstitutional. Filibusters of legislation, however, are different and solving the current crisis does not require throwing the entire filibuster baby out with the judicial nomination bathwater. The Senate's authority to determine its own rules is greatest regarding what is most completely within its jurisdiction, namely, legislation. And legislative filibusters have a long history. Rule 22 itself did not even potentially apply to nominations until decades after its adoption. Neither America's founders, nor the Senate that

adopted Rule 22 to address legislative gridlock, ever imagined that filibusters would be used to highjack the judicial appointment process.

TRYING TO CHANGE THE SUBJECT

Liberal interest groups, and many in the mainstream media, eagerly repeat Democratic talking points trying to change, rather than address, the subject. For example, they claim that, without the filibuster, the Senate would be nothing more than a ''rubberstamp'' for the president's judicial nominations. Losing a fair fight, however, does not rubberstamp the winner; giving up without a fight does. Active opposition to a judicial nomination, especially expressed through a negative vote, is the best remedy against being a rubberstamp.

They also try to change the definition of a filibuster. On March 11, 2003, for example, Senator Patrick Leahy, ranking Judiciary Committee Democrat, used a chart titled ''Republican Filibusters of Nominees.'' Many individuals on the list, however, are today sitting federal judges, some confirmed after invoking cloture and others without taking a cloture vote at all. Invoking cloture and confirming nominations is no precedent for not invoking cloture and refusing to confirm nominations.

Many senators once opposed the very judicial nomination filibusters they now embrace. Senator Leahy, for example, said in 1998: ''I have stated over and over again. . .that I would object and fight against any filibuster on a judge, whether it is somebody I opposed or supported.'' Since then, he has voted against cloture on judicial nominations 21 out of 26 times. Senator Ted Kennedy, a former chairman of the Judiciary Committee, said in 1995 that ''Senators who believe in fairness will not let a minority of the Senate deny [the nominee] his vote by the entire Senate.'' Since then, he has voted to let a minority of the Senate deny judicial nominees a vote 18 out of 23 times.

Let me put my own record on the table. I have never voted against cloture on a judicial nomination. I opposed filibusters of Carter and Clinton judicial nominees, Reagan and Bush judicial nominees, all judicial nominees. Along with then-Majority Leader Trent Lott, I repeatedly warned that filibustering Clinton judicial nominees would be a ''travesty'' and helped make sure that every Clinton judicial nomination reaching the full Senate received a final confirmation decision. That should be the permanent standard, no matter which party controls the Senate or occupies the White House.

SOLVING THE CRISIS

The Senate has periodically faced the situation where the minority's right to debate has improperly overwhelmed the majority's right to decide. And we have changed our procedures in a way that preserves the minority's right to debate, and even to filibuster legislation, while solving the crisis at hand.

The Senate's first legislative rules, adopted in 1789, directly reflected majority rule. Rule 8 allowed a simple majority to ''move the previous question'' and proceed to vote on a pending matter. Invoked only three times in 17 years, however, Rule 8 was dropped in the Senate rules revision of 1806, meaning unanimous consent was then necessary to end debate. Dozens of reform efforts during the 19th century tried to rein in the minority's abuse of the right to debate. In 1917, President Woodrow Wilson described what had become of majority rule: ''The Senate of the United States is the only legislative body in the world which cannot act when its majority is ready for action. . . . The only remedy is that the rules of the Senate shall be altered.'' Leadership turned gridlock into reform, and that year the Senate adopted Rule 22, by which ⅔ of Senators present and voting could invoke cloture, or end debate, on a pending measure.

Just as the minority abused the unanimous consent threshold in the 19th century, the minority abused the ⅔ threshold in the 20th century. A resolution to reinstate the previous question rule was introduced, and only narrowly defeated, within a year of Rule 22's adoption. A steady stream of reform attempts followed, and a series of modifications made until the current 60-vote threshold was adopted in 1975. The point is that the Senate has periodically rebalanced the minority's right to debate and the majority's right to decide. Today's crisis, with constitutional as well as political dimensions and affecting all three branches of government, presents an even more compelling case to do so.

These filibusters are an unprecedented shift in the kind, not just the degree, of the minority's tactics. After a full, fair, and vigorous debate on judicial nominations, a simple majority must at some point be able to proceed to a vote. A simple majority can achieve this goal either by actually amending Rule 22 or by sustaining an appropriate parliamentary ruling.

A SIMPLE MAJORITY CAN CHANGE THE RULES

The Senate exercises its constitutional authority to determine its procedural rules either implicitly or explicitly. Once a new Congress begins, operating under existing rules implicitly adopts them ''by acquiescence.'' The Senate explicitly determines its rules by formally amending them, and the procedure depends on its timing. After Rule 22 has been adopted by acquiescence, it requires 67 votes for cloture on a rules change. Before the Senate adopts Rule 22 by acquiescence, however, ordinary parliamentary rules apply and a simple majority can invoke cloture and change Senate rules.

Some object to this conclusion by observing that, because only a portion of its membership changes with each election, the Senate has been called a ''continuing body.'' Yet language reflecting this observation was included in Senate rules only in 1959. The more important, and much older, sense in which the Senate is a continuing body is its ongoing constitutional authority to determine its rules. Rulings by vice presidents of both parties, sitting as the President of the Senate, confirm that each Senate may make that decision for itself, either implicitly by acquiescence or explicitly by amendment. Both conservative and liberal legal scholars, including those who see no constitutional problems with the current filibuster campaign, agree that a simple majority can change Senate rules at the beginning of a new Congress.

A SIMPLE MAJORITY CAN UPHOLD A PARLIAMENTARY RULING

An alternative strategy involves a parliamentary ruling in the context of considering an individual nomination. This approach can be pursued at any time, and would not actually amend Rule 22. The precedent it would set depends on the specific ruling it produces and the facts of the situation in which it arises.

Speculation, often inaccurate, abounds about how this strategy would work. One newspaper, for example, offered a common description that this approach would seek ''a ruling from the Senate parliamentarian that the filibuster of executive nominations is unconstitutional.'' Under long-standing Senate parliamentary precedent, however, the presiding officer does not decide such constitutional questions but submits them to the full Senate, where they are debatable and subject to Rule 22's 60-vote requirement. A filibuster would then prevent solving this filibuster crisis. Should the chair rule in favor of a properly framed non-debatable point of order, Democrats would certainly appeal, but the majority could still sustain the ruling by voting for a non-debatable motion to table the appeal.

Democrats have threatened that, if the majority pursues a deliberate solution to this political and constitutional crisis, they will bring the entire Senate to a screeching halt. Perhaps they see this as way to further escalate the confirmation crisis, as the Senate cannot confirm judicial nominations if it can do nothing at all. No one, however, seriously believes that, if the partisan roles were reversed, Democrats—the ones who once proposed abolishing even legislative filibusters—would hesitate for a moment before changing Senate procedures to facilitate consideration of judicial nominations they favored.

A FAMILIAR FORK IN THE ROAD

The United States Senate is a unique institution. Our rules allowing for extended debate protect the minority's role in the legislative process. We must preserve that role. The current filibuster campaign against judicial nominations, however, is the real attack on Senate tradition and an unprecedented example of placing short-term advantage above longstanding fundamental principles. It is not simply annoying or frustrating, but a new and dangerous kind of obstruction which threatens democracy, the Senate, the judiciary, and even the Constitution itself. As such, it requires a more serious and deliberate solution.

While judicial appointments can be politically contentious and ideologically divisive, the confirmation process must still be handled through a fair process that honors the Constitution and Senate tradition. If the fight is fair and constitutional, let the chips fall where they may. As it has before, the Senate must change its procedures to properly balance majority rule and extended debate. That way, we can vigorously debate judicial nominations and still conduct the people's business.

REMEMBERING REPRESENTATIVE THOMAS LUDLOW ''LUD'' ASHLEY

Mr. BROWN of Ohio. Mr. President, as we search for solutions to our twin challenges in the housing and energy sectors, we should pause to celebrate, remember, and learn from the life of a legislator who brokered solutions to these very same problems more than 30 years ago ''Lud'' Ashley, the distinguished gentlemen who represented the 9th Congressional District of Ohio.

Thomas Ludlow Ashley represented the Toledo area from 1955 until 1981. He was a pragmatic progressive who knew how to broker a deal to move the Nation forward.

He was tapped by the late Speaker Tip O'Neill to lead the effort to develop a bipartisan set of proposals to address the Nation's energy crisis. His work laid the foundation for the passage of a series of bills that aimed to reduce our dependence on oil and spur the research and development of new, clean energy sources.

We could use his advice and counsel today.

Congressman Ashley made a profound difference in the well-being of everyday Americans. He was known as

''Mr. Housing'' for his leadership of the House Subcommittee on Housing and Community Development. In this role, he authored landmark pieces of legislation in the Housing and Community Development Acts of 1974 and 1977.

''Americans sleep in better homes today because of Lud Ashley,'' Senator Ted Kennedy once said of Congressman Ashley.

As a legislator, Congressman Ashley continued the family legacy of fighting for equality. His great-grandfather, who represented Toledo in Congress during the Civil War era, co-authored the 13th amendment abolishing slavery. A century later, Lud Ashley worked tirelessly to secure the passage of the 1964 Civil Rights Act.

An Army veteran, who served in the Pacific during World War II, Lud Ashley returned home to pursue his education. He earned degrees from Yale University and the Ohio State University College of Law.

Hearing the call to public service, Lud Ashley ran and won the privilege of representing the 9th Congressional District of Ohio in 1954. His service was defined by a passionate but collegial devotion to liberal causes, one that earned him the respect and friendship of his peers on both sides of the aisle.

I hope that my colleagues will take a moment to honor the life and legacy of Congressman Lud Ashley a great Ohioan and a great American.

ADDITIONAL STATEMENTS

ELGIN, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 17–20, the residents of Elgin will gather to celebrate their community's history and founding.

Elgin, a Northern Pacific Railroad town site, was first named Shanley, but became Elgin in 1910. The residents were having difficulty agreeing on a new name, and Isadore Gintzler is said to have looked at his pocket watch to check the time at a very late hour, and suggested its brand name, Elgin, as a compromise name for the town site. Elgin watches are made in Elgin, IL, which was named by founder James T. Gifford for Elgin, Scotland. The post office was established August 11, 1910. Elgin was incorporated as a village in 1911.

Some of the present day businesses and accommodations that continue to thrive within the city of Elgin include the Jacobson Memorial Hospital Care Center and Clinics, Dakota Hill Housing, a dentist, an eye clinic, a cafe and bowling alley, a grocery store, a hardware store, gas stations, a bank, accounting offices, a drug store, insurance agencies, a newspaper, the post office, a lumber yard, a motel, a new public library, and grain elevators.

Citizens of Elgin have organized numerous activities to celebrate their centennial. Some of the activities include an opening ceremony, historical power point presentation, historical bus tour, musical entertainment, an alumni football game, a magician show, and an antique parade.

I ask the U.S. Senate to join me in congratulating Elgin, ND, and its residents on the first 100 years and in wishing them well through the next century. By honoring Elgin and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Elgin that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Elgin has a proud past and a bright future.●

ARKANSAS'S FARM BUREAU SCHOLARSHIP WINNERS

● Mrs. LINCOLN. Mr. President, today I congratulate eight Arkansas college students who were recently selected as recipients of this year's Arkansas Farm Bureau Foundation Scholarship Program. The students will receive $1,000 per semester for their agriculture studies in the 2010–2011 school year.

These young Arkansans represent the best of our State, and I am pleased to see them receive this funding to advance their education and prepare them for their future agriculture careers. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the State and providing $9.1 billion in wages and salaries. In total, agriculture contributes roughly $15.9 billion to the Arkansas economy each year.

To be eligible for the Farm Bureau scholarship, students must be Arkansas residents, members of a Farm Bureau family, and enrolled as juniors or seniors in a State-accredited university. They must also maintain a 2.5 grade-point-average and pursue an agriculture-related degree. As a seventh generation Arkansan and farmer's daughter and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our farm families, and these students are quite deserving of this honor.

This year's scholarship recipients are:

Anna Elizabeth Buck, 21, of Delight, Pike County, daughter of Ricky and Rebecca Buck. She is an agricultural business major with a marketing minor at Southern Arkansas University in Magnolia.

Laura Jones, 29, of Clinton, Washington County, daughter of Rosemary and Willie Jones. She is an animal science/pre-vet major at Arkansas State University in Jonesboro.

Mia Hand, 21, of Magnolia, Columbia County, daughter of Rosanne Hand. She is an agricultural education major at Southern Arkansas University in Magnolia.

Jaimie McMeechan, 23, of Gamaliel, Baxter County, daughter of William and Shirley McMeechan. She is an agriculture education major at Southern Arkansas University in Magnolia.

Jared McMillan, 20, of Pine Bluff, Jefferson County, son of Dale and Teresa McMillan. He is an animal science major at the University of Arkansas at Monticello.

Kevin Dale Morrison, 21, of Onyx, Yell County, son of Vernon and Elise Morrison. He is an agriculture business major with an emphasis in animal science at Arkansas Tech University in Russelville.

Daniel Wade Walters, 20, of Fayetteville, Washington County, son of Danny and Bonita Walters. He is an agriculture business major at Arkansas Tech University in Russelville.

Fines ''Levi'' Hudson, 22, of Mt. Judea, Newton County, son Richard and Anita Hudson. He is a food, human nutrition and hospitality major with a dietetics concentration at the University of Arkansas at Fayetteville.●

REMEMBERING REVEREND GERALD ARCHIE ''G.A.'' MANGUN

● Mr. VITTER. Mr. President, today I wish to acknowledge Reverend Gerald Archie ''G.A'' Mangun of Alexandria, LA, and to honor his memory as an important spiritual leader to the citizens of central Louisiana. I would like to take some time to make a few remarks about his legacy.

Reverend Mangun passed away Thursday, June 17, 2010, at the age of 91. Reverend Mangun was born March 11, 1919, in LaPaz, IN. He was ordained a minister in 1942 and spent the years before coming to Alexandria preaching across the country. He then came to Alexandria and was elected pastor of the then-First United Pentecostal Church in 1950.

Reverend Mangun relentlessly dedicated himself to reaching out to his community through his church. His church began small, with only 35 members, but with his unyielding dedication and inspiration it continued to grow. Today, the Pentecostal Church of Alexandria has a congregation numbering more than 3,000. This growth in itself shows his spiritual leadership and positive influence in the State of Louisiana.

Through his leadership, the church grew to be an integral part of the city of Alexandria and the State of Louisiana. His leadership, however, reached far beyond his own State. For example, Reverend Mangun raised 1.13 million for mission work in 2009 alone. His impact in and outside of his own State and community have been remarkable.

Reverend Mangun suffered a stroke on May 28, 2010, and passed away on June 17, 2010. His passing is a great loss to the State of Louisiana. However, his legacy will continue through the hearts and minds of people he touched and influenced through his ministry. His impact continues to be felt today throughout the country and around the world through his ministry and mission work. Thus today, I am proud to honor Reverend Gerald Archie Mangun for his service and leadership in his community and in the State of Louisiana.●

MESSAGE FROM THE HOUSE

At 12:44 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 288. Concurrent resolution supporting National Men's Health Week.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 288. Concurrent resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6318. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendment to Part 766 of the Export Administration Regulations'' (RIN0694–AE93) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6319. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled ''Transportation for Individuals with Disabilities: Passenger Vessels'' (RIN2105–AB87) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6320. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Jet Routes J–32, J–38, and J–538; Minnesota'' ((RIN2120–AA66)(Docket No. FAA–2009–1080)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6321. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Restricted Area R–2504; Camp Roberts, CA'' ((Docket No. FAA–2010–0557)(FAA Docket No. 2010–0557)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6322. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (53); Amdt. No. 3375'' (RIN2120–AA65) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6323. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (86); Amdt. No. 3374'' (RIN2120–AA65) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6324. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (13); Amdt. No. 3377'' (RIN2120–AA65) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6325. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (12); Amdt. No. 3377'' (RIN2120–AA65) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6326. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (12); Amdt. No. 3376'' (RIN2120–AA65) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6327. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class C Airspace; Beale Air Force Base, CA'' ((RIN2120–AA66)(Docket No. FAA–2010–0367)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6328. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and E Airspace; Victorville, CA'' ((RIN2120–AA66)(Docket No. FAA–2009–1140)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6329. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Mount Pleasant, SC'' ((RIN2120–AA66)(Docket No. FAA–2010–0069)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6330. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Mount Pleasant, SC; Confirmation of Effective Date'' ((RIN2120–AA66)(Docket No. FAA–2010–0069)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6331. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Panama City, Tyndall AFB, FL'' ((RIN2120–AA66)(Docket No. FAA–2010–0249)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6332. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Quitman, GA'' ((RIN2120–AA66)(Docket No. FAA–2010–0053)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6333. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Austin, TX'' ((RIN2120–AA66)(Docket No. FAA–2009–1152)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6334. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace, Corpus Christi, TX'' ((RIN2120–AA66)(Docket No. FAA–2010–0089)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6335. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Hoquiam, WA'' ((RIN2120–AA66)(Docket No. FAA–2009–1063)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6336. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Magnolia, AR'' ((RIN2120–AA66)(Docket No. FAA–2009–1179)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6337. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Kaltag, AK'' ((RIN2120–AA66)(Docket No. FAA–2010–0082)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6338. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Wainwright, AK'' ((RIN2120–AA66)(Docket No. FAA–2010–0080)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6339. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Nenana, AK'' ((RIN2120–AA66)(Docket No. FAA–2010–0081)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6340. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Galena, AK'' ((RIN2120–AA66)(Docket No. FAA–2010–0299)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6341. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; West Yellowstone, MT'' ((RIN2120–AA66)(Docket No. FAA–2009–1101)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6342. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation and Establishment of Class E Airspace; Nuiqsut, AK'' ((RIN2120–AA66)(Docket No. FAA–2010–0502)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6343. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, 222U, 230, and 430 Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2008–0071)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6344. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Learjet Inc. Model 60 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0495)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6345. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; PILATUS Aircraft Ltd. Model PC–7 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0250)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6346. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; CFM International, S.A. Models CFM56–3 and –3B Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2009–0606)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6347. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Series Airplanes; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model CR–605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes); and Model A310 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0171)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6348. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Microturbo Saphir 20 Model 095 Auxiliary Power Units (APUs)'' ((RIN2120–AA64)(Docket No. FAA–2010–0512)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6349. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Arriel 2B1 Turboshaft Engines'' ((RIN2120–AA64)(Docket No. FAA–2007–27009)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6350. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model CL–600–2C10 (Regional Jet Series 700, 701, and 702) Airplanes, Model CL–600–2D15 (Regional Jet Series 705) Airplanes, and Model CL–600–2D24 (Regional Jet Series 900) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1033)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6351. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca S.A. MAKILA 1A and 1A1 Turboshaft Engines'' ((RIN2120–AA64)(Docket No. FAA–2009–0982)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6352. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF6–45 and CF6–50 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2010–0068)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6353. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135ER, –135KE, –135KL, and –135LR Airplanes; and EMBRAER Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0170)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6354. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International Inc. Auxiliary Power Unit Models GTCP36–150(R) and GTCP36–150(RR)'' ((RIN2120–AA64)(Docket No. FAA–2009–0803)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6355. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (53); Amdt. No. 3375'' (RIN2120–AA65) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6356. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Astazou XIV B and XIV H Turboshaft Engines'' ((RIN2120–AA64)(Docket No. FAA–2010–0219)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6357. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault-Aviation Model FALCON 2000 and FALCON 2000EX Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0791)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6358. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 and –300 Series Airplanes, and Model A340–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0914)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6359. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0176)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6360. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 190–100 STD, –100 LR, –100 IGW, –200 STD, –200 LR, and –200 IGW Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0175)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6361. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Corporation Model MD–11 and MD–11F Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0866)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6362. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Stemme GmbH and Co. KG Model S10–VT Powered Sailplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0788)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6363. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; SOCATA Model TBM 700 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0286)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6364. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; AeroSpace Technologies of Australia Pty

Ltd Models N22B, N22S, and N24A Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0235)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6365. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Quartz Mountain Aerospace, Inc. Model 11E Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0261)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6366. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135BJ, –135ER, –135KE, –135KL, –135LR, –145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0132)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6367. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; AVOX Systems and B/E Aerospace Oxygen Cylinders as Installed on Various 14 CFR Part 23 and CAR 3 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0272)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6368. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dowty Propellers R175/4-30–4/13; R175/4-30–4/13e; R184/4-30–4/50; R193/4-30–4/50; R193/4-30–4/61; R193/4-30–4/64; R193/4-30–4/65; R193/4-30–4/66; R.209/4-40–4.5/2; R212/4-30–4/22; R.245/4-40–4.5/13; R257/4-30–4/60; and R.259/4-40–4.5/17 Model Propellers'' ((RIN2120–AA64)(Docket No. FAA–2008–0750)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6369. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601), and CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0169)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6370. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Model Gulfstream 100 Airplanes, and Model Astra SPX and 1125 Westwind Astra Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0034)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6371. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Series Airplanes; Model A300 B4–600, B4–600R, F4–600R Series Airplanes, and Model A300 C4–605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes); and A310 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0172)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6372. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model BAe 146 Airplanes and Model Avro 146–RJ Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0909)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6373. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Models TAE 125–01 and TAE 125–02–99 Reciprocating Engines Installed in, but not limited to, Diamond Aircraft Industries Model DA 42 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0201)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6374. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Makila 2A Turboshaft Engines'' ((RIN2120–AA64)(Docket No. FAA–2010–0411)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 3249. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program and for other purposes (Rept. No. 111–215).

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. KOHL (for himself, Ms. SNOWE, and Mr. LIEBERMAN):

S. 3523. A bill to reauthorize the Hollings Manufacturing Extension Partnership Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON:

S. 3524. A bill to authorize the Secretary of the Interior to enter into a cooperative agreement 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; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. RISCH):

S. 3525. A bill to repeal the Jones Act restrictions on coastwise trade and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WICKER:

S. 3526. A bill to require the GAO to evaluate the propriety of assistance provided to General Motors Corporation under the Troubled Asset Relief Program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY:

S. Res. 562. A resolution to increase transparency by requiring Senate amendments to be made available to the public in a timely manner; to the Committee on Rules and Administration.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 563. A resolution recognizing the Los Angeles Lakers on their 2010 National Basketball Association Championship and congratulating the players, coaches, and staff for their outstanding achievements; to the Committee on the Judiciary.

By Mr. WEBB (for himself, Mr. INHOFE, Mr. LIEBERMAN, Mr. DODD, and Mr. BOND):

S. Res. 564. A resolution recognizing the 50th anniversary of the ratification of the Treaty of Mutual Security and Cooperation with Japan, and affirming support for the United States-Japan security alliance and relationship; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 311

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 311, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 831

At the request of Mr. KERRY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 931

At the request of Mr. FEINGOLD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 931, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United

States Army, in recognition of their dedicated service during World War II.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1756

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1756, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the appropriate standard of proof.

S. 3232

At the request of Mr. BURR, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3232, a bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3320

At the request of Mr. WHITEHOUSE, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Washington (Ms. CANTWELL), the Senator from Michigan (Ms. STABENOW), the Senator from Nevada (Mr. REID), the Senator from Hawaii (Mr. INOUYE) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3335

At the request of Mr. COBURN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3335, a bill to require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress.

S. 3411

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3411, a bill to provide for the adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

S. 3412

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3412, a bill to provide emergency operating funds for public transportation.

S. 3466

At the request of Mr. LEAHY, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 3466, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 3469

At the request of Mr. BENNET, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3469, a bill to build capacity and provide support at the leadership level for successful school turnaround efforts.

S. 3471

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3471, a bill to improve access to capital, bonding authority, and job training for Native Americans and promote native community development financial institutions and Native American small business opportunities, and for other purposes.

S. 3474

At the request of Mr. FEINGOLD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3474, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 3478

At the request of Mr. SCHUMER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3478, a bill to amend title 46, United States Code, to repeal certain limitations of liability and for other purposes.

S. 3509

At the request of Mr. UDALL of Colorado, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3509, a bill to amend the Energy Policy Act of 2005 to promote the research and development of technologies and best practices for the safe development and extraction of natural gas and other petroleum resources, and for other purposes.

S. 3510

At the request of Mr. CONRAD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3510, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 3512

At the request of Mrs. HUTCHISON, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 3512, a bill to provide a statutory waiver of compliance with the Jones Act to foreign flagged vessels assisting in responding to the Deepwater Horizon oil spill.

S. 3513

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3513, a bill to amend the Internal Revenue Code of 1986 to extend for one year the special depreciation allowances for certain property.

S. 3516

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3516, a bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, and for other purposes.

S.J. RES. 29

At the request of Mrs. FEINSTEIN, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from North Carolina (Mrs. HAGAN) and the Senator from Louisiana (Ms. LANDRIEU) 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. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 552

At the request of Mr. BENNET, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 552, a resolution designating June 23, 2010, as ''Olympic Day''.

AMENDMENT NO. 4324

At the request of Mr. WHITEHOUSE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 4324 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself, Ms. SNOWE, and Mr. LIEBERMAN):

S. 3523. A bill to reauthorize the Hollings Manufacturing Extension Partnership Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KOHL. Mr. President, I rise today to introduce legislation to reauthorize the Manufacturing Extension Partnership program. I want to thank my cosponsors, Senators SNOWE and LIEBERMAN for their support of this legislation and for their long-time support of this program.

For the last few years, there have been too many jobs lost, and the manufacturing sector has been particularly

hard-hit. My home State of Wisconsin has been particularly hard hit—in the last 10 years we have lost 168,000 manufacturing jobs, nearly a 30 percent drop in the manufacturing workforce.

Despite these struggles, our Nation remains the world's largest manufacturing economy, and still employs a sizable percentage of our workforce. We must continue to do better, and work harder for our manufacturers. To put it simply, a strong manufacturing sector means a strong economy. Retaining and creating manufacturing jobs grows our prosperity.

That is why the MEP remains a good investment for our country. The MEP is the only public-private program dedicated to providing technical support and services to small and medium-sized manufacturers, helping them provide quality jobs for American workers. The MEP is a nationwide network of proven resources that enables manufacturers to compete globally, supports greater supply chain integration, and provides access to information, training, and technologies that improve efficiency, productivity, and profitability.

MEP's results are undeniable. In fiscal year 2009 alone, based on services provided in 2008, MEP projects with small and medium-sized manufacturers created or retained 52,948 jobs nationwide, generated more than $9.1 billion in sales, and provided cost savings of more than $1.4 billion.

In my home State of Wisconsin, the results are just as impressive. Wisconsin is home to two MEP Centers, and in the last year, Wisconsin companies that worked with the two centers were able to save or create more than 1,200 jobs, generate $118.6 million in sales, make $54 million in new investments, and generate $19.3 million in cost savings.

Our small- and medium-sized manufacturers face different challenges than larger companies, especially in this tough economy. The improvements that come to a business from working with an MEP Center can mean the difference between profitability and growth or shutting their doors. It is vital that we support our manufacturers, and so it is equally vital that we continue strong support for MEP.

The bill I have introduced today reauthorizes the MEP program for 5 years, through fiscal year 2015, and authorizes $825 million for the base program over those 5 years. This increase is in line with what President Obama called for in his budget and is a reasonable amount of growth at a time when we must scrutinize all Federal investments.

The bill also includes Senator SNOWE's legislation to change the cost-share percentage for MEP Centers to fully-access Federal funding. At a time of tight State budgets, and at a time when manufacturers have less funding to pay for MEP services, MEP Centers are finding it harder and harder to meet the current 2/3 cost-share requirement. The time they must take to meet this requirement takes away from their time with manufacturers. The bill changes the cost share to 50/50—in line with most other programs at the Commerce Department—and calls for a study to determine if this level is reasonable for the long-term.

As I mentioned, state funding is one key component of a MEP Center's budget, and one area where funding has been constrained as of late. In response, this legislation authorizes a $5 million State incentive program. We should encourage State participation to grow this program, and make it a true partnership between the State, Federal Government and private sector.

Finally, the bill creates a separate funding authorization for the Competitive Grant Program created in the 2007 America COMPETES Bill. This will ensure that funding for the base MEP program goes to the existing MEP centers and allows Congress and the Commerce Department to separately fund new, innovative services for our manufacturers.

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

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

S. 3523

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hollings Manufacturing Extension Partnership Program Reauthorization Act of 2010''.

SEC. 2. REAUTHORIZATION OF HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.

(a) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP PROGRAM COST-SHARING.—Section 25(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)) is amended by adding at the end the following:

''(7) Notwithstanding paragraphs (1), (3), and (5), for each of the fiscal years 2011 through 2013, the Secretary may not provide a Center with more than 50 percent of the costs incurred by such Center and may not require that a Center's cost share exceed 50 percent.

''(8) Not later than 2 years after the date of the enactment of this paragraph, the Secretary shall submit a report to Congress on the cost share requirements under the Centers program, which shall—

''(A) analyze various cost share structures, including—

''(i) the cost share structure in place before the date of the enactment of this paragraph;

''(ii) the cost share structure in place under paragraph (7); and

''(iii) the effect of such cost share structures on individual Centers and the overall program; and

''(B) include a recommendation for structuring the cost share requirement after fiscal year 2013 to best provide for the long-term sustainability of the program.''.

(b) STATE INCENTIVE PROGRAM.—Section 25 of such Act (15 U.S.C. 278k) is amended by adding at the end the following:

''(g) STATE INCENTIVE PROGRAM.—If a State provides financial support to a Center in excess of 25 percent of the capital and annual operating and maintenance funds required to create and maintain such Center, the Secretary shall provide such Center assistance that is—

''(1) in addition to assistance otherwise provided to such Center under this section; and

''(2) in an amount determined according to a formula the Secretary shall establish for purposes of this subsection.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out subsections (a) through (e) of such section 25—

(A) $145,000,000 for fiscal year 2011;

(B) $155,000,000 for fiscal year 2012;

(C) $165,000,000 for fiscal year 2013;

(D) $175,000,000 for fiscal year 2014; and

(E) $185,000,000 for fiscal year 2015.

(2) COMPETITIVE GRANT PROGRAM.—There is authorized to be appropriated to carry out subsection (f) of such section $5,000,000 for each of the fiscal years 2011 through 2015.

(3) STATE INCENTIVE PROGRAM.—There is authorized to be appropriated to carry out subsection (g) of such section, as added by subsection (b) of this section, $5,000,000 for each of the fiscal years 2011 through 2015.

(d) DESIGNATION OF PROGRAM.—

(1) IN GENERAL.—Such section 25 (15 U.S.C. 278k) is further amended by adding at the end the following:

''(h) DESIGNATION.—

''(1) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—The program under this section shall be known as the 'Hollings Manufacturing Extension Partnership Program'.

''(2) HOLLINGS MANUFACTURING EXTENSION CENTERS.—The Regional Centers for the Transfer of Manufacturing Technology created and supported under subsection (a) shall be known as the 'Hollings Manufacturing Extension Centers' (in this Act referred to as the 'Centers').''.

(2) CONFORMING AMENDMENT TO CONSOLIDATED APPROPRIATIONS ACT, 2005.—Division B of title II of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2879; 15 U.S.C. 278k note) is amended under the heading ''INDUSTRIAL TECHNOLOGY SERVICES'' by striking ''2007: *Provided further, That*'' and all that follows through ''Extension Centers.'' and inserting ''2007.''.

(3) TECHNICAL AMENDMENT.—Section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) is amended in the matter preceding paragraph (1) by striking ''Regional Centers for the Transfer of Manufacturing Technology'' and inserting ''regional centers for the transfer of manufacturing technology''.

By Mrs. HUTCHISON:

S. 3524. A bill to authorize the Secretary of the Interior to enter into a cooperative agreement 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; to the Committee on Energy and Natural Resources.

Mrs. HUTCHISON. Mr. President, today I rise to speak on the San Antonio Missions National Historical Park Boundary Expansion Act of 2010. This legislation will preserve and enhance one of Texas' most historic regions. Additionally, it will provide for a new education center so folks from around the nation can learn more about one of the many historic gems Texas has to offer.

I would like to commend Congressman CIRO RODRIGUEZ for his leadership

and dedication to the San Antonio Missions. The legislation I have introduced today is a Senate companion to legislation that Congressman RODRIGUEZ introduced earlier this year.

During the 1700s, Spain greatly influenced the San Antonio area. As Spanish explorers travelled through modern-day Texas, Catholic missionaries and soldiers accompanied the group and established the missions and forts we now benefit from in the San Antonio Missions National Historical Park. The missions and forts were originally established to protect Spanish land claims from the French in Louisiana. The missions and forts were also important to Spain in order to spread their influence and recruit new citizens for Spain's expanding empire. The San Antonio Missions National Historical Park preserves the 18th century missions on site and offers visitors an opportunity to learn about the historical importance that the area played in vocational and educational training during the 1700s.

Furthermore, the park exemplifies the diverse cultural influences we enjoy in Texas. The park's cultural influences can be seen through the formation of San Antonio Missions National Historical Park, the largest concentration of historical Catholic missions in North America. The park also has some of the most effectively maintained Spanish colonial architecture in the United States. The rich history of the San Antonio Missions Historic Park must be preserved for future generations to enjoy. I am pleased to join Congressman RODRIGUEZ in supporting the San Antonio Missions.

By Mr. MCCAIN (for himself and Mr. RISCH):

S. 3525. A bill to repeal the Jones Act restrictions on coastwise trade and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today I am pleased to introduce legislation that would fully repeal the Jones Act, a 1920s law that hinders free trade and favors labor unions over consumers. Specifically, the Jones Act requires that all goods shipped between waterborne ports of the United States be carried by vessels built in the United States and owned and operated by Americans. This restriction only serves to raise shipping costs, thereby making U.S. farmers less competitive and increasing costs for American consumers.

This was highlighted by a 1999 U.S. International Trade Commission economic study, which suggested that a repeal of the Jones Act would lower shipping costs by approximately 22 percent. Also, a 2002 economic study from the same Commission found that repealing the Jones Act would have an annual positive welfare effect of $656 million on the overall U.S. economy. Since these studies are the most recent statistics available, imagine the impact a repeal of the Jones Act would have today: far more than a $656 million annual positive welfare impact—maybe closer to $1 billion. These statistics demonstrate that a repeal of the Jones Act could prove to be a true stimulus to our economy in the midst of such difficult economic times.

The Jones Act also adds a real, direct cost to consumers—particularly consumers in Hawaii and Alaska. A 1988 GAO report found that the Jones Act was costing Alaskan families between $1,921 and $4,821 annually for increased prices paid on goods shipped from the mainland. In 1997, a Hawaii government official asserted that ''Hawaii residents pay an additional $1 billion per year in higher prices because of the Jones Act. This amounts to approximately $3,000 for every household in Hawaii.''

This antiquated and protectionist law has been predominantly featured in the news as of late due to the Gulf Coast oil spill. Within a week of the explosion, 13 countries, including several European nations, offered assistance from vessels and crews with experience in removing oil spill debris, and as of June 21, the State Department has acknowledged that overall ''it has had 21 aid offers from 17 countries.'' However, due to the Jones Act, these vessels are not permitted in U.S. waters.

The Administration has the ability to grant a waiver of the Jones Act to any vessel—just as the previous Administration did during Hurricane Katrina—to allow the international community to assist in recovery efforts. Unfortunately, this Administration has not done so.

Therefore, some Senators have put forward legislation to waive the Jones Act during emergency situations, and I am proud to cosponsor this legislation. However, the best course of action is to permanently repeal the Jones Act in order to boost the economy, saving consumers hundreds of millions of dollars. I hope my colleagues will join me in this effort to repeal this unnecessary, antiquated legislation in order to spur job creation and promote free trade.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 562—TO INCREASE TRANSPARENCY BY REQUIRING SENATE AMENDMENTS TO BE MADE AVAILABLE TO THE PUBLIC IN A TIMELY MANNER

Mr. GRASSLEY submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 562

Resolved,

SECTION 1. AVAILABILITY TO THE PUBLIC.

Not later than 6 months after the date of adoption of this resolution, the Secretary of the Senate shall make the Senate amendment database (ats.senate.gov or a similar amendment database) available to the public on a public website in a manner that will allow the public to view amendments as soon as they are made widely available to Members of Congress and staff.

SEC. 2. UPGRADES TO THE WEBSITE.

Not later than 6 months after the date of adoption of this resolution, the Secretary of the Senate shall improve the Senate amendment website and any other amendment website made available to the public by ensuring that—

(1) all amendments are scanned and posted on the website in their entirety;

(2) all submitted amendments have their purpose inputted when they are entered into the website;

(3) all amendments are identified on the website as first degree or second degree and by what bill or amendment they are offered, if available;

(4) all amendments on the website have the dates they were submitted, proposed, and disposed of; and

(5) all amendments and any associated metadata are permanently available on the website or the Legislative Information System (LIS)/THOMAS sites.

SEC. 3. FUNDING.

It is the sense of the Senate that appropriations should be made available through the appropriations process to carry out this resolution.

Mr. GRASSLEY. Mr. President, I address my colleagues for the purpose of submitting a resolution that will bring about greater transparency in government. I think my colleagues know I have a long history in promoting this sort of transparency. I believe the more people are aware of what we are doing in the Senate and the Congress, or in Washington generally, the more accountable we are. The more accountable we are, the better job we will do. I hope everybody agrees that is a pretty simple concept.

Today, the purpose I come to the Senate floor is to submit a resolution that will improve transparency in this body and hold us all more accountable to the people we serve; in other words, reminding the people that we work for them; they do not work for us.

This resolution requires the Secretary of the Senate to make filed amendments publicly available as soon as they are made available to Members and staff. I will show, in just a minute, that they are almost immediately made available to Members and staff. So why not the public?

In this day and age you would think this was already happening. We live in a world of 24-hour news. We live in a world of instant coverage over the Internet of just about everything. Yet we have not been allowing the general public to get this information real time. My proposal would add more transparency to how the Senate works and what we are debating on the Senate floor.

Some might question whether this is necessary. Under the current system, the public is usually able to see an amendment the next day in the CONGRESSIONAL RECORD. So I want to say why that is not good enough. In many cases, that may simply be too late.

Under the current system, the public may not be able to see the amendment until after debate has begun or even

after the Senate has already voted. This would be even more common during some of the controversial debates that stretch late into the evening. You might remember the late evening votes we had on health care reform last December and again in March where hundreds of amendments were filed and votes were cast well past midnight.

In fact, today we make the vote count public on the Internet within an hour of when a vote takes place. But we might not be able to make the substance of what we voted on available until the next day. So we let the public see how we voted, but we do not always let them see what we voted on. Of course, that does not make sense.

Just last night, Members tried to call up and pass various amendments. But only the most experienced Washington insider would have been able to actually find copies of those amendments. Shouldn't we have some kind of searchable system for amendments to allow our constituents the same access to information that some seasoned lobbyist or some seasoned congressional staffer has?

Don't we want to give our constituents a chance to see the amendments before we vote on them, if they are interested in reading them? Don't we want to know what our constituents think about amendments before we vote on them?

In order for that to happen, they have to know what those amendments are that have been filed. Of course, I am not talking about an amendment that might change a word here or a word there—although those should be publicly available as well. Some amendments I am talking about are hundreds of pages long and even constitute a complete rewrite of an underlying bill.

Today, we will likely see our fifth version of the extenders bill that is now the pending business on the floor of the Senate, and that fifth version would be in the form of an amendment. But our constituents may not be able to see that until tomorrow.

Shouldn't the public be able to see that amendment as soon as we Members or our staffs can read that amendment? This is a representative system of government, and it is impossible to represent the American people if they do not have access to the same information we have.

In addition to those who will question whether this is necessary, others might wonder whether it is even possible, like technically possible.

In fact, we are already doing it. That is right. The amendments are already available electronically to Senate offices almost immediately after they are filed, but they are not available to the public—not necessarily intentionally hidden from the public, but the public cannot get them like everybody in the Senate and in our offices can get them.

I have a chart in the Chamber that shows there is already an Amendment Tracking System Web site that is only available to Members of Congress and staff. It provides a copy of the amendment, the purpose of the amendment, the sponsor of the amendment, and the status of that amendment.

My resolution is this simple: It would simply make this or a similar Web site available to the public, much like already is done with the Legislative Information System site or the Thomas site at the Library of Congress.

That way, the public gets to see exactly what we Members and our staffs are seeing almost immediately after filing. They get the same information and can provide their input prior to a vote.

There is a lot of distrust of government these days. People believe Congress is ignoring what the public thinks and what the public wants. Some of this is the result of the policies that are being considered around here. But it also has to do with the lack of transparency and accountability in government.

I am not saying this resolution is going to fix all that is wrong with that distrust that is expressed—because it will not—but this resolution is one more step toward letting a little more sunshine into this Chamber. This straightforward resolution will increase transparency, it will promote accountability, and it will make us all better representatives of the people we serve.

I hope the Senate will consider this resolution at some point in the near future, and I also urge my colleagues to support it. The public deserves access to this information on the same basis as those of us who are closely connected to this institution—meaning the Members and our staffs.

SENATE RESOLUTION 563—RECOGNIZING THE LOS ANGELES LAKERS ON THEIR 2010 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP AND CONGRATULATING THE PLAYERS, COACHES, AND STAFF FOR THEIR OUTSTANDING ACHIEVEMENTS

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 563

Whereas on June 17, 2010, the Los Angeles Lakers won the 2010 National Basketball Association (NBA) Championship with a 83–79 victory over the Boston Celtics in Game 7 of the NBA Finals;

Whereas during the 2010 NBA Playoffs, the Lakers defeated the Oklahoma City Thunder, Utah Jazz, Phoenix Suns, and Boston Celtics en route to the storied franchise's 16th championship and 11th in Los Angeles;

Whereas the 2010 Lakers honored the franchise's tradition of excellence that dates back to its establishment in 1947 in Minneapolis, Minnesota, where the Lakers were named for the ''Land of 10,000 Lakes'' and won 5 championships before moving to Los Angeles in 1960;

Whereas this marks the Lakers' 5th NBA championship since 1999, the most by any franchise during that period, and matches the run by the ''Showtime'' Lakers of the 1980's that featured Hall of Fame players Earvin ''Magic'' Johnson, Kareem Abdul-Jabbar, and James Worthy;

Whereas Phil Jackson has won more championships than any other coach in NBA history, recording his 11th championship this year and 5th with the Lakers;

Whereas the 2010 NBA Championship marks the 10th for the Lakers owner Gerald Hatten Buss;

Whereas general manager Mitch Kupchak has built a team that has exemplified the talent, character, and resilience necessary to repeat as NBA Champions;

Whereas Kobe Bryant won his 5th NBA Championship, tying him with Earvin ''Magic'' Johnson and Derek Fisher for the most by a Lakers player;

Whereas Kobe Bryant averaged 28.6 points, 8.0 rebounds, and 3.9 assists during the NBA Finals, en route to winning his 2nd consecutive NBA Finals Most Valuable Player Award and becoming just the 8th player to win the award on multiple occasions;

Whereas Ron Artest, whose hustle and defensive tenacity were critical to the Lakers' win, recorded 20 points and 5 steals during Game 7 of the NBA Finals;

Whereas the frontcourt of Pau Gasol, Andrew Bynum, and Lamar Odom played stifling defense and helped the Lakers out-rebound the Celtics in the decisive Game 7;

Whereas Derek Fisher consistently showed toughness and leadership and scored 16 critical points in Game 3 in Boston;

Whereas the Lakers bench scored 25 points in a pivotal Game 6, and players Jordan Farmar, Luke Walton, Sasha Vujacic, Shannon Brown, Josh Powell, and DJ Mbenga all contributed to the team's 2010 Championship;

Whereas the Lakers posted a record of 57–25 during the regular season, the best record in the Western Conference and 3rd best in the NBA; and

Whereas the Los Angeles Lakers have demonstrated that they are both champions on the court and in the community through the team's involvement in charity and outreach programs throughout the Southern California community: Now, therefore, be it

Resolved, That the Senate recognizes and congratulates—

(1) the Los Angeles Lakers for winning the 2010 NBA Finals;

(2) the Boston Celtics for winning the NBA Eastern Conference Championship and continuing a timeless rivalry; and

(3) coach Phil Jackson for winning his record-setting 11th championship.

SENATE RESOLUTION 564—RECOGNIZING THE 50TH ANNIVERSARY OF THE RATIFICATION OF THE TREATY OF MUTUAL SECURITY AND COOPERATION WITH JAPAN, AND AFFIRMING SUPPORT FOR THE UNITED STATES-JAPAN SECURITY ALLIANCE AND RELATIONSHIP

Mr. WEBB (for himself, Mr. INHOFE, Mr. LIEBERMAN, Mr. DODD, and Mr. BOND) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 564

Whereas Japan became a treaty ally of the United States with the signing of the Treaty of Mutual Cooperation and Security on January 19, 1960;

Whereas the treaty entered into force on June 19, 1960, after its ratification by the Japanese Diet and the United States Senate;

Whereas, in furtherance of the treaty, Japan hosts approximately 36,000 members of the United States Armed Forces, 43,000 dependents, and 5,000 civilian employees of the Department of Defense, with a majority located on the island of Okinawa;

Whereas the United States and Japan signed the Roadmap for Realignment Implementation on May 1, 2006, to strengthen the alliance by maintaining defense capabilities while reducing burdens on local communities;

Whereas the United States and Japan signed the Guam Agreement on February 17, 2009, on the relocation of approximately 8,000 Marines assigned to the III Marine Expeditionary Force (MEF) personnel and their approximately 9,000 dependents from Okinawa to Guam, which would reduce the presence of the Marine Corps on Okinawa by nearly half;

Whereas the Governments of the United States and Japan maintain a strong security partnership through joint exercises between the United States Armed Forces and Japan's Self-Defense Forces;

Whereas Japan's Self-Defense Forces have contributed broadly to global security missions, including relief operations following the tsunami in Indonesia in 2005, reconstruction in Iraq from 2004 to 2006, relief assistance following the earthquake in Haiti in 2010, and maritime security operations in the Gulf of Aden;

Whereas Japan assists in the United States-led effort in Afghanistan where it ranks as the second-largest donor after the United States, pledging $5,000,000,000 over five years to improve infrastructure, education, and health, in addition to underwriting, with the United Kingdom, a reintegration trust fund for former Taliban fighters;

Whereas Japan's Self-Defense Forces have played a vital role in United Nations peacekeeping operations around the world, beginning in 1992 when Japan dispatched two 600-member engineering battalions to the United Nations Transitional Authority in Cambodia (UNTAC);

Whereas the sinking of the Republic of Korea's Cheonan naval ship by North Korea was a direct provocation intended to destabilize Northeast Asia and demonstrates the importance of cooperation between the United States and Japan on regional security issues;

Whereas recent maritime activities by China's People's Liberation Army Navy to challenge Japan's sovereignty claims in waters contested by Japan and China underscore the vital nature of the United States-Japan alliance to maintaining a balance of security in the region;

Whereas, on May 28, 2010, members of the United States-Japan Security Consultative Committee reconfirmed that, in this 50th anniversary year of the signing of the Treaty of Mutual Cooperation and Security, the United States-Japan alliance remains ''indispensable not only to the defense of Japan, but also to the peace, security, and prosperity of the Asia-Pacific region'';

Whereas the security alliance has served as the foundation for deep cultural, political, and economic ties between the people of the United States and the people of Japan; and

Whereas Japan remains a steadfast global partner with shared values of freedom, democracy, and liberty: Now, therefore, be it

Resolved, That the Senate—

(1) affirms its commitment to the United States-Japan security alliance and the deep friendship of both countries that is based on shared values;

(2) recognizes the benefits of the alliance to the national security of the United States and Japan, as well as to regional peace and security;

(3) recognizes the contributions of and expresses appreciation for the people of Japan, and in particular the people of Okinawa, in hosting members of the United States Armed Forces and their families in Japan;

(4) values the involvement of Japan's Self-Defense Forces in regional and global security operations;

(5) promotes the implementation of the Roadmap for Realignment to reduce the burden on local communities while maintaining the United States strategic posture in Asia; and

(6) anticipates the continuation of the steadfast alliance with its invaluable contribution to global peace, democracy, and security.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4386. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SA 4387. Mr. REID (for Mr. BAUCUS) proposed an amendment to amendment SA 4386 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 4213, supra.

SA 4388. Mr. REID proposed an amendment to the bill H.R. 4213, supra.

SA 4389. Mr. REID proposed an amendment to amendment SA 4388 proposed by Mr. REID to the bill H.R. 4213, supra.

SA 4390. Mr. REID proposed an amendment to amendment SA 4389 proposed by Mr. REID to the amendment SA 4388 proposed by Mr. REID to the bill H.R. 4213, supra.

SA 4391. Mr. DURBIN (for Mr. DORGAN (for himself, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Ms. CANTWELL, Mr. KYL, Mr. MCCAIN, Mr. TESTER, Mr. THUNE, Mr. UDALL of New Mexico, and Mr. UDALL, of Colorado)) proposed an amendment to the bill H.R. 725, to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

SA 4392. Mr. DURBIN (for Mr. CARPER) proposed an amendment to the bill S. 1508, to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

SA 4393. Mr. DURBIN (for Mr. CONRAD) proposed an amendment to the resolution S. Res. 541, designating June 27, 2010, as ''National Post-Traumatic Stress Disorder Awareness Day''.

TEXT OF AMENDMENTS

SA 4386. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, 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
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 apply to fuel produced and sold after September 30, 2008.

(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.

SEC. 228. FIRST-TIME HOMEBUYER CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 36(h) is amended by striking ''paragraph (1) shall be applied by substituting 'July 1, 2010'.'' and inserting ''and who purchases such residence before October 1, 2010, paragraph (1) shall be applied by substituting 'October 1, 2010'.''.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 36(h)(3) is amended by inserting ''and for 'October 1, 2010'.'' after ''for 'July 1, 2010'.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to residences purchased after June 30, 2010.

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), plus any credits returned to the State attributable to section 1400N(c) (including credits made available under such section as 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 credits for 2010 attributable to 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'.''.

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

SEC. 232. 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 for 2009 or 2010 attributable to section 1400N(c) of such Code (including credits made available under such section as 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 credits for 2009 attributable to 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.

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 FUNDING RELIEF

Subtitle A—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.

Subtitle B—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
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 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.

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 neither—

''(i) be subject to tax under this chapter for the taxable year in which the dividends arise, nor

''(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 date of 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.—Except as provided in clause (iv), 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.

''(iv) TRANSITION RULE.—In the case of a taxable year for which the testing period includes 1 or more taxable years beginning before January 1, 2011—

''(I) a corporation meets the 80-percent foreign business requirements of this subparagraph if and only if the weighted average of—

''(aa) the percentage of the corporation's gross income from all sources that is active foreign business income (as defined in subparagraph (B) of section 861(c)(1) (as in effect before the date of the enactment of this subsection)) for the portion of the testing period that includes taxable years beginning before January 1, 2011, and

''(bb) the percentage of the corporation's gross income from all sources that is active foreign business income (as defined in clause (ii) of this subparagraph) for the portion of the testing period, if any, that includes taxable years beginning on or after January 1, 2011,

is at least 80 percent, and

''(II) the active foreign business percentage for such taxable year shall equal the weighted average percentage determined under subclause (I).

''(2) ACTIVE FOREIGN BUSINESS PERCENTAGE.—Except as provided in paragraph (1)(B)(iv), 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 subparagraphs (A)(i) and (B)(iv) 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 received, directly or indirectly, from—

''(A) a noncorporate resident or domestic corporation for the provision of a guarantee of any indebtedness of such resident or corporation, or

''(B) any foreign person for the provision of a guarantee of any indebtedness of such person, 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, directly or indirectly, from a foreign person for the provision of a guarantee of indebtedness of such person other than amounts which are 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 received for the provision of guarantees of indebtedness''.

(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) 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.

''(4) 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.

''(5) 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 (3), 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).

''(6) APPLICATION OF SECTION 751.—

''(A) IN GENERAL.—In applying section 751, an investment services partnership interest shall be treated as an inventory item.

''(B) EXCEPTION FOR CERTAIN DISPOSITIONS OF INTERESTS IN A PUBLICLY TRADED PARTNERSHIP.—Except as provided by the Secretary, this paragraph shall not apply in the case of any (direct or indirect) disposition of an interest in a publicly traded partnership (as defined in section 7704) which is not an investment services partnership interest in the hands of the person disposing of such interest (or the hands of the person holding such interest indirectly).

''(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, to the extent provided by the Secretary, 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) EXCEPTION FOR PARTNERSHIPS WITH PRO RATA ALLOCATIONS BASED ON CAPITAL.—Except as provided by the Secretary, the term 'investment services partnership interest' shall not include any interest in a partnership if all distributions and all allocations of the partnership, and of any other partnership in which the partnership directly or indirectly holds an interest, are made pro rata on the basis of the capital contributions of each partner which constitute qualified capital interests under subsection (d).

''(5) 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). The preceding sentence shall not apply to the extent the loan or other advance is repaid before the date of the enactment of this section unless such repayment is made with the proceeds of a loan or other advance described in the preceding sentence.

''(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—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the term 'applicable percentage' means 75 percent.

''(B) EXCEPTION FOR DISPOSITION OF ASSETS HELD BY INVESTMENT SERVICES PARTNERSHIPS AT LEAST 5 YEARS.—The applicable percentage shall be 50 percent with respect to any net income or net loss under subsection (a)(1) which is properly allocable to gain or loss from the disposition (or a distribution under subsection (b)(5)) of any asset (other than an investment services partnership interest) which has been held by the investment services partnership for at least 5 years.

''(C) EXCEPTION FOR DISPOSITION OF INVESTMENT SERVICES PARTNERSHIP INTERESTS HELD AT LEAST 5 YEARS.—

''(i) IN GENERAL.—The applicable percentage shall be 50 percent with respect to—

''(I) net income or net loss under subsection (a)(1) which is properly allocable to gain or loss from the disposition (or a distribution under subsection (b)(5)) of an investment services partnership interest which has been held at least 5 years, and

''(II) gain or loss under subsection (b) on the disposition of an investment services partnership interest which has been held for at least 5 years,

but only to the extent such gain or loss is attributable to assets held by the investment services partnership for at least 5 years.

''(ii) APPLICATION IN THE CASE OF TIERED PARTNERSHIPS, ETC.—For purposes of determining whether the assets of the investment services partnership have been held for at least 5 years under clause (i), an investment services partnership shall be treated as owning its proportionate share of the property of any other partnership in which it has held an investment services partnership interest for at least 5 years.

''(iii) REGULATIONS.—The Secretary may by regulation or other guidance extend the application of clause (ii) to entities other than investment services partnerships if necessary to prevent the avoidance of the purposes of this subparagraph.

''(D) TREATMENT OF GOODWILL AND OTHER SECTION 197 INTANGIBLES.—For purposes of this paragraph, in the case of any section 197 intangible of an entity through which services described in subparagraphs (A) through (D) of subsection (c)(1) are directly or indirectly provided—

''(i) the holding period of such intangible shall not be less than the holding period of the investment services partnership interest in the partnership, and

''(ii) the value of such intangible shall be determined in a manner consistent with the regulations described in subparagraph (E).

''(E) VALUATION METHODS.—The Secretary shall prescribe regulations or guidance which provide—

''(i) the acceptable valuation methods for purposes of this subparagraph, except that such methods shall not include any valuation method which is inconsistent with the method used by the taxpayer for other purposes (including reporting asset valuations to partners or potential partners in the partnership or any related partnership) if such inconsistent valuation method would result in the treatment of a greater amount of gain as attributable to a section 197 intangible than would result under the valuation method used by the taxpayer for such other purposes,

''(ii) circumstances under which valuations are sufficiently independent to provide an accurate determination of fair market value, and

''(iii) any information required to be furnished to the Secretary by the parties to the disposition with respect to such valuation.

''(F) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) INVESTMENT SERVICES PARTNERSHIP.—The term 'investment services partnership' means, with respect to any investment services partnership interest, the entity in which such interest is held.

''(ii) SECTION 197 INTANGIBLE.—The term 'section 197 intangible' has the meaning given such term in section 197(d).

''(iii) APPLICATION TO DISQUALIFIED INTERESTS.—Rules similar to the rules of this paragraph shall apply with respect to income or gain with respect to a disqualified interest under subsection (e).

''(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, the regulations or other guidance prescribed under section 710(f) to prevent the avoidance of the purposes of section 710, or the regulations or other guidance prescribed under section 710(g)(7)(E).''.

(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 section 6662 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 80 percent or more of the gross income of such business is attributable to service of 3 or fewer shareholders of such corporation.

''(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 (or portion thereof) 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 80 percent or more of the gross income of such business is attributable to service of 3 or fewer shareholders of such corporation.

''(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 (or portion thereof) 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 49 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.

SEC. 433. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking ''If'' and inserting:

''(1) TREBLE DAMAGES.—If'', and

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

''(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).''.

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting ''OR PUNITIVE DAMAGES'' after ''LAWS''.

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

''SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

''Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.''.

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

''(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.''.

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 91. Punitive damages compensated by insurance or otherwise.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred after December 31, 2011.

SEC. 434. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—The following provisions are repealed:

(1) Section 3507.

(2) Subsection (g) of section 32.

(3) Paragraph (7) of section 6051(a).

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 is amended by striking subsection (i).

(3) The table of sections for chapter 25 is amended by striking the item relating to section 3507.

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

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 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, 2010''; and

(B) in subsection (c), by striking ''November 6, 2010'' and inserting ''May 1, 2011''.

(3) 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.

SEC. 504. REQUIRING STATES TO NOT REDUCE REGULAR COMPENSATION IN ORDER TO BE ELIGIBLE FOR FUNDS UNDER THE EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

Section 4001 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 new subsection:

''(g) NONREDUCTION RULE.—An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a manner such that—

''(1) the average weekly benefit amount of regular compensation which will be payable during the period of the agreement occurring on or after June 2, 2010 (determined disregarding any additional amounts attributable to the modification described in section 2002(b)(1) 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)), will be less than

''(2) the average weekly benefit amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on June 2, 2010.''.

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) 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 covered inpatient 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 an inpatient 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 record-keeping 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) that has applied for and enrolled in the program described under this section 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 non-profit 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–1 of 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)(6) of the Social Security Act (42 U.S.C. 1395cc(j)(6)), as inserted by section 6401(a) of Public Law 111–148 and as redesignated by section 1304 of Public Law 111–152, 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.

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 ''JANUARY THROUGH MAY ''; and

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

''(11) UPDATE FOR JUNE THROUGH NOVEMBER 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 November 30, 2010, the update to the single conversion factor shall be 2.2 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2010 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on December 1, 2010, and ending on December 31, 2010, and for 2011 and subsequent years as if subparagraph (A) had never applied.''.

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.

SEC. 524. 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 (b)—

(A) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(B) by adding at the end the following:

''(3) PHASE-DOWN OF GENERAL INCREASE.—

''(A) SECOND QUARTER OF FISCAL YEAR 2011.—For each State, for the second quarter of fiscal year 2011, the FMAP for the State shall be increased under paragraph (1) or (2) (as applicable) by 3.2 percentage points.

''(B) THIRD QUARTER OF FISCAL YEAR 2011.—For each State, for the third quarter of fiscal year 2011, the FMAP for the State shall be increased under paragraph (1) or (2) (as applicable) by 1.2 percentage points.'';

(3) 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'' and inserting ''January 1, 2011'' each place it appears; 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'';

(4) in subsection (e), by adding at the end the following:

''Notwithstanding paragraph (5), effective for payments made on or after January 1, 2010, the increases in the FMAP for a State under this section shall apply to payments under title XIX of such Act that are attributable to expenditures for medical assistance provided to nonpregnant childless adults made eligible under a State plan under such title (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) who would have been eligible for child health assistance or other health benefits under eligibility standards in effect as of December 31, 2009, of a waiver of the State child health plan under the title XXI of such Act.'';

(5) in subsection (g)—

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

(B) in paragraph (2), by inserting ''of such Act'' after ''1923''; 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

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

SEC. 525. CLARIFICATION FOR AFFILIATED HOSPITALS FOR DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.

Effective as if included in the enactment of section 5503(a) of Public Law 111–148, section 1886(h)(8) of the Social Security Act (42 U.S.C. 1395ww(h)(8)), as added by such section 5503(a), is amended by adding at the end the following new subparagraph:

''(I) AFFILIATION.—The provisions of this paragraph shall be applied to hospitals which are members of the same affiliated group (as defined by the Secretary under paragraph (4)(H)(ii)) and the reference resident level for each such hospital shall be the reference resident level with respect to the cost reporting period that results in the smallest difference between the reference resident level and the otherwise applicable resident limit.''.

SEC. 526. TREATMENT OF CERTAIN DRUGS FOR COMPUTATION OF MEDICAID AMP.

Effective as if included in the enactment of Public Law 111–148, section 1927(k)(1)(B)(i)(IV) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)(B)(i)(IV)), as amended by section 2503(a)(2)(B) of Public Law 111–148 and section 1101(c)(2) of Public Law 111–152, is amended by adding at the end the following: '', unless the drug is an inhalation, infusion, or injectable drug that is not dispensed through a retail community pharmacy; and''.

TITLE VI—OTHER PROVISIONS

Subtitle A—General 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 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (f)(6)—

(A) in subparagraph (A), by inserting ''and subparagraph (C)'' after ''subsection (d)''; and

(B) by adding at the end the following:

''(C) CONSERVATION RESERVE PROGRAM.—Subparagraph (A) shall not apply to payments under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII if—

''(i) except as otherwise provided in this paragraph or section 1234(f)(4), the payments are generally subject to the same limits applicable to other payees;

''(ii) the payments, and any payments made under other programs to a State under subsection (g), are not subject to limits on adjusted gross income under section 1001D;

''(iii) the Secretary establishes an exemption to the limitation on the payments that is similar to the public school land exception under subsection (g) except that under this subparagraph, all States may receive the unlimited school land exemption as applicable without regard to the size of the population of the State; and

''(iv) for purposes of the payments, a State and any political subdivisions and agencies of the State shall be treated as 1 entity.''; and

(2) in subsection (g), by adding at the end the following:

''(3) EXCEPTION FOR ADJUSTED GROSS INCOME LIMITATION.—The limitations described in section 1001D shall not apply to this subsection.''.

(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 excludable 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.''.

SEC. 620. AMENDMENT OF TRAVEL PROMOTION ACT OF 2009.

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) by striking ''subsection (d) of section 11 of the Travel Promotion Act of 2009.'' in clause (ii) and inserting ''subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)).''; and

(2) by striking ''September 30, 2014.'' in clause (iii) and inserting ''September 30, 2015.''.

(b) IMPLEMENTATION BEGINNING IN FISCAL YEAR 2011.—Subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)) is amended—

(1) by striking ''For fiscal year 2010, the'' in paragraph (2)(A) and inserting ''The'';

(2) by striking ''quarterly, beginning on January 1, 2010,'' in paragraph (2)(A) and inserting ''monthly, immediately following the collection of fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I),'';

(3) by striking ''fiscal years 2011 through 2014,'' in paragraph (2)(B) and inserting ''fiscal years 2012 through 2015,'';

(4) by striking ''fiscal year 2010,'' in paragraph (3)(A) and inserting ''fiscal year 2011,'';

(5) by striking ''fiscal year 2011,'' each place it appears in paragraph (3)(A) and inserting ''fiscal year 2012,''; and

(6) by striking ''fiscal year 2010, 2011, 2012, 2013, or 2014'' in paragraph (4)(B) and inserting ''fiscal year 2011, 2012, 2013, 2014, or 2015''.

SEC. 621. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE REPORTABLE TRANSACTIONS BASED ON RESULTING TAX BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 6707A of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

''(2) MAXIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any reportable transaction shall not exceed—

''(A) in the case of a listed transaction, $200,000 ($100,000 in the case of a natural person), or

''(B) in the case of any other reportable transaction, $50,000 ($10,000 in the case of a natural person).

''(3) MINIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any transaction shall not be less than $10,000 ($5,000 in the case of a natural person).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

SEC. 622. REPORT ON TAX SHELTER PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) ADDITIONAL INFORMATION.—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) DATE OF REPORT.—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

Subtitle B—Additional Provisions

SEC. 631. SUNSET OF TEMPORARY INCREASE IN BENEFITS UNDER THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

Section 101(a) of title I of division A of Public Law 111-5 (123 Stat. 120) is amended—

(1) in paragraph (1), by inserting before the period, '', if the value of such benefits and block grants would thereby be greater than in the absence of this subsection''; and

(2) by striking paragraph (2) and inserting the following:

''(2) TERMINATION.—The authority provided by this subsection shall terminate after May 31, 2014.''.

SEC. 632. RESCISSIONS.

(a) ARRA RESCISSIONS.—There are hereby rescinded the following amounts from the specified accounts:

(1) $300,000,000, from unobligated balances under the heading ''DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM'' under the heading ''RURAL UTILITIES SERVICE'' under the heading ''DEPARTMENT OF AGRICULTURE'' in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 118).

(2) $300,000,000, from unobligated balances under the heading ''BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM'' under the heading ''NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION'' under the heading ''DEPARTMENT OF COMMERCE'' in title II of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 128).

(3) $55,000,000 from unobligated balances under the heading ''OPERATION AND MAINTENANCE, ARMY'' under the heading ''OPERATION AND MAINTENANCE'' in title III of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 132).

(4) $55,000,000 from unobligated balances under the heading ''OPERATION AND MAINTENANCE, NAVY'' under the heading ''OPERATION AND MAINTENANCE'' in title III of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 132).

(5) $15,000,000 from unobligated balances under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'' under the heading ''OPERATION AND MAINTENANCE'' in title III of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 132).

(6) $12,000,000 from unobligated balances under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'' under the heading ''OPERATION AND MAINTENANCE'' in title III of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 133).

(7) $25,000,000 from unobligated balances under the heading ''DEFENSE HEALTH PROGRAM'' under the heading ''OTHER DEPARTMENT OF DEFENSE PROGRAMS'' in title III of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 134).

(8) $98,000,000 from unobligated balances, other than those of the Energy Conservation Investment Program, under the heading ''MILITARY CONSTRUCTION, DEFENSE-WIDE'' under the heading ''DEPARTMENT OF DEFENSE'' in title X of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 192).

(b) ADDITIONAL RESCISSIONS.—

(1) Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Other Procurement, Army, 2008/2010'', $75,000,000.

''Aircraft Procurement, Navy, 2008/2010'', $150,000,000.

''Aircraft Procurement, Air Force, 2008/2010'', $100,000,000.

''Other Procurement, Air Force, 2008/2010'', $50,000,000.

''Research, Development, Test and Evaluation, Army, 2009/2010'', $75,000,000.

''Research, Development, Test and Evaluation, Air Force, 2009/2010'', $150,000,000.

''Research, Development, Test and Evaluation, Defense-Wide, 2009/2010'', $125,000,000.

(2) Of the funds appropriated under the heading ''PROCUREMENT, MARINE CORPS'' under the heading ''PROCUREMENT'' in title IX of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2401) $100,000,000 are hereby rescinded.

(3) Of the funds appropriated under the heading ''PROCUREMENT, MARINE CORPS'' under the heading ''PROCUREMENT'' in title III of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1866) $75,000,000 are hereby rescinded.

TITLE VII—TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT

SEC. 701. SHORT TITLE.

This title may be cited as the ''Foreign-Held Debt Transparency and Threat Assessment Act''.

SEC. 702. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on the Budget of the House of Representatives.

(2) DEBT INSTRUMENTS OF THE UNITED STATES.—The term ''debt instruments of the United States'' means all bills, notes, and bonds issued or guaranteed by the United States or by an entity of the United States Government, including any Government-sponsored enterprise.

SEC. 703. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) the increasing dependence of the United States on foreign creditors has the potential to make the United States vulnerable to undue influence by certain foreign creditors in national security and economic policymaking;

(3) the People's Republic of China is the largest foreign creditor of the United States, in terms of its overall holdings of debt instruments of the United States;

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved, particularly regarding the holdings of the People's Republic of China;

(5) through the People's Republic of China's large holdings of debt instruments of the United States, China has become a super creditor of the United States;

(6) under certain circumstances, the holdings of the People's Republic of China could give China a tool with which China can try to manipulate the domestic and foreign policymaking of the United States, including the United States relationship with Taiwan;

(7) under certain circumstances, if the People's Republic of China were to be displeased with a given United States policy or action, China could attempt to destabilize the

United States economy by rapidly divesting large portions of China's holdings of debt instruments of the United States; and

(8) the People's Republic of China's expansive holdings of such debt instruments of the United States could potentially pose a direct threat to the United States economy and to United States national security. This potential threat is a significant issue that warrants further analysis and evaluation.

SEC. 704. QUARTERLY REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.

(a) QUARTERLY REPORT.—Not later than March 31, June 30, September 30, and December 31 of each year, the President shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 7 months preceding the date of the report.

(2) The country of domicile of all foreign creditors who hold debt instruments of the United States.

(3) The total amount of debt instruments of the United States that are held by the foreign creditors, broken out by the creditors' country of domicile and by public, quasi-public, and private creditors.

(4) For each foreign country listed in paragraph (3)—

(A) an analysis of the country's purpose in holding debt instruments of the United States and long-term intentions with regard to such debt instruments;

(B) an analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by each country's holdings of debt instruments of the United States; and

(C) a specific determination of whether the level of risk identified under subparagraph (B) is acceptable or unacceptable.

(c) PUBLIC AVAILABILITY.—The President shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

SEC. 705. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.

(a) IN GENERAL.—Not later than December 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) CONTENT OF REPORT.—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) A specific determination of whether the levels of risk identified under paragraph (1) are sustainable.

(3) If the determination under paragraph (2) is that the levels of risk are unsustainable, specific recommendations for reducing the levels of risk to sustainable levels, in a manner that results in a reduction in Federal spending.

SEC. 706. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE AND UNSUSTAINABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.

In any case in which the President determines under section 704(b)(4)(C) that a foreign country's holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce the risk level to an acceptable and sustainable level, in a manner that results in a reduction in Federal spending;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

TITLE VIII—TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Foreign-Held Debt Transparency and Threat Assessment Act''.

SEC. 802. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, the Committee on Financial Services, and the Committee on the Budget of the House of Representatives.

(2) DEBT INSTRUMENTS OF THE UNITED STATES.—The term ''debt instruments of the United States'' means all bills, notes, and bonds held by the public and issued or guaranteed by the United States or by an entity of the United States Government.

SEC. 803. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) large foreign holdings of debt instruments of the United States have the potential to make the United States vulnerable to undue influence by foreign creditors in national security and economic policymaking;

(3) the People's Republic of China, Japan, and the United Kingdom are the 3 largest foreign holders of debt instruments of the United States; and

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved.

SEC. 804. ANNUAL REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.

(a) ANNUAL REPORT.—Not later than March 31 of each year, the Secretary of the Treasury shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 9 months preceding the date of the report.

(2) The total amount of debt instruments of the United States that are held by foreign residents, broken out by the residents' country of domicile and by public and private residents.

(3) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by foreign holdings of debt instruments of the United States.

(c) PUBLIC AVAILABILITY.—The Secretary of the Treasury shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

SEC. 805. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.

(a) IN GENERAL.—Not later than March 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) CONTENT OF REPORT.—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) Specific recommendations for reducing the levels of risk resulting from the Federal debt.

SEC. 806. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.

If the President determines that foreign holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce such risk;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

TITLE IX—OFFICE OF THE HOMEOWNER ADVOCATE

SEC. 901. OFFICE OF THE HOMEOWNER ADVOCATE.

(a) ESTABLISHMENT.—There is established in the Department of the Treasury an office to be known as the ''Office of the Homeowner Advocate'' (in this title referred to as the ''Office'').

(b) DIRECTOR.—

(1) IN GENERAL.—The Director of the Office of the Homeowner Advocate (in this title referred to as the ''Director'') shall report directly to the Assistant Secretary of the Treasury for Financial Stability, and shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) APPOINTMENT.—The Director shall be appointed by the Secretary, after consultation with the Secretary of the Department of Housing and Urban Development, and without regard to the provisions of title 5, United

States Code, relating to appointments in the competitive service or the Senior Executive Service.

(3) QUALIFICATIONS.—An individual appointed under paragraph (2) shall have—

(A) experience as an advocate for homeowners; and

(B) experience dealing with mortgage servicers.

(4) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as Director only if such individual was not an officer or employee of either a mortgage servicer or the Department of the Treasury during the 4-year period preceding the date of such appointment.

(5) HIRING AUTHORITY.—The Director shall have the authority to hire staff, obtain support by contract, and manage the budget of the Office of the Homeowner Advocate.

SEC. 902. FUNCTIONS OF THE OFFICE.

(a) IN GENERAL.—It shall be the function of the Office—

(1) to assist homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary, authorized under the Emergency Economic Stabilization Act of 2008 (in this title referred to as the ''Home Affordable Modification Program'')

(2) to identify areas, both individual and systematic, in which homeowners, housing counselors, and housing lawyers have problems in dealings with the Home Affordable Modification Program;

(3) to the extent possible, to propose changes in the administrative practices of the Home Affordable Modification Program, to mitigate problems identified under paragraph (2);

(4) to identify potential legislative changes which may be appropriate to mitigate such problems; and

(5) to implement other programs and initiatives that the Director deems important to assisting homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program, which may include—

(A) running a triage hotline for homeowners at risk of foreclosure;

(B) providing homeowners with access to housing counseling programs of the Department of Housing and Urban Development at no cost to the homeowner;

(C) developing Internet tools related to the Home Affordable Modification Program; and

(D) developing training and educational materials.

(b) AUTHORITY.—

(1) IN GENERAL.—Staff designated by the Director shall have the authority to implement servicer remedies, on a case-by-case basis, subject to the approval of the Assistant Secretary of the Treasury for Financial Stability.

(2) RESOLUTION OF HOMEOWNER CONCERNS.—The Office shall, to the extent possible, resolve all homeowner concerns not later than 30 days after the opening of a case with such homeowner.

(c) COMMENCEMENT OF OPERATIONS.—The Office shall commence its operations, as required by this title, not later than 3 months after the date of enactment of this Act.

(d) SUNSET.—The Office shall cease operations as of the date on which the Home Affordable Modification Program ceases to operate.

SEC. 903. RELATIONSHIP WITH EXISTING ENTITIES.

(a) TRANSFER.—The Office shall coordinate and centralize all complaint escalations relating to the Home Affordable Modification Program.

(b) HOTLINE.—The HOPE hotline (or any successor triage hotline) shall reroute all complaints relating to the Home Affordable Modification Program to the Office.

(c) COORDINATION.—The Office shall coordinate with the compliance office of the Office of Financial Stability of the Department of the Treasury and the Homeownership Preservation Office of the Department of the Treasury.

SEC. 904. RULE OF CONSTRUCTION.

Nothing in this section shall prohibit a mortgage servicer from evaluating a homeowner for eligibility under the Home Affordable Foreclosure Alternatives Program while a case is still open with the Office of the Homeowner Advocate. Nothing in this section may be construed to relieve any loan services from otherwise applicable rules, directives, or similar guidance under the Home Affordable Modification Program relating to the continuation or completion of foreclosure proceedings.

SEC. 905. REPORTS TO CONGRESS.

(a) TESTIMONY.—The Director shall be available to testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not less frequently than 4 times a year, or at any time at the request of the Chairs of either committee.

(b) REPORTS.—Once annually, the Director shall provide a detailed report to Congress on the Home Affordable Modification Program. Such report shall contain full and substantive analysis, in addition to statistical information, including, at a minimum—

(1) data and analysis of the types and volume of complaints received from homeowners, housing counselors, and housing lawyers, broken down by category of servicer, except that servicers may not be identified by name in the report;

(2) a summary of not fewer than 20 of the most serious problems encountered by Home Affordable Modification Program participants, including a description of the nature of such problems;

(3) to the extent known, identification of the 10 most litigated issues for Home Affordable Modification Program participants, including recommendations for mitigating such disputes;

(4) data and analysis on the resolutions of the complaints received from homeowners, housing counselors, and housing lawyers;

(5) identification of any programs or initiatives that the Office has taken to improve the Home Affordable Modification Program;

(6) recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by Home Affordable Modification Program participants; and

(7) such other information as the Director may deem advisable.

SEC. 906. FUNDING.

Amounts made available for the costs of administration of the Home Affordable Modification Program that are not otherwise obligated shall be available to carry out the duties of the Office. Funding shall be maintained at levels adequate to reasonably carry out the functions of the Office.

SEC. 907. PROHIBITION ON PARTICIPATION IN MAKING HOME AFFORDABLE FOR BORROWERS WHO STRATEGICALLY DEFAULT.

No mortgage may be modified under the Making Home Affordable Program, or with any funds from the Troubled Asset Relief Program, unless the servicer of the mortgage loan has determined, in accordance with standards and requirements established by the Secretary of the Treasury, that the mortgagor cannot afford to make payments under the terms of the existing mortgage loan. The Secretary of the Treasury, in consultation with the Secretary of Housing and Urban Development, shall issue rules to carry out this section not later than 90 days after the date of enactment of this Act. This section shall not apply to any refinancing or modifications made under the ''FHA Program Adjustments to Support Refinancings for Underwater Homeowners,'' announced by the Department of the Treasury and the Department of Housing and Urban Development on March 26, 2010, as long as the program continues to be structured so that borrowers participating in the FHA refinance program cannot be in default on their primary mortgage at the time of refinance and their eligibility in the program is not helped if they are in default on their second mortgage, and thus lack a strategic reason to go into default on either their first or second mortgage to participate in the program.

SEC. 908. PUBLIC AVAILABILITY OF INFORMATION.

(a) PUBLIC AVAILABILITY OF DATA.—The Secretary of the Treasury shall revise the guidelines for the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary of the Treasury, authorized under the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), to establish that the data collected by the Secretary of the Treasury from each mortgage servicer and lender participating in the Program is made public in accordance with subsection (b).

(b) CONTENT.—Not more than 60 days after each monthly deadline for submission of data by mortgage servicers and lender participating in the program, the Treasury shall make all data tables available to the public at the individual record level. This data shall include but not be limited to—

(1) higher risk loans, including loans made in connection with any program to provide expanded loan approvals, shall be reported separately;

(2) disclose—

(A) the rate or pace at which such mortgages are becoming seriously delinquent;

(B) whether such rate or pace is increasing or decreasing;

(C) if there are certain subsets within the loans covered by this section that have greater or lesser rates or paces of delinquency; and

(D) if such subsets exist, the characteristics of such subset of mortgages;

(3) with respect to the loss mitigation efforts of the loan—

(A) the processes and practices that the reporter has in effect to minimize losses on mortgages covered by this section; and

(B) the manner and methods by which such processes and practices are being monitored for effectiveness;

(4) disclose, with respect to loans that are or become 60 or more days past due, (provided that for purposes of disclosure under this paragraph that each loan should have a unique number that is not the same as any loan number the borrower, originator, or servicer uses), the following attributes—

(A) the original loan amount;

(B) the current loan amount;

(C) the loan-to-value ratio and combined loan-to-value ratio, both at origination and currently, and the number of liens on the property;

(D) the property valuation at the time of origination of the loan, and all subsequent property valuations and the date of each valuation;

(E) each relevant credit score of each borrower obtained at any time in connection with the loan, with the date of the credit score, to the extent allowed by existing law;

(F) whether the loan has any mortgage or other credit insurance or guarantee;
(G) the current interest rate on such loan;
(H) any rate caps and floors if the loan is an adjustable rate mortgage loan;
(I) the adjustable rate mortgage index or indices for such loan;
(J) whether the loan is currently past due, and if so how many days such loan is past due;
(K) the total number of days the loan has been past due at any time;
(L) whether the loan is subject to a balloon payment;
(M) the date of each modification of the loan;
(N) whether any amounts of loan principal has been deferred or written off, and if so, the date and amount of each deferral and the date and amount of each writedown;
(O) whether the interest rate was changed from a rate that could adjust to a fixed rate, and if so, the period of time for which the rate will be fixed;
(P) the amount by which the interest rate on the loan was reduced, and for what period of time it was reduced;
(Q) if the interest rate was reduced or fixed for a period of time less than the remaining loan term, on what dates, and to what rates, could the rate potentially increase in the future;
(R) whether the loan term was modified, and if so, whether it was extended or shortened, and by what amount of time;
(S) whether the loan is in the process of foreclosure or similar procedure, whether judicial or otherwise; and
(T) whether a foreclosure or similar procedure, whether judicial or otherwise, has been completed.
(c) GUIDELINES AND REGULATIONS.—The Secretary of the Treasury shall establish guidelines and regulations necessary—
(1) to ensure that the privacy of individual consumers is appropriately protected in the reports under this section;
(2) to make the data reported under this subsection available on a public website with no cost to access the data, in a consistent format;
(3) to update the data no less frequently than monthly;
(4) to establish procedures for disclosing such data to the public on a public website with no cost to access the data; and
(5) to allow the Secretary to make such deletions as the Secretary may determine to be appropriate to protect any privacy interest of any loan modification applicant, including the deletion or alteration of the applicant's name and identification number.
(d) EXCEPTION.—No data shall have to be disclosed if it voids or violates existing contracts between the Secretary of Treasury and mortgage servicers as part of the Making Home Affordable Program.

TITLE X—BUDGETARY PROVISIONS

SEC. 1001. 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.—Section 501—
(1) is 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, is designated as an emergency for purposes of pay-as-you-go principles; and
(3) in the Senate, is 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.

SA 4387. Mr. REID (for Mr. BAUCUS) proposed an amendment to amendment SA 4386 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end of the amendment, insert the following:
The provisions of this Act shall become effective 3 days after enactment.

SA 4388. Mr. REID proposed an amendment to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end, insert the following:
The Committee on Finance is requested to study the economic impact of the delay in implementing the provisions of the Act on jobs creation on a national and regional level.

SA 4389. Mr. REID proposed an amendment to amendment SA 4388 proposed by Mr. REID to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end, insert the following:
''And include statistical data on the specific service related positions created.''

SA 4390. Mr. REID proposed an amendment to amendment SA 4389 proposed by Mr. REID to the amendment SA 4388 proposed by Mr. REID to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end, insert the following:
''And the impact on the local economy.''

SA 4391. Mr. DURBIN (for Mr. DORGAN (for himself, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Ms. CANTWELL, Mr. KYL, Mr. MCCAIN, Mr. TESTER, Mr. THUNE, Mr. UDALL of New Mexico, and Mr. UDALL of Colorado)) proposed an amendment to the bill H.R. 725, to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes; as follows:

At the end, add the following:

DIVISION B—TRIBAL LAW AND ORDER

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Tribal Law and Order Act of 2010''.
(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—
(1) the United States has distinct legal, treaty, and trust obligations to provide for the public safety of Indian country;
(2) Congress and the President have acknowledged that—
(A) tribal law enforcement officers are often the first responders to crimes on Indian reservations; and
(B) tribal justice systems are often the most appropriate institutions for maintaining law and order in Indian country;
(3) less than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian country, which reflects less than ½ of the law enforcement presence in comparable rural communities nationwide;
(4) the complicated jurisdictional scheme that exists in Indian country—
(A) has a significant negative impact on the ability to provide public safety to Indian communities;
(B) has been increasingly exploited by criminals; and
(C) requires a high degree of commitment and cooperation among tribal, Federal, and State law enforcement officials;

(5)(A) domestic and sexual violence against American Indian and Alaska Native women has reached epidemic proportions;

(B) 34 percent of American Indian and Alaska Native women will be raped in their lifetimes; and

(C) 39 percent of American Indian and Alaska Native women will be subject to domestic violence;

(6) Indian tribes have faced significant increases in instances of domestic violence, burglary, assault, and child abuse as a direct result of increased methamphetamine use on Indian reservations; and

(7) crime data is a fundamental tool of law enforcement, but for decades the Bureau of Indian Affairs and the Department of Justice have not been able to coordinate or consistently report crime and prosecution rates in tribal communities.

(b) PURPOSES.—The purposes of this division are—

(1) to clarify the responsibilities of Federal, State, tribal, and local governments with respect to crimes committed in Indian country;

(2) to increase coordination and communication among Federal, State, tribal, and local law enforcement agencies;

(3) to empower tribal governments with the authority, resources, and information necessary to safely and effectively provide public safety in Indian country;

(4) to reduce the prevalence of violent crime in Indian country and to combat sexual and domestic violence against American Indian and Alaska Native women;

(5) to prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country; and

(6) to increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in Indian country.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this division:

(1) INDIAN COUNTRY.—The term ''Indian country'' has the meaning given the term in section 1151 of title 18, United States Code.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRIBAL GOVERNMENT.—The term ''tribal government'' means the governing body of a federally recognized Indian tribe.

(b) INDIAN LAW ENFORCEMENT REFORM ACT.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended by adding at the end the following:

''(10) The term 'tribal justice official' means—

''(A) a tribal prosecutor;

''(B) a tribal law enforcement officer; or

''(C) any other person responsible for investigating or prosecuting an alleged criminal offense in tribal court.''.

SEC. 4. SEVERABILITY.

If any provision of this division, an amendment made by this division, or the application of such a provision or amendment to any individual, entity, or circumstance, is determined by a court of competent jurisdiction to be invalid, the remaining provisions of this division, the remaining amendments made by this division, and the application of those provisions and amendments to individuals, entities, or circumstances other than the affected individual, entity, or circumstance shall not be affected.

SEC. 5. JURISDICTION OF THE STATE OF ALASKA.

Nothing in this Act limits, alters, expands, or diminishes the civil or criminal jurisdiction of the State of Alaska, any subdivision of the State of Alaska, or any Indian tribe in that State.

SEC. 6. EFFECT.

Nothing in this Act confers on an Indian tribe criminal jurisdiction over non-Indians.

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

SEC. 101. OFFICE OF JUSTICE SERVICES RESPONSIBILITIES.

(a) DEFINITIONS.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended—

(1) by striking paragraph (8);

(2) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(3) by redesignating paragraph (9) as paragraph (1) and moving the paragraphs so as to appear in numerical order; and

(4) in paragraph (1) (as redesignated by paragraph (3)), by striking ''Division of Law Enforcement Services'' and inserting ''Office of Justice Services''.

(b) ADDITIONAL RESPONSIBILITIES OF OFFICE.—Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended—

(1) in subsection (b), by striking ''(b) There is hereby established within the Bureau a Division of Law Enforcement Services which'' and inserting the following:

''(b) OFFICE OF JUSTICE SERVICES.—There is established in the Bureau an office, to be known as the 'Office of Justice Services', that'';

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''Division of Law Enforcement Services'' and inserting ''Office of Justice Services'';

(B) in paragraph (8), by striking ''and'' at the end;

(C) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(10) the development and provision of dispatch and emergency and E–911 services;

''(11) communicating with tribal leaders, tribal community and victims' advocates, tribal justice officials, indigent defense representatives, and residents of Indian country on a regular basis regarding public safety and justice concerns facing tribal communities;

''(12) conducting meaningful and timely consultation with tribal leaders and tribal justice officials in the development of regulatory policies and other actions that affect public safety and justice in Indian country;

''(13) providing technical assistance and training to tribal law enforcement officials to gain access and input authority to utilize the National Criminal Information Center and other national crime information databases pursuant to section 534 of title 28, United States Code;

''(14) in coordination with the Attorney General pursuant to subsection (g) of section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732), collecting, analyzing, and reporting data regarding Indian country crimes on an annual basis;

''(15) on an annual basis, sharing with the Department of Justice all relevant crime data, including Uniform Crime Reports, that the Office of Justice Services prepares and receives from tribal law enforcement agencies on a tribe-by-tribe basis to ensure that individual tribal governments providing data are eligible for programs offered by the Department of Justice;

''(16) submitting to the appropriate committees of Congress, for each fiscal year, a detailed spending report regarding tribal public safety and justice programs that includes—

''(A)(i) the number of full-time employees of the Bureau and tribal governments who serve as—

''(I) criminal investigators;

''(II) uniform police;

''(III) police and emergency dispatchers;

''(IV) detention officers;

''(V) executive personnel, including special agents in charge, and directors and deputies of various offices in the Office of Justice Services; and

''(VI) tribal court judges, prosecutors, public defenders, appointed defense counsel, or related staff; and

''(ii) the amount of appropriations obligated for each category described in clause (i) for each fiscal year;

''(B) a list of amounts dedicated to law enforcement and corrections, vehicles, related transportation costs, equipment, inmate transportation costs, inmate transfer costs, replacement, improvement, and repair of facilities, personnel transfers, detailees and costs related to their details, emergency events, public safety and justice communications and technology costs, and tribal court personnel, facilities, indigent defense, and related program costs;

''(C) a list of the unmet staffing needs of law enforcement, corrections, and court personnel (including indigent defense and prosecution staff) at tribal and Bureau of Indian Affairs justice agencies, the replacement and repair needs of tribal and Bureau corrections facilities, needs for tribal police and court facilities, and public safety and emergency communications and technology needs; and

''(D) the formula, priority list or other methodology used to determine the method of disbursement of funds for the public safety and justice programs administered by the Office of Justice Services;

''(17) submitting to the appropriate committees of Congress, for each fiscal year, a report summarizing the technical assistance, training, and other support provided to tribal law enforcement and corrections agencies that operate relevant programs pursuant to self-determination contracts or self-governance compacts with the Secretary; and

''(18) promulgating regulations to carry out this Act, and routinely reviewing and updating, as necessary, the regulations contained in subchapter B of title 25, Code of Federal Regulations (or successor regulations).'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''Division of Law Enforcement Services'' and inserting ''Office of Justice Services''; and

(B) in paragraph (4)(i), in the first sentence, by striking ''Division'' and inserting ''Office of Justice Services'';

(4) in subsection (e), by striking ''Division of Law Enforcement Services'' each place it appears and inserting ''Office of Justice Services''; and

(5) by adding at the end the following:

''(f) LONG-TERM PLAN FOR TRIBAL DETENTION PROGRAMS.—Not later than 1 year after the date of enactment of this subsection, the Secretary, acting through the Bureau, in coordination with the Department of Justice and in consultation with tribal leaders, tribal courts, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including—

''(1) a description of proposed activities for—

''(A) the construction, operation, and maintenance of juvenile (in accordance with section 4220(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453(a)(3)) and adult detention facilities (including regional facilities) in Indian country;

''(B) contracting with State and local detention centers, upon approval of affected tribal governments; and

''(C) alternatives to incarceration, developed in cooperation with tribal court systems;

''(2) an assessment and consideration of the construction of Federal detention facilities in Indian country; and

''(3) any other alternatives as the Secretary, in coordination with the Attorney General and in consultation with Indian tribes, determines to be necessary.''.

(c) LAW ENFORCEMENT AUTHORITY.—Section 4 of the Indian Law Enforcement Reform Act (25 U.S.C. 2803) is amended—

(1) in paragraph (2)(A), by striking ''), or'' and inserting ''or offenses processed by the Central Violations Bureau); or''; and

(2) in paragraph (3)—

(A) in subparagraph (B), by striking '', or'' at the end and inserting a semicolon;

(B) in subparagraphs (B) and (C), by striking ''reasonable grounds'' each place it appears and inserting ''probable cause'';

(C) in subparagraph (C), by adding ''or'' at the end; and

(D) by adding at the end the following:

''(D)(i) the offense involves—

''(I) a misdemeanor controlled substance offense in violation of—

''(aa) the Controlled Substances Act (21 U.S.C. 801 et seq.);

''(bb) title IX of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (21 U.S.C. 862a et seq.); or

''(cc) section 731 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (21 U.S.C. 865);

''(II) a misdemeanor firearms offense in violation of chapter 44 of title 18, United States Code;

''(III) a misdemeanor assault in violation of chapter 7 of title 18, United States Code; or

''(IV) a misdemeanor liquor trafficking offense in violation of chapter 59 of title 18, United States Code; and

''(ii) the employee has probable cause to believe that the individual to be arrested has committed, or is committing, the crime;''.

SEC. 102. DISPOSITION REPORTS.

Section 10 of the Indian Law Enforcement Reform Act (25 U.S.C. 2809) is amended by striking subsections (a) through (d) and inserting the following:

''(a) COORDINATION AND DATA COLLECTION.—

''(1) INVESTIGATIVE COORDINATION.—Subject to subsection (c), if a law enforcement officer or employee of any Federal department or agency terminates an investigation of an alleged violation of Federal criminal law in Indian country without referral for prosecution, the officer or employee shall coordinate with the appropriate tribal law enforcement officials regarding the status of the investigation and the use of evidence relevant to the case in a tribal court with authority over the crime alleged.

''(2) INVESTIGATION DATA.—The Federal Bureau of Investigation shall compile, on an annual basis and by Field Division, information regarding decisions not to refer to an appropriate prosecuting authority cases in which investigations had been opened into an alleged crime in Indian country, including—

''(A) the types of crimes alleged;

''(B) the statuses of the accused as Indians or non-Indians;

''(C) the statuses of the victims as Indians or non-Indians; and

''(D) the reasons for deciding against referring the investigation for prosecution.

''(3) PROSECUTORIAL COORDINATION.—Subject to subsection (c), if a United States Attorney declines to prosecute, or acts to terminate prosecution of, an alleged violation of Federal criminal law in Indian country, the United States Attorney shall coordinate with the appropriate tribal justice officials regarding the status of the investigation and the use of evidence relevant to the case in a tribal court with authority over the crime alleged.

''(4) PROSECUTION DATA.—The United States Attorney shall submit to the Native American Issues Coordinator to compile, on an annual basis and by Federal judicial district, information regarding all declinations of alleged violations of Federal criminal law that occurred in Indian country that were referred for prosecution by law enforcement agencies, including—

''(A) the types of crimes alleged;

''(B) the statuses of the accused as Indians or non-Indians;

''(C) the statuses of the victims as Indians or non-Indians; and

''(D) the reasons for deciding to decline or terminate the prosecutions.

''(b) ANNUAL REPORTS.—The Attorney General shall submit to Congress annual reports containing, with respect to the applicable calendar year, the information compiled under paragraphs (2) and (4) of subsection (a)—

''(1) organized—

''(A) in the aggregate; and

''(B)(i) for the Federal Bureau of Investigation, by Field Division; and

''(ii) for United States Attorneys, by Federal judicial district; and

''(2) including any relevant explanatory statements.

''(c) EFFECT OF SECTION.—

''(1) IN GENERAL.—Nothing in this section requires any Federal agency or official to transfer or disclose any confidential, privileged, or statutorily protected communication, information, or source to an official of any Indian tribe.

''(2) FEDERAL RULES OF CRIMINAL PROCEDURE.—Nothing in this section affects or limits the requirements of Rule 6 of the Federal Rules of Criminal Procedure.

''(3) REGULATIONS.—The Attorney General shall establish, by regulation, standards for the protection of the confidential or privileged communications, information, and sources described in this section.''.

SEC. 103. PROSECUTION OF CRIMES IN INDIAN COUNTRY.

(a) APPOINTMENT OF SPECIAL PROSECUTORS.—

(1) IN GENERAL.—Section 543 of title 28, United States Code, is amended—

(A) in subsection (a), by inserting before the period at the end the following: '', including the appointment of qualified tribal prosecutors and other qualified attorneys to assist in prosecuting Federal offenses committed in Indian country''; and

(B) by adding at the end the following:

''(c) INDIAN COUNTRY.—In this section, the term 'Indian country' has the meaning given that term in section 1151 of title 18.''.

(2) SENSE OF CONGRESS REGARDING CONSULTATION.—It is the sense of Congress that, in appointing attorneys under section 543 of title 28, United States Code, to serve as special prosecutors in Indian country, the Attorney General should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.

(b) TRIBAL LIAISONS.—

(1) IN GENERAL.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) is amended by adding at the end the following:

''SEC. 13. ASSISTANT UNITED STATES ATTORNEY TRIBAL LIAISONS.

''(a) APPOINTMENT.—The United States Attorney for each district that includes Indian country shall appoint not less than 1 assistant United States Attorney to serve as a tribal liaison for the district.

''(b) DUTIES.—The duties of a tribal liaison shall include the following:

''(1) Coordinating the prosecution of Federal crimes that occur in Indian country.

''(2) Developing multidisciplinary teams to combat child abuse and domestic and sexual violence offenses against Indians.

''(3) Consulting and coordinating with tribal justice officials and victims' advocates to address any backlog in the prosecution of major crimes in Indian country in the district.

''(4) Developing working relationships and maintaining communication with tribal leaders, tribal community and victims' advocates, and tribal justice officials to gather information from, and share appropriate information with, tribal justice officials.

''(5) Coordinating with tribal prosecutors in cases in which a tribal government has concurrent jurisdiction over an alleged crime, in advance of the expiration of any applicable statute of limitation.

''(6) Providing technical assistance and training regarding evidence gathering techniques and strategies to address victim and witness protection to tribal justice officials and other individuals and entities that are instrumental to responding to Indian country crimes.

''(7) Conducting training sessions and seminars to certify special law enforcement commissions to tribal justice officials and other individuals and entities responsible for responding to Indian country crimes.

''(8) Coordinating with the Office of Tribal Justice, as necessary.

''(9) Conducting such other activities to address and prevent violent crime in Indian country as the applicable United States Attorney determines to be appropriate.

''(c) EFFECT OF SECTION.—Nothing in this section limits the authority of any United States Attorney to determine the duties of a tribal liaison officer to meet the needs of the Indian tribes located within the relevant Federal district.

''(d) ENHANCED PROSECUTION OF MINOR CRIMES.—

''(1) IN GENERAL.—Each United States Attorney serving a district that includes Indian country is authorized and encouraged—

''(A) to appoint Special Assistant United States Attorneys pursuant to section 543(a) of title 28, United States Code, to prosecute crimes in Indian country as necessary to improve the administration of justice, and particularly when—

''(i) the crime rate exceeds the national average crime rate; or

''(ii) the rate at which criminal offenses are declined to be prosecuted exceeds the national average declination rate;

''(B) to coordinate with applicable United States district courts regarding scheduling of Indian country matters and holding trials or other proceedings in Indian country, as appropriate;

''(C) to provide to appointed Special Assistant United States Attorneys appropriate training, supervision, and staff support; and

''(D) to provide technical and other assistance to tribal governments and tribal court systems to ensure that the goals of this subsection are achieved.

''(2) SENSE OF CONGRESS REGARDING CONSULTATION.—It is the sense of Congress that, in appointing Special Assistant United States Attorneys under this subsection, a United States Attorney should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.''.

(2) SENSE OF CONGRESS REGARDING EVALUATIONS OF TRIBAL LIAISONS.—

(A) FINDINGS.—Congress finds that—

(i) many residents of Indian country rely solely on United States Attorneys offices to prosecute felony and misdemeanor crimes occurring on Indian land; and

(ii) tribal liaisons have dual obligations of—

(I) coordinating prosecutions of Indian country crime; and

(II) developing relationships with residents of Indian country and serving as a link between Indian country residents and the Federal justice process.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General should—

(i) take all appropriate actions to encourage the aggressive prosecution of all Federal crimes committed in Indian country; and

(ii) when appropriate, take into consideration the dual responsibilities of tribal liaisons described in subparagraph (A)(ii) in evaluating the performance of the tribal liaisons.

SEC. 104. ADMINISTRATION.

(a) OFFICE OF TRIBAL JUSTICE.—

(1) DEFINITIONS.—Section 4 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3653) is amended—

(A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) DIRECTOR.—The term 'Director' means the Director of the Office of Tribal Justice.''.

(2) STATUS.—Title I of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(A) by redesignating section 106 (25 U.S.C. 3666) as section 107; and

(B) by inserting after section 105 (25 U.S.C. 3665) the following:

''SEC. 106. OFFICE OF TRIBAL JUSTICE.

''(a) IN GENERAL.—Not later than 90 days after the date of enactment of the Tribal Law and Order Act of 2010, the Attorney General shall establish the Office of Tribal Justice as a component of the Department.

''(b) PERSONNEL AND FUNDING.—The Attorney General shall provide to the Office of Tribal Justice such personnel and funds as are necessary to establish the Office of Tribal Justice as a component of the Department under subsection (a).

''(c) DUTIES.—The Office of Tribal Justice shall—

''(1) serve as the program and legal policy advisor to the Attorney General with respect to the treaty and trust relationship between the United States and Indian tribes;

''(2) serve as the point of contact for federally recognized tribal governments and tribal organizations with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country; and

''(3) coordinate with other bureaus, agencies, offices, and divisions within the Department of Justice to ensure that each component has an accountable process to ensure meaningful and timely consultation with tribal leaders in the development of regulatory policies and other actions that affect—

''(A) the trust responsibility of the United States to Indian tribes;

''(B) any tribal treaty provision;

''(C) the status of Indian tribes as sovereign governments; or

''(D) any other tribal interest.''.

(b) NATIVE AMERICAN ISSUES COORDINATOR.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 103(b)) is amended by adding at the end the following:

''SEC. 14. NATIVE AMERICAN ISSUES COORDINATOR.

''(a) ESTABLISHMENT.—There is established in the Executive Office for United States Attorneys of the Department of Justice a position to be known as the 'Native American Issues Coordinator'.

''(b) DUTIES.—The Native American Issues Coordinator shall—

''(1) coordinate with the United States Attorneys that have authority to prosecute crimes in Indian country;

''(2) coordinate prosecutions of crimes of national significance in Indian country, as determined by the Attorney General;

''(3) coordinate as necessary with other components of the Department of Justice and any relevant advisory groups to the Attorney General or the Deputy Attorney General; and

''(4) carry out such other duties as the Attorney General may prescribe.''.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

SEC. 201. STATE CRIMINAL JURISDICTION AND RESOURCES.

(a) CONCURRENT AUTHORITY OF UNITED STATES.—Section 401(a) of the Indian Civil Rights Act of 1968 (25 U.S.C. 1321(a)) is amended—

(1) by striking the section designation and heading and all that follows through ''The consent of the United States'' and inserting the following:

''SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDICTION.

''(a) CONSENT OF UNITED STATES.—

''(1) IN GENERAL.—The consent of the United States''; and

(2) by adding at the end the following:

''(2) CONCURRENT JURISDICTION.—At the request of an Indian tribe, and after consultation with and consent by the Attorney General, the United States shall accept concurrent jurisdiction to prosecute violations of sections 1152 and 1153 of title 18, United States Code, within the Indian country of the Indian tribe.''.

(b) APPLICABLE LAW.—Section 1162 of title 18, United States Code, is amended by adding at the end the following:

''(d) Notwithstanding subsection (c), at the request of an Indian tribe, and after consultation with and consent by the Attorney General—

''(1) sections 1152 and 1153 shall apply in the areas of the Indian country of the Indian tribe; and

''(2) jurisdiction over those areas shall be concurrent among the Federal Government, State governments, and, where applicable, tribal governments.''.

SEC. 202. STATE, TRIBAL, AND LOCAL LAW ENFORCEMENT COOPERATION.

The Attorney General may provide technical and other assistance to State, tribal, and local governments that enter into cooperative agreements, including agreements relating to mutual aid, hot pursuit of suspects, and cross-deputization for the purposes of—

(1) improving law enforcement effectiveness;

(2) reducing crime in Indian country and nearby communities; and

(3) developing successful cooperative relationships that effectively combat crime in Indian country and nearby communities.

TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS

SEC. 301. TRIBAL POLICE OFFICERS.

(a) FLEXIBILITY IN TRAINING LAW ENFORCEMENT OFFICERS SERVING INDIAN COUNTRY.—Section 3(e) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(e)) (as amended by section 101(b)(4)) is amended—

(1) in paragraph (1)—

(A) by striking ''(e)(1) The Secretary'' and inserting the following:

''(e) STANDARDS OF EDUCATION AND EXPERIENCE AND CLASSIFICATION OF POSITIONS.—

''(1) STANDARDS OF EDUCATION AND EXPERIENCE.—

''(A) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(B) REQUIREMENTS FOR TRAINING.—The training standards established under subparagraph (A)—

''(i) shall be consistent with standards accepted by the Federal Law Enforcement Training Accreditation commission for law enforcement officers attending similar programs; and

''(ii) shall include, or be supplemented by, instruction regarding Federal sources of authority and jurisdiction, Federal crimes, Federal rules of criminal procedure, and constitutional law to bridge the gap between State training and Federal requirements.

''(C) TRAINING AT STATE, TRIBAL, AND LOCAL ACADEMIES.—Law enforcement personnel of the Office of Justice Services or an Indian tribe may satisfy the training standards established under subparagraph (A) through training at a State or tribal police academy, a State, regional, local, or tribal college or university, or other training academy (including any program at a State, regional, local, or tribal college or university) that meets the appropriate Peace Officer Standards of Training.

''(D) MAXIMUM AGE REQUIREMENT.—Pursuant to section 3307(e) of title 5, United States Code, the Secretary may employ as a law enforcement officer under section 4 any individual under the age of 47, if the individual meets all other applicable hiring requirements for the applicable law enforcement position.'';

(2) in paragraph (3), by striking ''Agencies'' and inserting ''agencies''; and

(3) by adding at the end the following:

''(4) BACKGROUND CHECKS FOR TRIBAL JUSTICE OFFICIALS.—

''(A) IN GENERAL.—The Office of Justice Services shall develop standards and deadlines for the provision of background checks to tribal law enforcement and corrections officials.

''(B) TIMING.—If a request for a background check is made by an Indian tribe that has contracted or entered into a compact for law enforcement or corrections services with the Bureau of Indian Affairs pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Office of Justice Services shall complete the check not later than 60 days after the date of receipt of the request, unless an adequate reason for failure to respond by that date is provided to the Indian tribe in writing.''.

(b) SPECIAL LAW ENFORCEMENT COMMISSIONS.—Section 5 of the Indian Law Enforcement Reform Act (25 U.S.C. 2804) is amended—

(1) by striking ''(a) The Secretary may enter into an agreement'' and inserting the following:

''(a) AGREEMENTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010, the Secretary shall establish procedures to enter into memoranda of agreement'';

(2) in the second sentence, by striking ''The Secretary'' and inserting the following:

''(2) CERTAIN ACTIVITIES.—The Secretary''; and

(3) by adding at the end the following:

''(3) PROGRAM ENHANCEMENT.—

''(A) TRAINING SESSIONS IN INDIAN COUNTRY.—

''(i) IN GENERAL.—The procedures described in paragraph (1) shall include the development of a plan to enhance the certification and provision of special law enforcement commissions to tribal law enforcement officials, and, subject to subsection (d), State and local law enforcement officials, pursuant to this section.

''(ii) INCLUSIONS.—The plan under clause (i) shall include the hosting of regional training sessions in Indian country, not less frequently than biannually, to educate and certify candidates for the special law enforcement commissions.

''(B) MEMORANDA OF AGREEMENT.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010, the Secretary, in consultation with Indian tribes and tribal law enforcement agencies, shall develop minimum requirements to be included in special law enforcement commission agreements pursuant to this section.

''(ii) SUBSTANCE OF AGREEMENTS.—Each agreement entered into pursuant to this section shall reflect the status of the applicable certified individual as a Federal law enforcement officer under subsection (f), acting within the scope of the duties described in section 3(c).

''(iii) AGREEMENT.—Not later than 60 days after the date on which the Secretary determines that all applicable requirements under clause (i) are met, the Secretary shall offer to enter into a special law enforcement commission agreement with the Indian tribe.''.

(c) INDIAN LAW ENFORCEMENT FOUNDATION.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

''TITLE VII—INDIAN LAW ENFORCEMENT FOUNDATION

''SEC. 701. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the Board of Directors of the Foundation.

''(2) BUREAU.—The term 'Bureau' means the Office of Justice Services of the Bureau of Indian Affairs.

''(3) COMMITTEE.—The term 'Committee' means the Committee for the Establishment of the Indian Law Enforcement Foundation established under section 702(e)(1).

''(4) FOUNDATION.—The term 'Foundation' means the Indian Law Enforcement Foundation established under section 702.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''SEC. 702. INDIAN LAW ENFORCEMENT FOUNDATION.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, a foundation, to be known as the 'Indian Law Enforcement Foundation'.

''(2) FUNDING DETERMINATIONS.—No funds, gift, property, or other item of value (including any interest accrued on such an item) acquired by the Foundation shall—

''(A) be taken into consideration for purposes of determining Federal appropriations relating to the provision of public safety or justice services to Indians; or

''(B) otherwise limit, diminish, or affect the Federal responsibility for the provision of public safety or justice services to Indians.

''(b) NATURE OF CORPORATION.—The Foundation—

''(1) shall be a charitable and nonprofit federally chartered corporation; and

''(2) shall not be an agency or instrumentality of the United States.

''(c) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

''(d) DUTIES.—The Foundation shall—

''(1) encourage, accept, and administer, in accordance with the terms of each donation, private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, public safety and justice services in American Indian and Alaska Native communities; and

''(2) assist the Office of Justice Services of the Bureau of Indian Affairs and Indian tribal governments in funding and conducting activities and providing education to advance and support the provision of public safety and justice services in American Indian and Alaska Native communities.

''(e) COMMITTEE FOR THE ESTABLISHMENT OF THE INDIAN LAW ENFORCEMENT FOUNDATION.—

''(1) IN GENERAL.—The Secretary shall establish a committee, to be known as the 'Committee for the Establishment of the Indian Law Enforcement Foundation', to assist the Secretary in establishing the Foundation.

''(2) DUTIES.—Not later than 180 days after the date of enactment of this section, the Committee shall—

''(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

''(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the date on which the Board is established;

''(C) establish the constitution and initial bylaws of the Foundation;

''(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

''(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

''(f) BOARD OF DIRECTORS.—

''(1) IN GENERAL.—The Board of Directors shall be the governing body of the Foundation.

''(2) POWERS.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

''(3) SELECTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

''(B) REQUIREMENTS.—

''(i) NUMBER OF MEMBERS.—The Board shall be composed of not less than 7 members.

''(ii) INITIAL VOTING MEMBERS.—The initial voting members of the Board—

''(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

''(II) shall serve for staggered terms.

''(iii) QUALIFICATION.—The members of the Board shall be United States citizens with knowledge or experience regarding public safety and justice in Indian and Alaska Native communities.

''(C) COMPENSATION.—A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

''(g) OFFICERS.—

''(1) IN GENERAL.—The officers of the Foundation shall be—

''(A) a Secretary, elected from among the members of the Board; and

''(B) any other officers provided for in the constitution and bylaws of the Foundation.

''(2) CHIEF OPERATING OFFICER.—

''(A) SECRETARY.—Subject to subparagraph (B), the Secretary of the Foundation may serve, at the direction of the Board, as the chief operating officer of the Foundation.

''(B) APPOINTMENT.—The Board may appoint a chief operating officer in lieu of the Secretary of the Foundation under subparagraph (A), who shall serve at the direction of the Board.

''(3) ELECTION.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

''(h) POWERS.—The Foundation—

''(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

''(2) may adopt and alter a corporate seal;

''(3) may enter into contracts;

''(4) may acquire (through gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

''(5) may sue and be sued; and

''(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

''(i) PRINCIPAL OFFICE.—

''(1) IN GENERAL.—The principal office of the Foundation shall be located in the District of Columbia.

''(2) ACTIVITIES; OFFICES.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

''(j) SERVICE OF PROCESS.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

''(k) LIABILITY OF OFFICERS, EMPLOYEES, AND AGENTS.—

''(1) IN GENERAL.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of the authority of the officers, employees, and agents.

''(2) PERSONAL LIABILITY.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

''(l) RESTRICTIONS.—

''(1) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed the percentage described in paragraph (2) of the sum of—

''(A) the amounts transferred to the Foundation under subsection (n) during the preceding fiscal year; and

''(B) donations received from private sources during the preceding fiscal year.

''(2) PERCENTAGES.—The percentages referred to in paragraph (1) are—

''(A) for the first 2 fiscal years described in that paragraph, 25 percent;

''(B) for the following fiscal year, 20 percent; and

''(C) for each fiscal year thereafter, 15 percent.

''(3) APPOINTMENT AND HIRING.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

''(4) STATUS.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

''(m) AUDITS.—The Foundation shall comply with section 10101 of title 36, United

States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

''(n) FUNDING.—For each of fiscal years 2011 through 2015, out of any unobligated amounts available to the Secretary, the Secretary may use to carry out this section not more than $500,000.

''SEC. 703. ADMINISTRATIVE SERVICES AND SUPPORT.

''(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—

''(1) may provide personnel, facilities, and other administrative support services to the Foundation;

''(2) may provide funds for initial operating costs and to reimburse the travel expenses of the members of the Board; and

''(3) shall require and accept reimbursements from the Foundation for—

''(A) services provided under paragraph (1); and

''(B) funds provided under paragraph (2).

''(b) REIMBURSEMENT.—Reimbursements accepted under subsection (a)(3)—

''(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

''(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

''(c) CONTINUATION OF CERTAIN SERVICES.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services are—

''(1) available; and

''(2) provided on reimbursable cost basis.''.

(d) TECHNICAL AMENDMENTS.—The Indian Self-Determination and Education Assistance Act is amended—

(1) by redesignating title V (25 U.S.C. 458bbb et seq.) as title VIII and moving the title so as to appear at the end of the Act;

(2) by redesignating sections 501, 502, and 503 (25 U.S.C. 458bbb, 458bbb–1, 458bbb–2) as sections 801, 802, and 803, respectively; and

(3) in subsection (a)(2) of section 802 and paragraph (2) of section 803 (as redesignated by paragraph (2)), by striking ''section 501'' and inserting ''section 801''.

(e) ACCEPTANCE AND ASSISTANCE.—Section 5 of the Indian Law Enforcement Reform Act (25 U.S.C. 2804) is amended by adding at the end the following:

''(g) ACCEPTANCE OF ASSISTANCE.—The Bureau may accept reimbursement, resources, assistance, or funding from—

''(1) a Federal, tribal, State, or other government agency; or

''(2) the Indian Law Enforcement Foundation established under section 701(a) of the Indian Self-Determination and Education Assistance Act.''.

SEC. 302. DRUG ENFORCEMENT IN INDIAN COUNTRY.

(a) EDUCATION AND RESEARCH PROGRAMS.—Section 502 of the Controlled Substances Act (21 U.S.C. 872) is amended in subsections (a)(1) and (c), by inserting '' tribal,'' after ''State,'' each place it appears.

(b) PUBLIC-PRIVATE EDUCATION PROGRAM.—Section 503 of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 872a) is amended—

(1) in subsection (a), by inserting ''tribal,'' after ''State,''; and

(2) in subsection (b)(2), by inserting '', tribal,'' after ''State''.

(c) COOPERATIVE ARRANGEMENTS.—Section 503 of the Controlled Substances Act (21 U.S.C. 873) is amended—

(1) in subsection (a)—

(A) by inserting ''tribal,'' after ''State,'' each place it appears; and

(B) in paragraphs (6) and (7), by inserting '', tribal,'' after ''State'' each place it appears; and

(2) in subsection (d)(1), by inserting '', tribal,'' after ''State''.

(d) POWERS OF ENFORCEMENT PERSONNEL.—Section 508(a) of the Controlled Substances Act (21 U.S.C. 878(a)) is amended in the matter preceding paragraph (1) by inserting '', tribal,'' after ''State''.

(e) EFFECT OF GRANTS.—Nothing in this section or any amendment made by this section—

(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.

SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.

(a) ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) in subsection (a)(4), by inserting ''Indian tribes,'' after ''the States,'';

(2) by striking subsection (d) and inserting the following:

''(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit tribal and Bureau of Indian Affairs law enforcement agencies—

''(1) to access and enter information into Federal criminal information databases; and

''(2) to obtain information from the databases.'';

(3) by redesignating the second subsection (e) as subsection (f); and

(4) in paragraph (2) of subsection (f) (as redesignated by paragraph (3)), in the matter preceding subparagraph (A), by inserting '', tribal,'' after ''Federal''.

(b) REQUIREMENT.—

(1) IN GENERAL.—The Attorney General shall ensure that tribal law enforcement officials that meet applicable Federal or State requirements be permitted access to national crime information databases.

(2) SANCTIONS.—For purpose of sanctions for noncompliance with requirements of, or misuse of, national crime information databases and information obtained from those databases, a tribal law enforcement agency or official shall be treated as Federal law enforcement agency or official.

(3) NCIC.—Each tribal justice official serving an Indian tribe with criminal jurisdiction over Indian country shall be considered to be an authorized law enforcement official for purposes of access to the National Crime Information Center of the Federal Bureau of Investigation.

SEC. 304. TRIBAL COURT SENTENCING AUTHORITY.

(a) INDIVIDUAL RIGHTS.—Section 202 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1302), is amended—

(1) in the matter preceding paragraph (1), by striking ''No Indian tribe'' and inserting the following:

''(a) IN GENERAL.—No Indian tribe'';

(2) in subsection (a) (as designated by paragraph (1))—

(A) in paragraph (6) by inserting ''(except as provided in subsection (b)) after ''assistance of counsel for his defense''; and

(B) by striking paragraph (7) and inserting the following:

''(7)(A) require excessive bail, impose excessive fines, or inflict cruel and unusual punishments;

''(B) except as provided in subparagraph (C), impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 1 year or a fine of $5,000, or both;

''(C) subject to subsection (b), impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 3 years or a fine of $15,000, or both; or

''(D) impose on a person in a criminal proceeding a total penalty or punishment greater than imprisonment for a term of 9 years;''; and

(3) by adding at the end the following:

''(b) OFFENSES SUBJECT TO GREATER THAN 1-YEAR IMPRISONMENT OR A FINE GREATER THAN $5,000.—A tribal court may subject a defendant to a term of imprisonment greater than 1 year but not to exceed 3 years for any 1 offense, or a fine greater than $5,000 but not to exceed $15,000, or both, if the defendant is a person accused of a criminal offense who—

''(1) has been previously convicted of the same or a comparable offense by any jurisdiction in the United States; or

''(2) is being prosecuted for an offense comparable to an offense that would be punishable by more than 1 year of imprisonment if prosecuted by the United States or any of the States.

''(c) RIGHTS OF DEFENDANTS.—In a criminal proceeding in which an Indian tribe, in exercising powers of self-government, imposes a total term of imprisonment of more than 1 year on a defendant, the Indian tribe shall—

''(1) provide to the defendant the right to effective assistance of counsel at least equal to that guaranteed by the United States Constitution; and

''(2) at the expense of the tribal government, provide an indigent defendant the assistance of a defense attorney licensed to practice law by any jurisdiction in the United States that applies appropriate professional licensing standards and effectively ensures the competence and professional responsibility of its licensed attorneys;

''(3) require that the judge presiding over the criminal proceeding—

''(A) has sufficient legal training to preside over criminal proceedings; and

''(B) is licensed to practice law by any jurisdiction in the United States;

''(4) prior to charging the defendant, make publicly available the criminal laws (including regulations and interpretative documents), rules of evidence, and rules of criminal procedure (including rules governing the recusal of judges in appropriate circumstances) of the tribal government; and

''(5) maintain a record of the criminal proceeding, including an audio or other recording of the trial proceeding.

''(d) SENTENCES.—In the case of a defendant sentenced in accordance with subsections (b) and (c), a tribal court may require the defendant—

''(1) to serve the sentence—

''(A) in a tribal correctional center that has been approved by the Bureau of Indian Affairs for long-term incarceration, in accordance with guidelines to be developed by the Bureau of Indian Affairs (in consultation with Indian tribes) not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010;

''(B) in the nearest appropriate Federal facility, at the expense of the United States pursuant to the Bureau of Prisons tribal prisoner pilot program described in section 304(c) of the Tribal Law and Order Act of 2010;

''(C) in a State or local government-approved detention or correctional center pursuant to an agreement between the Indian tribe and the State or local government; or

''(D) in an alternative rehabilitation center of an Indian tribe; or

''(2) to serve another alternative form of punishment, as determined by the tribal court judge pursuant to tribal law.

''(e) DEFINITION OF OFFENSE.—In this section, the term 'offense' means a violation of a criminal law.

''(f) EFFECT OF SECTION.—Nothing in this section affects the obligation of the United States, or any State government that has been delegated authority by the United States, to investigate and prosecute any criminal violation in Indian country.''.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, the Attorney General, in coordination with the Secretary of the Interior, shall submit a report to the appropriate committees of Congress that includes—

(1) a description of the effectiveness of enhanced tribal court sentencing authority in curtailing violence and improving the administration of justice on Indian lands; and

(2) a recommendation of whether enhanced sentencing authority should be discontinued, enhanced, or maintained at the level authorized under this division.

(c) BUREAU OF PRISONS TRIBAL PRISONER PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this division, the Director of the Bureau of Prisons shall establish a pilot program under which the Bureau of Prisons shall accept offenders convicted in tribal court pursuant to section 202 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1302) (as amended by this section), subject to the conditions described in paragraph (2).

(2) CONDITIONS.—

(A) IN GENERAL.—As a condition of participation in the pilot program described in paragraph (1), the tribal court shall submit to the Attorney General a request for confinement of the offender, for approval by the Attorney General (or a designee) by not later than 30 days after the date of submission.

(B) LIMITATIONS.—Requests for confinement shall be limited to offenders convicted of a violent crime (comparable to the violent crimes described in section 1153(a) of title 18, United States Code) for which the sentence includes a term of imprisonment of 2 or more years.

(C) CUSTODY CONDITIONS.—The imprisonment by the Bureau of Prisons shall be subject to the conditions described in section 5003 of title 18, United States Code, regarding the custody of State offenders, except that the offender shall be placed in the nearest available and appropriate Federal facility, and imprisoned at the expense of the United States.

(D) CAP.—The Bureau of Prisons shall confine not more than 100 tribal offenders at any time.

(3) RESCINDING REQUESTS.—

(A) IN GENERAL.—The applicable tribal government shall retain the authority to rescind the request for confinement of a tribal offender by the Bureau of Prisons under this paragraph at any time during the sentence of the offender.

(B) RETURN TO TRIBAL CUSTODY.—On rescission of a request under subparagraph (A), a tribal offender shall be returned to tribal custody.

(4) REASSESSMENT.—If tribal court demand for participation in this pilot program exceeds 100 tribal offenders, a representative of the Bureau of Prisons shall notify Congress.

(5) REPORT.—Not later than 3 years after the date of establishment of the pilot program, the Attorney General shall submit to Congress a report describing the status of the program, including recommendations regarding the future of the program, if any.

(6) TERMINATION.—Except as otherwise provided by an Act of Congress, the pilot program under this paragraph shall expire on the date that is 4 years after the date on which the program is established.

(d) GRANTS AND CONTRACTS.—Section 1007(b) of the Economic Opportunity Act of 1964 (42 U.S.C. 2996f(b)) is amended by striking paragraph (2) and inserting the following:

''(2) to provide legal assistance with respect to any criminal proceeding, except to provide assistance to a person charged with an offense in an Indian tribal court;''.

SEC. 305. INDIAN LAW AND ORDER COMMISSION.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 104(b)) is amended by adding at the end the following:

''SEC. 15. INDIAN LAW AND ORDER COMMISSION.

''(a) ESTABLISHMENT.—There is established a commission to be known as the Indian Law and Order Commission (referred to in this section as the 'Commission').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

''(A) 3 shall be appointed by the President, in consultation with—

''(i) the Attorney General; and

''(ii) the Secretary;

''(B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairpersons of the Committees on Indian Affairs and the Judiciary of the Senate;

''(C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with the Vice Chairperson and Ranking Member of the Committees on Indian Affairs and the Judiciary of the Senate;

''(D) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairpersons of the Committees on the Judiciary and Natural Resources of the House of Representatives; and

''(E) 1 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Members of the Committees on the Judiciary and Natural Resources of the House of Representatives.

''(2) REQUIREMENTS FOR ELIGIBILITY.—Each member of the Commission shall have significant experience and expertise in—

''(A) the Indian country criminal justice system; and

''(B) matters to be studied by the Commission.

''(3) CONSULTATION REQUIRED.—The President, the Speaker and Minority Leader of the House of Representatives, and the Majority Leader and Minority Leader of the Senate shall consult before the appointment of members of the Commission under paragraph (1) to achieve, to the maximum extent practicable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

''(4) TERM.—Each member shall be appointed for the life of the Commission.

''(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

''(6) VACANCIES.—A vacancy in the Commission shall be filled—

''(A) in the same manner in which the original appointment was made; and

''(B) not later than 60 days after the date on which the vacancy occurred.

''(c) OPERATION.—

''(1) CHAIRPERSON.—Not later than 15 days after the date on which all members of the Commission have been appointed, the Commission shall select 1 member to serve as Chairperson of the Commission.

''(2) MEETINGS.—

''(A) IN GENERAL.—The Commission shall meet at the call of the Chairperson.

''(B) INITIAL MEETING.—The initial meeting shall take place not later than 30 days after the date described in paragraph (1).

''(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

''(4) RULES.—The Commission may establish, by majority vote, any rules for the conduct of Commission business, in accordance with this Act and other applicable law.

''(d) COMPREHENSIVE STUDY OF CRIMINAL JUSTICE SYSTEM RELATING TO INDIAN COUNTRY.—The Commission shall conduct a comprehensive study of law enforcement and criminal justice in tribal communities, including—

''(1) jurisdiction over crimes committed in Indian country and the impact of that jurisdiction on—

''(A) the investigation and prosecution of Indian country crimes; and

''(B) residents of Indian land;

''(2) the tribal jail and Federal prisons systems and the effect of those systems with respect to—

''(A) reducing Indian country crime; and

''(B) rehabilitation of offenders;

''(3)(A) tribal juvenile justice systems and the Federal juvenile justice system as relating to Indian country; and

''(B) the effect of those systems and related programs in preventing juvenile crime, rehabilitating Indian youth in custody, and reducing recidivism among Indian youth;

''(4) the impact of the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) on—

''(A) the authority of Indian tribes;

''(B) the rights of defendants subject to tribal government authority; and

''(C) the fairness and effectiveness of tribal criminal systems; and

''(5) studies of such other subjects as the Commission determines relevant to achieve the purposes of the Tribal Law and Order Act of 2010.

''(e) RECOMMENDATIONS.—Taking into consideration the results of the study under paragraph (1), the Commission shall develop recommendations on necessary modifications and improvements to justice systems at the tribal, Federal, and State levels, including consideration of—

''(1) simplifying jurisdiction in Indian country;

''(2) improving services and programs—

''(A) to prevent juvenile crime on Indian land;

''(B) to rehabilitate Indian youth in custody; and

''(C) to reduce recidivism among Indian youth;

''(3) adjustments to the penal authority of tribal courts and exploring alternatives to incarceration;

''(4) the enhanced use of chapter 43 of title 28, United States Code (commonly known as 'the Federal Magistrates Act') in Indian country;

''(5) effective means of protecting the rights of victims and defendants in tribal criminal justice systems (including defendants incarcerated for a period of less than 1 year);

''(6) changes to the tribal jails and Federal prison systems; and

''(7) other issues that, as determined by the Commission, would reduce violent crime in Indian country.

''(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President and Congress a report that contains—

''(1) a detailed statement of the findings and conclusions of the Commission; and

''(2) the recommendations of the Commission for such legislative and administrative

actions as the Commission considers to be appropriate.

''(g) POWERS.—

''(1) HEARINGS.—

''(A) IN GENERAL.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be advisable to carry out the duties of the Commission under this section.

''(B) PUBLIC REQUIREMENT.—The hearings of the Commission under this paragraph shall be open to the public.

''(2) WITNESS EXPENSES.—

''(A) IN GENERAL.—A witness requested to appear before the Commission shall be paid the same fees and allowances as are paid to witnesses under section 1821 of title 28, United States Code.

''(B) PER DIEM AND MILEAGE.—The fees and allowances for a witness shall be paid from funds made available to the Commission.

''(3) INFORMATION FROM FEDERAL, TRIBAL, AND STATE AGENCIES.—

''(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

''(B) TRIBAL AND STATE AGENCIES.—The Commission may request the head of any tribal or State agency to provide to the Commission such information as the Commission considers to be necessary to carry out this section.

''(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

''(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

''(h) COMMISSION PERSONNEL MATTERS.—

''(1) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

''(2) DETAIL OF FEDERAL EMPLOYEES.—On the affirmative vote of ⅔ of the members of the Commission and the approval of the appropriate Federal agency head, an employee of the Federal Government may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

''(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Attorney General shall provide to the Commission, on a reimbursable basis, reasonable and appropriate office space, supplies, and administrative assistance.

''(i) CONTRACTS FOR RESEARCH.—

''(1) RESEARCHERS AND EXPERTS.—

''(A) IN GENERAL.—On an affirmative vote of ⅔ of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out the duties of the Commission under this section.

''(B) NATIONAL INSTITUTE OF JUSTICE.—The National Institute of Justice may enter into a contract with the researchers and experts selected by the Commission under subparagraph (A) to provide funding in exchange for the services of the researchers and experts.

''(2) OTHER ORGANIZATIONS.—Nothing in this subsection limits the ability of the Commission to enter into contracts with any other entity or organization to carry out research necessary to carry out the duties of the Commission under this section.

''(j) TRIBAL ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—The Commission shall establish a committee, to be known as the 'Tribal Advisory Committee'.

''(2) MEMBERSHIP.—

''(A) COMPOSITION.—The Tribal Advisory Committee shall consist of 2 representatives of Indian tribes from each region of the Bureau of Indian Affairs.

''(B) QUALIFICATIONS.—Each member of the Tribal Advisory Committee shall have experience relating to—

''(i) justice systems;

''(ii) crime prevention; or

''(iii) victim services.

''(3) DUTIES.—The Tribal Advisory Committee shall—

''(A) serve as an advisory body to the Commission; and

''(B) provide to the Commission advice and recommendations, submit materials, documents, testimony, and such other information as the Commission determines to be necessary to carry out the duties of the Commission under this section.

''(k) FUNDING.—For the fiscal year after the date of enactment of the Tribal Law and Order Act of 2010, out of any unobligated amounts available to the Secretary of the Interior or the Attorney General, the Secretary or the Attorney General may use to carry out this section not more than $2,000,000.

''(l) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report of the Commission under subsection (f).

''(m) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.''.

SEC. 306. EXEMPTION FOR TRIBAL DISPLAY MATERIALS.

(a) IN GENERAL.—Section 845(a) of title 18, United States Code is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''and''; and

(3) by adding at the end the following:

''(7) the transportation, shipment, receipt, or importation of display fireworks materials for delivery to a federally recognized Indian tribe or tribal agency.''.

(b) DEFINITION OF INDIAN TRIBE.—Section 841 of title 18, United States Code is amended by adding at the end the following:

''(t) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a)).''.

(c) TECHNICAL AMENDMENTS.—Section 845 of title 18, United States Code is amended—

(1) in subsection (a), by striking ''subsections'' in the first place it appears and inserting ''subsection''; and

(2) in subsection (b), by striking ''Secretary'' each place it appears and inserting ''Attorney General''.

TITLE IV—TRIBAL JUSTICE SYSTEMS

SEC. 401. INDIAN ALCOHOL AND SUBSTANCE ABUSE.

(a) CORRECTION OF REFERENCES.—

(1) INTER-DEPARTMENTAL MEMORANDUM OF AGREEMENT.—Section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''Not later than 120 days after the date of enactment of this subtitle'' and inserting ''Not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2010''; and

(II) by inserting '', the Attorney General,'' after ''Secretary of the Interior'';

(ii) in paragraph (2)(A), by inserting '', Office of Justice Programs, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs,'';

(iii) in paragraph (4), by inserting '', Department of Justice, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs'';

(iv) in paragraph (5), by inserting '', Department of Justice, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs'';

(v) in paragraph (7), by inserting '', the Attorney General,'' after ''Secretary of the Interior'';

(B) in subsection (c), by inserting '', the Attorney General,'' after ''Secretary of the Interior''; and

(C) in subsection (d), by striking ''the date of enactment of this subtitle'' and inserting ''the date of enactment of the Tribal Law and Order Act of 2010''.

(2) TRIBAL ACTION PLANS.—Section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412) is amended—

(A) in subsection (b), in the first sentence, by inserting '', the Office of Justice Programs, the Substance Abuse and Mental Health Services Administration,'' before ''and the Indian Health Service service unit'';

(B) in subsection (c)(1)(A)(i), by inserting '', the Office of Justice Programs, the Substance Abuse and Mental Health Services Administration,'' before ''and the Indian Health Service service unit'';

(C) in subsection (d)(2), by striking ''fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''the period of fiscal years 2011 through 2015'';

(D) in subsection (e), in the first sentence, by inserting '', the Attorney General,'' after ''the Secretary of the Interior''; and

(E) in subsection (f)(3), by striking ''fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''fiscal years 2011 through 2015''.

(3) DEPARTMENTAL RESPONSIBILITY.—Section 4207 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2413) is amended—

(A) in subsection (a), by inserting '', the Attorney General'' after ''Bureau of Indian Affairs'';

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—To improve coordination among the Federal agencies and departments carrying out this subtitle, there is established within the Substance Abuse and Mental Health Services Administration an office, to be known as the 'Office of Indian Alcohol and Substance Abuse' (referred to in this section as the 'Office').

''(B) DIRECTOR.—The director of the Office shall be appointed by the Administrator of the Substance Abuse and Mental Health Services Administration—

''(i) on a permanent basis; and

''(ii) at a grade of not less than GS–15 of the General Schedule.'';

(ii) in paragraph (2)—

(I) by striking ''(2) In addition'' and inserting the following:

''(2) RESPONSIBILITIES OF OFFICE.—In addition'';

(II) by striking subparagraph (A) and inserting the following:

''(A) coordinating with other agencies to monitor the performance and compliance of the relevant Federal programs in achieving the goals and purposes of this subtitle and the Memorandum of Agreement entered into under section 4205;'';

(III) in subparagraph (B)—

(aa) by striking ''within the Bureau of Indian Affairs''; and

(bb) by striking the period at the end and inserting ''; and''; and

(IV) by adding at the end the following:

''(C) not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2010, developing, in coordination and consultation with tribal governments, a framework for interagency and tribal coordination that—

''(i) establish the goals and other desired outcomes of this Act;

''(ii) prioritizes outcomes that are aligned with the purposes of affected agencies;

''(iii) provides guidelines for resource and information sharing;

''(iv) provides technical assistance to the affected agencies to establish effective and permanent interagency communication and coordination; and

''(v) determines whether collaboration is feasible, cost-effective, and within agency capability.''; and

(iii) by striking paragraph (3) and inserting the following:

''(3) APPOINTMENT OF EMPLOYEES.—The Administrator of the Substance Abuse and Mental Health Services Administration shall appoint such employees to work in the Office, and shall provide such funding, services, and equipment, as may be necessary to enable the Office to carry out the responsibilities under this subsection.''; and

(C) in subsection (c)—

(i) by striking ''of Alcohol and Substance Abuse'' each place it appears;

(ii) in paragraph (1), in the second sentence, by striking ''The Assistant Secretary of the Interior for Indian Affairs'' and inserting ''The Administrator of the Substance Abuse and Mental Health Services Administration''; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking ''Youth'' and inserting ''youth''; and

(II) by striking ''programs of the Bureau of Indian Affairs'' and inserting ''the applicable Federal programs''.

(4) REVIEW OF PROGRAMS.—Section 4208a(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2414a(a)) is amended in the matter preceding paragraph (1) by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(5) FEDERAL FACILITIES, PROPERTY, AND EQUIPMENT.—Section 4209 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2415) is amended—

(A) in subsection (a), by inserting '', the Attorney General,'' after ''the Secretary of the Interior'';

(B) in subsection (b)—

(i) in the first sentence, by inserting '', the Attorney General,'' after ''the Secretary of the Interior'';

(ii) in the second sentence, by inserting '', nor the Attorney General,'' after ''the Secretary of the Interior''; and

(iii) in the third sentence, by inserting '', the Department of Justice,'' after ''the Department of the Interior''; and

(C) in subsection (c)(1), by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(6) REVIEW.—Section 4211(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2431(a)) is amended in the matter preceding paragraph (1) by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(b) INDIAN EDUCATION PROGRAMS.—Section 4212 of the Indian Alcohol and Substance Abuse Prevention Act of 1986 (25 U.S.C. 2432) is amended by striking subsection (a) and inserting the following:

''(a) SUMMER YOUTH PROGRAMS.—

''(1) IN GENERAL.—The head of the Indian Alcohol and Substance Abuse Program, in coordination with the Assistant Secretary for Indian Affairs, shall develop and implement programs in tribal schools and schools funded by the Bureau of Indian Education (subject to the approval of the local school board or contract school board) to determine the effectiveness of summer youth programs in advancing the purposes and goals of this Act.

''(2) COSTS.—The head of the Indian Alcohol and Substance Abuse Program and the Assistant Secretary shall defray all costs associated with the actual operation and support of the summer youth programs in a school from funds appropriated to carry out this subsection.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the programs under this subsection $5,000,000 for each of fiscal years 2011 through 2015.''.

(c) EMERGENCY SHELTERS.—Section 4213(e) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

(1) in paragraph (1), by striking ''fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.'' and inserting ''each of fiscal years 2011 through 2015.'';

(2) in paragraph (2), by striking ''each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.'' and inserting ''each of fiscal years 2011 through 2015.''; and

(3) by indenting paragraphs (4) and (5) appropriately.

(d) REVIEW OF PROGRAMS.—Section 4215(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2441(a)) is amended by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(e) ILLEGAL NARCOTICS TRAFFICKING; SOURCE ERADICATION.—Section 4216 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (B), by striking '', and'' at the end and inserting a semicolon;

(iii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) the Blackfeet Nation of Montana for the investigation and control of illegal narcotics traffic on the Blackfeet Indian Reservation along the border with Canada.'';

(B) in paragraph (2), by striking ''United States Custom Service'' and inserting ''United States Customs and Border Protection, the Bureau of Immigration and Customs Enforcement, and the Drug Enforcement Administration''; and

(C) by striking paragraph (3) and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000 for each of fiscal years 2011 through 2015.''; and

(2) in subsection (b)(2), by striking ''for the fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and ''for each of fiscal years 2011 through 2015.''.

(f) LAW ENFORCEMENT AND JUDICIAL TRAINING.—Section 4218 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2451) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) TRAINING PROGRAMS.—

''(1) IN GENERAL.—The Secretary of the Interior, in coordination with the Attorney General, the Administrator of the Drug Enforcement Administration, and the Director of the Federal Bureau of Investigation, shall ensure, through the establishment of a new training program or by supplementing existing training programs, that all Bureau of Indian Affairs and tribal law enforcement and judicial personnel have access to training regarding—

''(A) the investigation and prosecution of offenses relating to illegal narcotics; and

''(B) alcohol and substance abuse prevention and treatment.

''(2) YOUTH-RELATED TRAINING.—Any training provided to Bureau of Indian Affairs or tribal law enforcement or judicial personnel under paragraph (1) shall include training in issues relating to youth alcohol and substance abuse prevention and treatment.''; and

(2) in subsection (b), by striking ''as may be necessary'' and all that follows through the end of the subsection and inserting ''as are necessary for each of fiscal years 2011 through 2015.''.

(g) JUVENILE DETENTION CENTERS.—Section 4220 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453) is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary'' the first place it appears and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(B) in the second sentence, by striking ''The Secretary shall'' and inserting the following:

''(2) CONSTRUCTION AND OPERATION.—The Secretary shall''; and

(C) by adding at the end the following:

''(3) DEVELOPMENT OF PLAN.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary and the Attorney General, in consultation with tribal leaders and tribal justice officials, shall develop a long-term plan for the construction, renovation, and operation of Indian juvenile detention and treatment centers and alternatives to detention for juvenile offenders.

''(B) COORDINATION.—The plan under subparagraph (A) shall require the Bureau of Indian Education and the Indian Health Service to coordinate with tribal and Bureau of Indian Affairs juvenile detention centers to provide services to those centers.''; and

(2) in paragraphs (1) and (2) of subsection (b)—

(A) by striking ''for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' each place it appears and inserting ''for each of fiscal years 2011 through 2015''; and

(B) by indenting paragraph (2) appropriately.

SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND LEGAL ASSISTANCE.

(a) INDIAN TRIBAL JUSTICE.—

(1) BASE SUPPORT FUNDING.—Section 103(b) of the Indian Tribal Justice Act (25 U.S.C. 3613(b)) is amended by striking paragraph (2) and inserting the following:

''(2) the employment of tribal court personnel, including tribal court judges, prosecutors, public defenders, appointed defense counsel, guardians ad litem, and court-appointed special advocates for children and juveniles;''.

(2) TRIBAL JUSTICE SYSTEMS.—Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(A) in subsection (a)—

(i) by striking ''the provisions of sections 101 and 102 of this Act'' and inserting ''sections 101 and 102''; and

(ii) by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2011 through 2015'';

(B) in subsection (b)—

(i) by striking ''the provisions of section 103 of this Act'' and inserting ''section 103''; and

(ii) by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2011 through 2015'';

(C) in subsection (c), by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2011 through 2015''; and

(D) in subsection (d), by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2011 through 2015''.

(b) TECHNICAL AND LEGAL ASSISTANCE.—

(1) TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.—Section 102 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3662) is amended by inserting ''(including guardians ad litem and court-appointed special advocates for children and juveniles)'' after ''civil legal assistance''.

(2) TRIBAL CRIMINAL LEGAL ASSISTANCE GRANTS.—Section 103 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3663) is amended by striking ''criminal legal assistance to members of Indian tribes and tribal justice systems'' and inserting ''defense counsel services to all defendants in tribal court criminal proceedings and prosecution and judicial services for tribal courts''.

(3) FUNDING.—The Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(A) in section 107 (as redesignated by section 104(a)(2)(A)), by striking ''2000 through 2004'' and inserting ''2011 through 2015''; and

(B) in section 201(d) (25 U.S.C. 3681(d)), by striking ''2000 through 2004'' and inserting ''2011 through 2015''.

SEC. 403. TRIBAL RESOURCES GRANT PROGRAM.

Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) in subsection (b)—

(A) in each of paragraphs (1) through (4) and (6) through (17), by inserting ''to'' after the paragraph designation;

(B) in paragraph (1), by striking ''State and'' and inserting ''State, tribal, or'';

(C) in paragraphs (9) and (10), by inserting '', tribal,'' after ''State'' each place it appears;

(D) in paragraph (15)—

(i) by striking ''a State in'' and inserting ''a State or Indian tribe in'';

(ii) by striking ''the State which'' and inserting ''the State or tribal community that''; and

(iii) by striking ''a State or'' and inserting ''a State, tribal, or'';

(E) in paragraph (16), by striking ''and'' at the end

(F) in paragraph (17), by striking the period at the end and inserting ''; and'';

(G) by redesignating paragraphs (6) through (17) as paragraphs (5) through (16), respectively; and

(H) by adding at the end the following:

''(17) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section for use in accordance with paragraphs (1) through (16).''.

(2) in subsection (i), by striking ''The authority'' and inserting ''Except as provided in subsection (j), the authority''; and

(3) by adding at the end the following:

''(j) GRANTS TO INDIAN TRIBES.—

''(1) IN GENERAL.—Notwithstanding subsection (i) and section 1703, and in acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General shall provide grants under this section to Indian tribal governments, for fiscal year 2011 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

''(2) PRIORITY OF FUNDING.—In providing grants to Indian tribal governments under this subsection, the Attorney General shall take into consideration reservation crime rates and tribal law enforcement staffing needs of each Indian tribal government.

''(3) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection—

''(A) shall be 100 percent; and

''(B) may be used to cover indirect costs.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $40,000,000 for each of fiscal years 2011 through 2015.

''(k) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall submit to Congress a report describing the extent and effectiveness of the Community Oriented Policing (COPS) initiative as applied in Indian country, including particular references to—

''(1) the problem of intermittent funding;

''(2) the integration of COPS personnel with existing law enforcement authorities; and

''(3) an explanation of how the practice of community policing and the broken windows theory can most effectively be applied in remote tribal locations.''.

SEC. 404. TRIBAL JAILS PROGRAM.

(a) IN GENERAL.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (a) and inserting the following:

''(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this part, of amounts made available to the Attorney General to carry out programs relating to offender incarceration, the Attorney General shall reserve $35,000,000 for each of fiscal years 2011 through 2015 to carry out this section.''.

(b) REGIONAL DETENTION CENTERS.—

(1) IN GENERAL.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (b) and inserting the following:

''(b) GRANTS TO INDIAN TRIBES.—

''(1) IN GENERAL.—From the amounts reserved under subsection (a), the Attorney General shall provide grants—

''(A) to Indian tribes for purposes of—

''(i) construction and maintenance of jails on Indian land for the incarceration of offenders subject to tribal jurisdiction;

''(ii) entering into contracts with private entities to increase the efficiency of the construction of tribal jails; and

''(iii) developing and implementing alternatives to incarceration in tribal jails;

''(B) to Indian tribes for the construction of tribal justice centers that combine tribal police, courts, and corrections services to address violations of tribal civil and criminal laws;

''(C) to consortia of Indian tribes for purposes of constructing and operating regional detention centers on Indian land for long-term incarceration of offenders subject to tribal jurisdiction, as the applicable consortium determines to be appropriate.

''(2) PRIORITY OF FUNDING.—in providing grants under this subsection, the Attorney General shall take into consideration applicable—

''(A) reservation crime rates;

''(B) annual tribal court convictions; and

''(C) bed space needs.

''(3) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection shall be 100 percent.''.

(2) CONFORMING AMENDMENT.—Section 20109(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(c)) is amended by inserting ''or consortium of Indian tribes, as applicable,'' after ''Indian tribe''.

(3) LONG-TERM PLAN.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by adding at the end the following:

''(d) LONG-TERM PLAN.—Not later than 1 year after the date of enactment of this subsection, the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including—

''(1) a description of proposed activities for—

''(A) construction, operation, and maintenance of juvenile (in accordance with section 4220(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453(a)(3)) and adult detention facilities (including regional facilities) in Indian country;

''(B) contracting with State and local detention centers, on approval of the affected tribal governments; and

''(C) alternatives to incarceration, developed in cooperation with tribal court systems;

''(2) an assessment and consideration of the construction of Federal detention facilities in Indian country; and

''(3) any other alternatives as the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with Indian tribes, determines to be necessary.''.

SEC. 405. TRIBAL PROBATION OFFICE LIAISON PROGRAM.

Title II of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3681 et seq.) is amended by adding at the end the following:

''SEC. 203. ASSISTANT PROBATION OFFICERS.

''To the maximum extent practicable, the chief judge or chief probation or pretrial services officer of each judicial district, in coordination with the Office of Tribal Justice and the Office of Justice Services, shall—

''(1) appoint individuals residing in Indian country to serve as probation or pretrial services officers or assistants for purposes of monitoring and providing services to Federal prisoners residing in Indian country; and

''(2) provide substance abuse, mental health, and other related treatment services to offenders residing on Indian land.''.

SEC. 406. TRIBAL YOUTH PROGRAM.

(a) INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.—Section 504 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5783) is amended—

(1) in subsection (a), by inserting '', or to federally recognized Indian tribe or consortia of federally recognized Indian tribes under subsection (d)'' after ''subsection (b)''; and

(2) by adding at the end the following:

''(d) GRANTS FOR TRIBAL DELINQUENCY PREVENTION AND RESPONSE PROGRAMS.—

''(1) IN GENERAL.—The Administrator shall make grants under this section, on a competitive basis, to eligible Indian tribes or

consortia of Indian tribes, as described in paragraph (2)—

''(A) to support and enhance—

''(i) tribal juvenile delinquency prevention services; and

''(ii) the ability of Indian tribes to respond to, and care for, juvenile offenders; and

''(B) to encourage accountability of Indian tribal governments with respect to preventing juvenile delinquency and responding to, and caring for, juvenile offenders.

''(2) ELIGIBLE INDIAN TRIBES.—To be eligible to receive a grant under this subsection, an Indian tribe or consortium of Indian tribes shall submit to the Administrator an application in such form and containing such information as the Administrator may require.

''(3) CONSIDERATIONS.—In providing grants under this subsection, the Administrator shall take into consideration, with respect to the Indian tribe to be served, the—

''(A) juvenile crime rates;

''(B) dropout rates; and

''(C) number of at-risk youth.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 for each of fiscal years 2011 through 2015.''.

(b) COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 206(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(2)) is amended—

(1) in subparagraph (A), by striking ''Nine'' and inserting ''Ten''; and

(2) in subparagraph (B), by adding at the end the following:

''(iv) One member shall be appointed by the Chairman of the Committee on Indian Affairs of the Senate, in consultation with the Vice Chairman of that Committee and the Chairman and Ranking Member of the Committee on Natural Resources of the House of Representatives.''.

SEC. 407. IMPROVING PUBLIC SAFETY PRESENCE IN RURAL ALASKA.

(a) DEFINITIONS.—In this section:

(1) STATE.—

(A) IN GENERAL.—The term ''State'' means the State of Alaska.

(B) INCLUSION.—The term ''State'' includes any political subdivision of the State of Alaska.

(2) VILLAGE PUBLIC SAFETY OFFICER.—The term ''village public safety officer'' means an individual employed as a village public safety officer under the program established by the State pursuant to Alaska Statute 18.65.670.

(3) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given that term in section 4 of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450b(l)).

(b) COPS GRANTS.—The State and any Indian tribe or tribal organization in the State that employs a village public safety officer shall be eligible to apply for a grant under section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) (provided that only an Indian tribe or tribal organization may receive a grant under the tribal resources grant program under subsection (j) of that section) on an equal basis with other eligible applicants for funding under that section.

(c) STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANTS.—The State and any Indian tribe or tribal organization in the State that employs a village public safety officer shall be eligible to apply for a grant under the Staffing for Adequate Fire and Emergency Response program under section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a) on an equal basis with other eligible applicants for funding under that program.

(d) TRAINING FOR VILLAGE PUBLIC SAFETY OFFICERS AND TRIBAL LAW ENFORCEMENT POSITIONS FUNDED UNDER COPS PROGRAM.—

(1) IN GENERAL.—Any village public safety officer or tribal law enforcement officer in the State shall be eligible to participate in any training program offered at the Indian Police Academy of the Federal Law Enforcement Training Center.

(2) FUNDING.—Funding received pursuant to grants approved under section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) may be used for training of officers at programs described in paragraph (1) or at a police academy in the State certified by the Alaska Police Standards Council.

(e) FUNDS FOR COURTS OF LAW ENFORCEMENT OFFICERS.—Section 112(a) of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 62) is amended—

(1) by striking paragraph (1);

(2) by redesignating subparagraphs (A) and (B) of paragraph (2) as paragraphs (1) and (2), respectively, and indenting appropriately; and

(3) by redesignating clauses (i) through (iv) of paragraph (2) (as so redesignated) as subparagraphs (A) through (D), respectively, and indenting appropriately.

TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND INFORMATION SHARING

SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN COUNTRY.

(a) GANG VIOLENCE.—Section 1107 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 534 note; Public Law 109–162) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (8) through (12) as paragraphs (9) through (13), respectively;

(B) by inserting after paragraph (7) the following:

''(8) the Office of Justice Services of the Bureau of Indian Affairs;'';

(C) in paragraph (9) (as redesignated by subparagraph (A)), by striking ''State'' and inserting ''tribal, State,''; and

(D) in paragraphs (10) through (12) (as redesignated by subparagraph (A)), by inserting ''tribal,'' before ''State,'' each place it appears; and

(2) in subsection (b), by inserting ''tribal,'' before ''State,'' each place it appears.

(b) BUREAU OF JUSTICE STATISTICS.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (c)—

(A) in each of paragraphs (3) through (6), by inserting ''tribal,'' after ''State,'' each place it appears;

(B) in paragraph (7), by inserting ''and in Indian country'' after ''States'';

(C) in paragraph (9), by striking ''Federal and State Governments'' and inserting ''Federal Government and State and tribal governments'';

(D) in each of paragraphs (10) and (11), by inserting '', tribal,'' after ''State'' each place it appears;

(E) in paragraph (13), by inserting '', Indian tribes,'' after ''States'';

(F) in paragraph (17)—

(i) by striking ''State and local'' and inserting ''State, tribal, and local''; and

(ii) by striking ''State, and local'' and inserting ''State, tribal, and local'';

(G) in paragraph (18), by striking ''State and local'' and inserting ''State, tribal, and local'';

(H) in paragraph (19), by inserting ''and tribal'' after ''State'' each place it appears;

(I) in paragraph (20), by inserting '', tribal,'' after ''State''; and

(J) in paragraph (22), by inserting '', tribal,'' after ''Federal'';

(2) in subsection (d)—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting the subparagraphs appropriately;

(B) by striking ''To insure'' and inserting the following:

''(1) IN GENERAL.—To ensure''; and

(C) by adding at the end the following:

''(2) CONSULTATION WITH INDIAN TRIBES.—The Director, acting jointly with the Assistant Secretary for Indian Affairs (acting through the Office of Justice Services) and the Director of the Federal Bureau of Investigation, shall work with Indian tribes and tribal law enforcement agencies to establish and implement such tribal data collection systems as the Director determines to be necessary to achieve the purposes of this section.'';

(3) in subsection (e), by striking ''subsection (d)(3)'' and inserting ''subsection (d)(1)(C)'';

(4) in subsection (f)—

(A) in the subsection heading, by inserting '', Tribal,'' after ''State''; and

(B) by inserting '', tribal,'' after ''State''; and

(5) by adding at the end the following:

''(g) REPORTS.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.''.

(c) EFFECT OF GRANTS.—Nothing in this section or any amendment made by this section—

(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.

SEC. 502. CRIMINAL HISTORY RECORD IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Section 1301(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(a)) is amended by inserting '', tribal,'' after ''State''.

(b) EFFECT OF GRANTS.—Nothing in this section or any amendment made by this section—

(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.

TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION

SEC. 601. PRISONER RELEASE AND REENTRY.

(a) DUTIES OF BUREAU OF PRISONS.—Section 4042 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by inserting '', tribal,'' after ''State'';

(2) in subsection (b)(1), in the first sentence, by striking ''officer of the State and of the local jurisdiction'' and inserting ''officers of each State, tribal, and local jurisdiction''; and

(3) in subsection (c)(1)—

(A) in subparagraph (A), by striking ''officer of the State and of the local jurisdiction'' and inserting ''officer of each State, tribal, and local jurisdiction''; and

(B) in subparagraph (B), by inserting '', tribal,'' after ''State'' each place it appears.

(b) AUTHORITY OF INSTITUTE; TIME; RECORDS OF RECIPIENTS; ACCESS; SCOPE OF

SECTION.—Section 4352(a) of title 18, United States Code, is amended—

(1) in paragraphs (1), (3), (4), and (8), by inserting ''tribal,'' after ''State,'' each place it appears;

(2) in paragraph (6)—

(A) by inserting ''and tribal communities,'' after ''States''; and

(B) by inserting '', tribal,'' after ''State''; and

(3) in paragraph (12) by inserting '', tribal,'' after ''State''.

SEC. 602. DOMESTIC AND SEXUAL VIOLENCE OFFENSE TRAINING.

Section 3(c)(9) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(c)(9)) (as amended by section 101(a)(2)) is amended by inserting before the semicolon at the end the following: '', including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses''.

SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 305) is amended by adding at the end the following:

''SEC. 16. TESTIMONY BY FEDERAL EMPLOYEES.

''(a) APPROVAL OF EMPLOYEE TESTIMONY OR DOCUMENTS.—

''(1) IN GENERAL.—The Director of the Office of Justice Services or the Director of the Indian Health Service, as appropriate (referred to in this section as the 'Director concerned'), shall approve or disapprove, in writing, any request or subpoena from a tribal or State court for a law enforcement officer, sexual assault nurse examiner, or other employee under the supervision of the Director concerned to provide documents or testimony in a deposition, trial, or other similar criminal proceeding regarding information obtained in carrying out the official duties of the employee.

''(2) DEADLINE.—The court issuing a subpoena under paragraph (1) shall provide to the appropriate Federal employee (or agency in the case of a document request) notice regarding the request to provide testimony (or release a document) by not less than 30 days before the date on which the testimony will be provided.

''(b) APPROVAL.—

''(1) IN GENERAL.—The Director concerned shall approve a request or subpoena under subsection (a) if the request or subpoena does not violate the policy of the Department to maintain impartiality.

''(2) FAILURE TO APPROVE.—If the Director concerned fails to approve or disapprove a request or subpoena for testimony or release of a document by the date that is 30 days after the date of receipt of notice of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this section.''.

SEC. 604. COORDINATION OF FEDERAL AGENCIES.

Any report of the Secretary of Health and Human Services to Congress on the development of Indian victim services and victim advocate training programs shall include any recommendations that the Secretary determines to be necessary to prevent the sex trafficking of Indian women.

SEC. 605. SEXUAL ASSAULT PROTOCOL.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 603) is amended by adding at the end the following:

''SEC. 17. POLICIES AND PROTOCOL.

''The Director of the Indian Health Service, in coordination with the Director of the Office of Justice Services and the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service, based on similar protocol that has been established by the Department of Justice.''.

SEC. 606. STUDY OF IHS SEXUAL ASSAULT AND DOMESTIC VIOLENCE RESPONSE CAPABILITIES.

(a) STUDY.—The Comptroller General of the United States shall—

(1) conduct a study of the capability of Indian Health Service facilities in remote Indian reservations and Alaska Native villages, including facilities operated pursuant to contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.), to collect, maintain, and secure evidence of sexual assaults and domestic violence incidents required for criminal prosecution; and

(2) develop recommendations for improving those capabilities.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the results of the study under subsection (a), including the recommendations developed under that subsection, if any.

SA 4392. Mr. DURBIN (for Mr. CARPER) proposed an amendment to the bill S. 1508, to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improper Payments Elimination and Recovery Act of 2010''.

SEC. 2. IMPROPER PAYMENTS ELIMINATION AND RECOVERY.

(a) SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (a) and inserting the following:

''(a) IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—

''(1) IN GENERAL.—The head of each agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget, periodically review all programs and activities that the relevant agency head administers and identify all programs and activities that may be susceptible to significant improper payments.

''(2) FREQUENCY.—Reviews under paragraph (1) shall be performed for each program and activity that the relevant agency head administers during the year after which the Improper Payments Elimination and Recovery Act of 2010 is enacted and at least once every 3 fiscal years thereafter. For those agencies already performing a risk assessment every 3 years, agencies may apply to the Director of the Office of Management and Budget for a waiver from the requirement of the preceding sentence and continue their 3-year risk assessment cycle.

''(3) RISK ASSESSMENTS.—

''(A) DEFINITION.—In this subsection the term 'significant' means—

''(i) except as provided under clause (ii), that improper payments in the program or activity in the preceding fiscal year may have exceeded—

''(I) $10,000,000 of all program or activity payments made during that fiscal year reported and 2.5 percent of program outlays; or

''(II) $100,000,000; and

''(ii) with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget, that improper payments in the program or activity in the preceding fiscal year may have exceeded—

''(I) $10,000,000 of all program or activity payments made during that fiscal year reported and 1.5 percent of program outlays; or

''(II) $100,000,000.

''(B) SCOPE.—In conducting the reviews under paragraph (1), the head of each agency shall take into account those risk factors that are likely to contribute to a susceptibility to significant improper payments, such as—

''(i) whether the program or activity reviewed is new to the agency;

''(ii) the complexity of the program or activity reviewed;

''(iii) the volume of payments made through the program or activity reviewed;

''(iv) whether payments or payment eligibility decisions are made outside of the agency, such as by a State or local government;

''(v) recent major changes in program funding, authorities, practices, or procedures;

''(vi) the level, experience, and quality of training for personnel responsible for making program eligibility determinations or certifying that payments are accurate; and

''(vii) significant deficiencies in the audit report of the agency or other relevant management findings that might hinder accurate payment certification.''.

(b) ESTIMATION OF IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (b) and inserting the following:

''(b) ESTIMATION OF IMPROPER PAYMENTS.—With respect to each program and activity identified under subsection (a), the head of the relevant agency shall—

''(1) produce a statistically valid estimate, or an estimate that is otherwise appropriate using a methodology approved by the Director of the Office of Management and Budget, of the improper payments made by each program and activity; and

''(2) include those estimates in the accompanying materials to the annual financial statement of the agency required under section 3515 of title 31, United States Code, or similar provision of law and applicable guidance of the Office of Management and Budget.''.

(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (c) and inserting the following:

''(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—With respect to any program or activity of an agency with estimated improper payments under subsection (b), the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to reduce improper payments, including—

''(1) a description of the causes of the improper payments, actions planned or taken to correct those causes, and the planned or actual completion date of the actions taken to address those causes;

''(2) in order to reduce improper payments to a level below which further expenditures to reduce improper payments would cost more than the amount such expenditures would save in prevented or recovered improper payments, a statement of whether the agency has what is needed with respect to—

''(A) internal controls;

''(B) human capital; and

''(C) information systems and other infrastructure;

''(3) if the agency does not have sufficient resources to establish and maintain effective internal controls under paragraph (2)(A), a description of the resources the agency has requested in its budget submission to establish and maintain such internal controls;

''(4) program-specific and activity-specific improper payments reduction targets that have been approved by the Director of the Office of Management and Budget; and

''(5) a description of the steps the agency has taken to ensure that agency managers, programs, and, where appropriate, States and localities are held accountable through annual performance appraisal criteria for—

''(A) meeting applicable improper payments reduction targets; and

''(B) establishing and maintaining sufficient internal controls, including an appropriate control environment, that effectively—

''(i) prevent improper payments from being made; and

''(ii) promptly detect and recover improper payments that are made.''.

(d) REPORTS ON ACTIONS TO RECOVER IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (d) and (f) as subsections (f) and (g), respectively; and

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

''(d) REPORTS ON ACTIONS TO RECOVER IMPROPER PAYMENTS.—With respect to any improper payments identified in recovery audits conducted under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010 (31 U.S.C. 3321 note), the head of the agency shall provide with the estimate under subsection (b) a report on all actions the agency is taking to recover improper payments, including—

''(1) a discussion of the methods used by the agency to recover overpayments;

''(2) the amounts recovered, outstanding, and determined to not be collectable, including the percent such amounts represent of the total overpayments of the agency;

''(3) if a determination has been made that certain overpayments are not collectable, a justification of that determination;

''(4) an aging schedule of the amounts outstanding;

''(5) a summary of how recovered amounts have been disposed of;

''(6) a discussion of any conditions giving rise to improper payments and how those conditions are being resolved; and

''(7) if the agency has determined under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010 (31 U.S.C. 3321 note) that performing recovery audits for any applicable program or activity is not cost-effective, a justification for that determination.

''(e) GOVERNMENTWIDE REPORTING OF IMPROPER PAYMENTS AND ACTIONS TO RECOVER IMPROPER PAYMENTS.—

''(1) REPORT.—Each fiscal year the Director of the Office of Management and Budget shall submit a report with respect to the preceding fiscal year on actions agencies have taken to report information regarding improper payments and actions to recover improper overpayments to—

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

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

''(2) CONTENTS.—Each report under this subsection shall include—

''(A) a summary of the reports of each agency on improper payments and recovery actions submitted under this section;

''(B) an identification of the compliance status of each agency to which this Act applies;

''(C) governmentwide improper payment reduction targets; and

''(D) a discussion of progress made towards meeting governmentwide improper payment reduction targets.''.

(e) DEFINITIONS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsections (f) (as redesignated by this section) and inserting the following:

''(f) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' means an executive agency, as that term is defined in section 102 of title 31, United States Code.

''(2) IMPROPER PAYMENT.—The term 'improper payment'—

''(A) means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and

''(B) includes any payment to an ineligible recipient, any payment for an ineligible good or service, any duplicate payment, any payment for a good or service not received (except for such payments where authorized by law), and any payment that does not account for credit for applicable discounts.

''(3) PAYMENT.—The term 'payment' means any transfer or commitment for future transfer of Federal funds such as cash, securities, loans, loan guarantees, and insurance subsidies to any non-Federal person or entity, that is made by a Federal agency, a Federal contractor, a Federal grantee, or a governmental or other organization administering a Federal program or activity.

''(4) PAYMENT FOR AN INELIGIBLE GOOD OR SERVICE.—The term 'payment for an ineligible good or service' shall include a payment for any good or service that is rejected under any provision of any contract, grant, lease, cooperative agreement, or any other funding mechanism.''.

(f) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (g) (as redesignated by this section) and inserting the following:

''(g) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Improper Payments Elimination and Recovery Act of 2010, the Director of the Office of Management and Budget shall prescribe guidance for agencies to implement the requirements of this section. The guidance shall not include any exemptions to such requirements not specifically authorized by this section.

''(2) CONTENTS.—The guidance under paragraph (1) shall prescribe—

''(A) the form of the reports on actions to reduce improper payments, recovery actions, and governmentwide reporting; and

''(B) strategies for addressing risks and establishing appropriate prepayment and postpayment internal controls.''.

(g) DETERMINATIONS OF AGENCY READINESS FOR OPINION ON INTERNAL CONTROL.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget shall develop—

(1) specific criteria as to when an agency should initially be required to obtain an opinion on internal control over improper payments; and

(2) criteria for an agency that has demonstrated a stabilized, effective system of internal control over improper payments, whereby the agency would qualify for a multiyear cycle for obtaining an audit opinion on internal control over improper payments, rather than an annual cycle.

(h) RECOVERY AUDITS.—

(1) DEFINITION.—In this subsection, the term ''agency'' has the meaning given under section 2(f) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) as redesignated by this Act.

(2) IN GENERAL.—

(A) CONDUCT OF AUDITS.—Except as provided under paragraph (4) and if not prohibited under any other provision of law, the head of each agency shall conduct recovery audits with respect to each program and activity of the agency that expends $1,000,000 or more annually if conducting such audits would be cost-effective.

(B) PROCEDURES.—In conducting recovery audits under this subsection, the head of an agency—

(i) shall give priority to the most recent payments and to payments made in any program or programs identified as susceptible to significant improper payments under section 2(a) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note);

(ii) shall implement this subsection in a manner designed to ensure the greatest financial benefit to the Government; and

(iii) may conduct recovery audits directly, by using other departments and agencies of the United States, or by procuring performance of recovery audits by private sector sources by contract (subject to the availability of appropriations), or by any combination thereof.

(C) RECOVERY AUDIT CONTRACTS.—With respect to recovery audits procured by an agency by contract—

(i) subject to subparagraph (B)(iii), and except to the extent such actions are outside the agency's authority, as defined by section 605(a) of the Contract Disputes Act of 1978 (41 U.S.C. 605(a)), the head of the agency may authorize the contractor to notify entities (including persons) of potential overpayments made to such entities, respond to questions concerning potential overpayments, and take other administrative actions with respect to overpayment claims made or to be made by the agency; and

(ii) such contractor shall have no authority to make final determinations relating to whether any overpayment occurred and whether to compromise, settle, or terminate overpayment claims.

(D) CONTRACT TERMS AND CONDITIONS.—

(i) IN GENERAL.—The agency shall include in each contract for procurement of performance of a recovery audit a requirement that the contractor shall—

(I) provide to the agency periodic reports on conditions giving rise to overpayments identified by the contractor and any recommendations on how to mitigate such conditions;

(II) notify the agency of any overpayments identified by the contractor pertaining to the agency or to any other agency or agencies that are beyond the scope of the contract; and

(III) report to the agency credible evidence of fraud or vulnerabilities to fraud, and conduct appropriate training of personnel of the contractor on identification of fraud.

(ii) REPORTS ON ACTIONS TAKEN .—Not later than November 1 of each year, each agency shall submit a report on actions taken by the agency during the preceding fiscal year to address the recommendations described under clause (i)(I) to—

(I) the Office of Management and Budget; and

(II) Congress.

(E) AGENCY ACTION FOLLOWING NOTIFICATION.—An agency shall take prompt and appropriate action in response to a report or notification by a contractor under subparagraph (D)(i)(I) or (II), to collect overpayments and shall forward to other agencies any information that applies to such agencies.

(3) DISPOSITION OF AMOUNTS RECOVERED.—

(A) IN GENERAL.—Amounts collected by agencies each fiscal year through recovery audits conducted under this subsection shall be treated in accordance with this paragraph. The agency head shall determine the distribution of collected amounts, less amounts needed to fulfill the purposes of section 3562(a) of title 31, United States Code, in accordance with subparagraphs (B), (C), and (D).

(B) USE FOR FINANCIAL MANAGEMENT IMPROVEMENT PROGRAM.—Not more than 25 percent of the amounts collected by an agency through recovery audits—

(i) shall be available to the head of the agency to carry out the financial management improvement program of the agency under paragraph (4);

(ii) may be credited, if applicable, for that purpose by the head of an agency to any agency appropriations and funds that are available for obligation at the time of collection; and

(iii) shall be used to supplement and not supplant any other amounts available for that purpose and shall remain available until expended.

(C) USE FOR ORIGINAL PURPOSE.—Not more than 25 percent of the amounts collected by an agency—

(i) shall be credited to the appropriation or fund, if any, available for obligation at the time of collection for the same general purposes as the appropriation or fund from which the overpayment was made;

(ii) shall remain available for the same period and purposes as the appropriation or fund to which credited; and

(iii) if the appropriation from which the overpayment was made has expired, shall be newly available for the same time period as the funds were originally available for obligation, except that any amounts that are recovered more than five fiscal years from the last fiscal year in which the funds were available for obligation shall be deposited in the Treasury as miscellaneous receipts, except that in the case of recoveries of overpayments that are made from trust or special fund accounts, such amounts shall revert to those accounts.

(D) USE FOR INSPECTOR GENERAL ACTIVITIES.—Not more than 5 percent of the amounts collected by an agency shall be available to the Inspector General of that agency—

(i) for—

(I) the Inspector General to carry out this Act; or

(II) any other activities of the Inspector General relating to investigating improper payments or auditing internal controls associated with payments; and

(ii) shall remain available for the same period and purposes as the appropriation or fund to which credited.

(E) REMAINDER.—Amounts collected that are not applied in accordance with subparagraph (A), (B), (C), or (D) shall be deposited in the Treasury as miscellaneous receipts, except that in the case of recoveries of overpayments that are made from trust or special fund accounts, such amounts shall revert to those accounts.

(F) DISCRETIONARY AMOUNTS.—This paragraph shall apply only to recoveries of overpayments that are made from discretionary appropriations (as that term is defined by paragraph 7 of section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985) and shall not apply to recoveries of overpayments that are made from discretionary amounts that were appropriated prior to enactment of this Act.

(G) APPLICATION.—This paragraph shall not apply to recoveries of overpayments if the appropriation from which the overpayment was made has not expired.

(4) FINANCIAL MANAGEMENT IMPROVEMENT PROGRAM.—

(A) REQUIREMENT.—The head of each agency shall conduct a financial management improvement program, consistent with rules prescribed by the Director of the Office of Management and Budget.

(B) PROGRAM FEATURES.—In conducting the program, the head of the agency—

(i) shall, as the first priority of the program, address problems that contribute directly to agency improper payments; and

(ii) may seek to reduce errors and waste in other agency programs and operations.

(5) PRIVACY PROTECTIONS.—Any nongovernmental entity that, in the course of recovery auditing or recovery activity under this subsection, obtains information that identifies an individual or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual, may not disclose the information for any purpose other than such recovery auditing or recovery activity and governmental oversight of such activity, unless disclosure for that other purpose is authorized by the individual to the executive agency that contracted for the performance of the recovery auditing or recovery activity.

(6) OTHER RECOVERY AUDIT REQUIREMENTS.—

(A) IN GENERAL.—(i) Except as provided in clause (ii), subchapter VI of chapter 35 of title 31, United States Code, is repealed.

(ii) Section 3562(a) of title 31, United States Code, shall continue in effect, except that references in such section 3562(a) to programs carried out under section 3561 of such title, shall be interpreted to mean programs carried out under section 2(h) of this Act.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 31, United States Code, is amended by striking the matter relating to subchapter VI.

(ii) DEFINITION.—Section 3501 of title 31, United States Code, is amended by striking ''and subchapter VI of this title''.

(iii) HOMELAND SECURITY GRANTS.—Section 2022(a)(6) of the Homeland Security Act of 2002 (6 U.S.C. 612(a)(6)) is amended by striking ''(as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code)'' and inserting ''under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010 (31 U.S.C. 3321 note)''.

(7) RULE OF CONSTRUCTION.—Except as provided under paragraph (5), nothing in this section shall be construed as terminating or in any way limiting authorities that are otherwise available to agencies under existing provisions of law to recover improper payments and use recovered amounts.

(i) REPORT ON RECOVERY AUDITING.—Not later than 2 years after the date of the enactment of this Act, the Chief Financial Officers Council established under section 302 of the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note), in consultation with the Council of Inspectors General on Integrity and Efficiency established under section 7 of the Inspector General Reform Act of 2009 (Public Law 110–409) and recovery audit experts, shall conduct a study of—

(1) the implementation of subsection (h);

(2) the costs and benefits of agency recovery audit activities, including—

(A) those activities under subsection (h); and

(B) the effectiveness of using the services of—

(i) private contractors;

(ii) agency employees;

(iii) cross-servicing from other agencies; or

(iv) any combination of the provision of services described under clauses (i) through (iii); and

(3) submit a report on the results of the study to—

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

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(C) the Comptroller General.

SEC. 3. COMPLIANCE.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given under section 2(f) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) as redesignated by this Act.

(2) ANNUAL FINANCIAL STATEMENT.—The term ''annual financial statement'' means the annual financial statement required under section 3515 of title 31, United States Code, or similar provision of law.

(3) COMPLIANCE.—The term ''compliance'' means that the agency—

(A) has published an annual financial statement for the most recent fiscal year and posted that report and any accompanying materials required under guidance of the Office of Management and Budget on the agency website;

(B) if required, has conducted a program specific risk assessment for each program or activity that conforms with section 2(a) the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note); and

(C) if required, publishes improper payments estimates for all programs and activities identified under section 2(b) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in the accompanying materials to the annual financial statement;

(D) publishes programmatic corrective action plans prepared under section 2(c) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) that the agency may have in the accompanying materials to the annual financial statement;

(E) publishes improper payments reduction targets established under section 2(c) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) that the agency may have in the accompanying materials to the annual financial statement for each program assessed to be at risk, and is meeting such targets; and

(F) has reported an improper payment rate of less than 10 percent for each program and activity for which an estimate was published under section 2(b) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) ANNUAL COMPLIANCE REPORT BY INSPECTORS GENERAL OF AGENCIES.—Each fiscal year, the Inspector General of each agency shall determine whether the agency is in compliance and submit a report on that determination to—

(1) the head of the agency;

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

(3) the Committee on Oversight and Governmental Reform of the House of Representatives; and

(4) the Comptroller General.

(c) REMEDIATION.—

(1) NONCOMPLIANCE.—

(A) IN GENERAL.—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) in a fiscal year, the head of the agency shall submit a plan to Congress describing

the actions that the agency will take to come into compliance.

(B) PLAN.—The plan described under subparagraph (A) shall include—

(i) measurable milestones to be accomplished in order to achieve compliance for each program or activity;

(ii) the designation of a senior agency official who shall be accountable for the progress of the agency in coming into compliance for each program or activity; and

(iii) the establishment of an accountability mechanism, such as a performance agreement, with appropriate incentives and consequences tied to the success of the official designated under clause (ii) in leading the efforts of the agency to come into compliance for each program and activity.

(2) NONCOMPLIANCE FOR 2 FISCAL YEARS.—

(A) IN GENERAL.—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) for 2 consecutive fiscal years for the same program or activity, and the Director of the Office of Management and Budget determines that additional funding would help the agency come into compliance, the head of the agency shall obligate additional funding, in an amount determined by the Director, to intensified compliance efforts.

(B) FUNDING.—In providing additional funding described under subparagraph (A), the head of an agency shall use any reprogramming or transfer authority available to the agency. If after exercising that reprogramming or transfer authority additional funding is necessary to obligate the full level of funding determined by the Director of the Office of Management and Budget under subparagraph (A), the agency shall submit a request to Congress for additional reprogramming or transfer authority.

(3) REAUTHORIZATION AND STATUTORY PROPOSALS.—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) for more than 3 consecutive fiscal years for the same program or activity, the head of the agency shall, not later than 30 days after such determination, submit to Congress—

(A) reauthorization proposals for each program or activity that has not been in compliance for 3 or more consecutive fiscal years; or

(B) proposed statutory changes necessary to bring the program or activity into compliance.

(d) COMPLIANCE ENFORCEMENT PILOT PROGRAMS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget may establish 1 or more pilot programs which shall test potential accountability mechanisms with appropriate incentives and consequences tied to success in ensuring compliance with this Act and eliminating improper payments.

(2) REPORT.—Not later than 5 years after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the findings associated with any pilot programs conducted under paragraph (1). The report shall include any legislative or other recommendations that the Director determines necessary.

(e) REPORT ON CHIEF FINANCIAL OFFICERS ACT OF 1990.—Not later than 1 year after the date of the enactment of this Act, the Chief Financial Officers Council established under section 302 of the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note) and the Council of Inspectors General on Integrity and Efficiency established under section 7 of the Inspector General Reform Act of 2009 (Public Law 110–409), in consultation with a broad cross-section of experts and stakeholders in Government accounting and financial management shall—

(1) jointly examine the lessons learned during the first 20 years of implementing the Chief Financial Officers Act of 1990 (31 U.S.C. 901) and identify reforms or improvements, if any, to the legislative and regulatory compliance framework for Federal financial management that will optimize Federal agency efforts to—

(A) publish relevant, timely, and reliable reports on Government finances; and

(B) implement internal controls that mitigate the risk for fraud, waste, and error in Government programs; and

(2) jointly submit a report on the results of the examination to—

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

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(C) the Comptroller General.

SA 4393. Mr. DURBIN (for Mr. CONRAD) proposed an amendment to the resolution S. Res. 541, designating June 27, 2010, as ''National Post-Traumatic Stress Disorder Awareness Day''; as follows:

Strike the preamble and insert the following:

Whereas the brave men and women of the United States Armed Forces, who proudly serve the United States, risk their lives to protect the freedom of the United States and deserve the investment of every reasonable resource to ensure their lasting physical, mental, and emotional well-being;

Whereas up to 15 percent of Operation Iraqi Freedom and Operation Enduring Freedom veterans, 10 percent of Operation Desert Storm veterans, 30 percent of Vietnam veterans, and 8 percent of the general population of the United States suffer or have suffered from Post Traumatic Stress Disorder (referred to in this preamble as ''PTSD'');

Whereas the incidence of PTSD in members of the military is rising as the United States Armed Forces conducts 2 wars, exposing hundreds of thousands of soldiers to traumatic life-threatening events;

Whereas from 2000 to 2009, approximately 76,000 Department of Defense patients were diagnosed with PTSD;

Whereas the Department of Defense patients—

(1) were hospitalized more than 5,300 times with a primary diagnosis of PTSD; and

(2) had more than 578,000 outpatient visits in which PTSD was the primary diagnosis;

Whereas PTSD significantly increases the risk of depression, suicide, and drug and alcohol related disorders and deaths;

Whereas the Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain; and

Whereas the establishment of a National Post-Traumatic Stress Disorder Awareness Day will raise public awareness about issues related to PTSD: Now, therefore, be it

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 30, 2010, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting on pending committee issues to be followed immediately by an oversight hearing entitled ''A Way Out of the diabetes Crisis in Indian Country and Beyond.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 23, 2010, at 2:30 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The U.S.-China Trade Relationship: Finding a New Path Forward.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 23, 2010, at 2:30 p.m., to conduct a hearing entitled ''Finding Common Ground with a Rising China.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on The Judiciary be authorized to meet during the session of the Senate on June 23, 2010, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the Office of the Intellectual Property Enforcement Coordinator.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on June 23, 2010, at 10 a.m., to conduct a hearing entitled ''Examining the Filibuster: Silent Filibusters, Holds and the Senate Confirmation Process.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on June 23, 2010, at 2:30 p.m., to conduct a hearing entitled ''Having Their Say: Customer and Employee Views on the Future of the U.S. Postal Service.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Laura Cilek and Marshall Fisher of my staff be granted the privilege of the floor for the duration of the day's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Kevin Wenderoth and Leah Paisner of my office be granted the privilege of the floor for today, June 23.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that privileges of the floor be granted to Scott Glick, a Department of Justice detailee to the Judiciary Committee assigned to my staff, during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JUNE 24, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it adjourn until 9:30 a.m. on Thursday, June 24; 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 that following any leader remarks, the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each during that time, with the majority controlling the first 30 minutes and the Republicans controlling the final 30 minutes; and that following morning business, the Senate resume the House message to accompany H.R. 4213.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, I tell everyone that tomorrow we hope to reach an agreement to consider the Iran sanctions conference report. Senators should expect rollcall votes throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:15 p.m., adjourned until Thursday, June 24, 2010, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, June 23, 2010:

DEPARTMENT OF TRANSPORTATION

MICHAEL PETER HUERTA, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION.

ENVIRONMENTAL PROTECTION AGENCY

MALCOLM D. JACKSON, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DELTA REGIONAL AUTHORITY

CHRISTOPHER A. MASINGILL, OF ARKANSAS, TO BE FEDERAL COCHAIRPERSON, DELTA REGIONAL AUTHORITY.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

RAFAEL MOURE-ERASO, OF MASSACHUSETTS, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

MARK A. GRIFFON, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

RAFAEL MOURE-ERASO, OF MASSACHUSETTS, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

REMEMBERING EUGENE MCCAMMON

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. RYAN of Ohio. Madam Speaker, I rise to remember Eugene Blair McCammon of New Springfield, Ohio who passed away last Thursday, June 17, 2010.

Mr. McCammon was born on May 15, 1927, in Youngstown, Ohio and worked as a railroad yard clerk for the Erie Lackawanna Railroad and as a school bus driver for the Boardman schools. He served the community of New Springfield as a member of the VFW, a member of the Church of God, an EMT, and a volunteer firefighter.

After his graduation from Rayen High School, he served in the United States Navy and later enlisted in the United States Marine Corps. In November and December of 1950, Eugene McCammon fought in the Battle of Chosin Reservoir known as the Frozen Chosin and fought by the Chosin Few. Following the onslaught of the Chinese Army across the Yalu River, U.S. and U.N. forces were overwhelmed and began a seventeen-day battle as a Siberian cold front dropped the temperature to 35 degrees below zero. The fighting at Chosin Reservoir was some of the most violent small unit fighting in the history of American warfare as our forces struggled along a 78-mile-long narrow road toward the port of Hungnam. Eugene McCammon received a Purple Heart and a Silver Star for gallantry in action and valor in the face of the enemy.

Mr. McCammon is survived by two daughters, Kathleen Connolly and Jeri Westover, his nephew Robert McLaughlin, two brothers, Earl McCammon and Donald McCammon, two sisters, Rose Margaret Maizel and Dorothy Wiscott, granddaughter Molly Kathleen, and many friends and extended family members.

On behalf of a grateful Nation we remember the patriotic service and the life of our friend and neighbor Eugene Blair McCammon.

RECOGNIZING KEITH BURKE, RECIPIENT OF THE ARIZONA GANG INVESTIGATORS ASSOCIATION'S LIFETIME ACHIEVEMENT AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize Mr. Keith Burke of Tempe, the recipient of the Arizona Gang Investigators Association's Lifetime Achievement Award. Keith has dedicated the past 18 years of his career to the development of gang prevention programs in the city of Tempe. As a former mayor and lifelong resident of Tempe, and now my hometown's representative in Congress, I wish to congratulate Keith on this achievement and thank him for his efforts within our community.

Keith's commitment to the development of Escalante Community Center has made a tremendous positive impact on that neighborhood and the broader community. His dedication and leadership helped lead to the expansion of the Escalante Community Center, which has grown from 3,000 square feet to 37,000 square feet. These facilities operate as an essential tool to provide a safe and entertaining place for teenagers and children.

Through the center, Keith has established programs geared toward reducing gang-related crimes. His efforts at the Escalante Community Center have provided a model for similar community centers throughout Tempe.

Madam Speaker, please join me in recognizing Keith Burke, a truly valuable and inspirational member of our community, for earning this Lifetime Achievement Award.

EAGLE SCOUT RECOGNITION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. WITTMAN. Madam Speaker, I rise today to recognize three outstanding young men from Montross, Virginia who have exhibited the finest qualities of citizenship and leadership by taking an active part in Troop 252 of the Boy Scouts of America and earning the prestigious title of Eagle Scout. Each of the scouts selflessly dedicated his time and resources to benefit the surrounding community, and they are all fine representatives of my hometown.

Murphy Bailey, a 2009 graduate of Washington and Lee High School, used his Eagle Scout project to help the citizens of nearby Kinsale, Virginia, pouring concrete bases and building picnic tables to enhance visitors' experiences in the town park. Murphy is currently farming in Westmoreland County.

Trent Jones, a recent graduate of Washington and Lee High School, rebuilt a dilapidated fence at Beulah Baptist Church in Lyelles, Virginia. Trent raised the project funds, formulated a budget, and managed the workers who assisted in the fence's reconstruction. Trent plans to attend Virginia Tech in the fall.

G. E. "Bubby" Miles, also a recent graduate of Washington and Lee High School, volunteered a considerable amount of his time at the Cople District Fire Department in Coles Point. Bubby plans to attend college in the fall.

Madam Speaker, I proudly ask you to join me in commending Murphy Bailey, Trent Jones, and Bubby Miles for their accomplishments with the Boy Scouts of America and for the efforts each of them put forth in achieving the prestigious rank of Eagle Scout.

CONGRATULATING SEAN NANK, RECIPIENT OF THE PRESIDENTIAL AWARD FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. ISSA. Madam Speaker, I rise today to recognize Sean Nank, a teacher at El Camino High School in Oceanside, California and congratulate him on receiving the Presidential Award for Excellence in Mathematics and Science Teaching (PAEMST). This remarkable achievement is the highest recognition that a kindergarten through twelfth grade mathematics or science teacher may receive for outstanding teaching in the United States.

Mr. Nank has proven to be an outstanding educator who has taken his teaching to the next level. This prestigious award justly recognizes his curriculum content that has led to enhanced student learning through unique classroom instruction.

With 13 years of teaching experience, Mr. Nank is currently a secondary mathematics teacher of Algebra I, Geometry, and Algebra II courses. He has demonstrated an unwavering commitment to the needs of students by promoting the principles of a quality and challenging curriculum.

PAEMST is administered by the National Science Foundation on behalf of The White House Office of Science and Technology Policy. This award recognizes teachers for their outstanding contributions to teaching and learning and their ability to help students make progress in mathematics and science.

As a well deserving recipient of this tremendous award, I am honored to represent constituents in the 49th District who are devoted to furthering the educational advancement of our nation's young people and encouraging and inspiring our next generation of leaders. This award represents a heartfelt salute of appreciation to Mr. Nank as an extraordinary teacher committed to helping students achieve academic success.

Madam Speaker, I would like to commend Mr. Nank's leadership and his dedication to advancing excellence in mathematics. Once again, I congratulate him on receiving this incredible honor and applaud his contributions to the education of future generations.

HONORING THE LIFE AND SERVICE OF SGT JOSHUA AKONI SABLAN LUKEALA

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Ms. BORDALLO. Madam Speaker, I rise today to honor the service and sacrifice of

United States Army Sergeant Joshua Akoni Sablan Lukeala. SGT Lukeala served in the 101st Airborne Division's Air Assault team based out of Fort Campbell, Kentucky, and on June 9, 2010, SGT Lukeala passed away in support of Operation Enduring Freedom in Afghanistan. He was 23 years old.

SGT Lukeala was born on February 19, 1987, to Anthony and Dorothy Lukeala of Yigo, Guam. The son of a retired Army veteran and Junior Reserve Officer Training Corps instructor, SGT Lukeala's career began with the JROTC at Simon Sanchez High School where he excelled as an expert marksman. In 2005, he enlisted in the U.S. Army soon after his high school graduation. He was deployed to Iraq under the Stryker Brigade Combat Team, 25th Infantry Division in 2007, and during his deployment, SGT Lukeala was wounded by an improvised explosive device that detonated nearby while on foot patrol. The force of the blast caused SGT Lukeala to suffer partial hearing loss, and he was later awarded the Purple Heart in recognition of his service in Iraq.

Although he sustained injuries during his previous tour in Iraq, SGT Lukeala continued his service to our nation with the 101st Airborne Division in support of operations in Afghanistan. His commitment to the cause of freedom and to serving our nation on multiple tours of duty is to be commended. On June 9, 2010, SGT Lukeala paid the ultimate sacrifice in answering the call of duty, and I join our community in mourning the loss of SGT Lukeala and, on behalf of a grateful nation, I offer condolences to his wife, Deniece Nave Lukeala; his daughter; his parents, Anthony and Dorothy Lukeala; his brother, Anthony Keoni Lukeala; and to his many family and friends. We will never forget the sacrifice SGT Lukeala made for our freedom.

May God bless the family and friends of SGT Joshua Akoni Sablan Lukeala, God bless Guam, and God bless the United States of America.

IN MEMORY OF FRED LEWIS ''SONNY'' ANDERSON, JR.

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. ELLISON. Madam Speaker, it is with great sadness I rise today to mourn the passing of my friend and Minnesota criminal defense investigator, Fred Lewis "Sonny" Anderson, Junior.

Sonny was born and raised in Minneapolis and graduated from North High School in 1966. He went on to attend the University of Minnesota, where he majored in criminal justice. He served his country in the United States Army from 1968–1970, and later served his community for 25 years as a Criminal Defense Investigator with the Legal Rights Center in the Hennepin County Public Defender's Office. Sonny was an avid sportsman, and was a loving and loyal father, son, brother, uncle, grandfather and friend.

Sonny was the Chief Investigator during my tenure as Executive Director at the Legal Rights Center in Minneapolis, MN. Through Sonny's tireless and courageous work, many Minnesotans received high quality representation without regard to income or wealth. Sonny's pursuit of the truth was relentless. He stopped at nothing to find the elusive witness, document, or film footage for the sake of truth and justice. Sonny always worked for the indigent criminal defendant, but he believed that the quality of justice his clients received was a barometer for the quality of justice to which everyone is entitled.

Madam Speaker, Sonny had a profound impact on his country, his community, his friends and family, and will be missed by all who knew him.

MAJOR GENERAL DOUGLAS BURNETT, FLORIDA'S ADJUTANT GENERAL, RETIRES AFTER 47 YEARS IN UNIFORM

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. YOUNG of Florida. Madam Speaker, our state of Florida and our nation will lose one of our nation's uniformed heroes Friday when Florida Adjutant General, Major General Douglas Burnett, retires after serving our state as Adjutant General for almost nine years.

In fact his 47 years, four months and 12 days in uniform make him our nation's longest serving Air Force officer. That is correct, General Burnett led the Florida National Guard while wearing a blue Air Force uniform. He was the first Air Guard officer selected by a Governor to lead Florida's National and Air Guard.

General Burnett led his troops with passion and compassion. He rose through the ranks of a life-long National Guard career, beginning as an enlisted aircraft radio repairman in 1963 and securing his officer's commission and flight wings in 1969. Throughout his career, he served at all levels of the Florida Guard, including five tours as Assistant Adjutant General Air and Commander of the Florida Air Guard.

Florida Governor Jeb Bush recognized this strong and steady record of leadership when just two months after one of our nation's darkest days, September 11, 2001, he selected General Burnett to serve as Florida's Adjutant General. It was a tall task for any officer but the right task for this General.

General Burnett quickly established the respect and confidence of his troops as he over saw a force of 11,000 soldiers and airmen who deployed to two wars in Iraq and Afghanistan, responded to 14 hurricanes, five dangerous years of forest fires, untold tornadoes, and even a mission to secure the U.S.-Mexico border. In fact, the current deployment of Florida Guardsmen in support of Operation Enduring Freedom is the largest deployment of Florida troops since World War II.

Despite this hectic pace of operations over the past nine years, General Burnett never lost site of his mission to ensure the readiness of his troops and availability of the equipment they would need to carry out their missions safely and successfully. First and foremost, though, was the morale of his guardsmen and their families. As he told the Florida Air National Guard publication The Eagle's Eye, "I felt that when you get to know the people and you get to know their mission and you get to know their needs, you can lead them better. I really dug in to know the culture, the needs."

Following my remarks, Madam Speaker, I will include the full story about General Burnett entitled "A Leader's Legacy" written by Master Sergeant Thomas Kielbasa because it captures the essence of a leader who carries out his duties equally focused on his mission and the needs of his troops.

My wife Beverly and I know of General Burnett's commitment to standing up for the needs of his troops. We took many of his calls and e-mails in the middle of the night when others tried to deploy his troops with insufficient equipment, when they left his troops sitting on a tarmac without an aircraft waiting to return home, or when they readied his troops for deployment by putting them in inferior housing. Together we solved those problems but only because General Burnett had the courage to stand up for his troops and their families.

As a career guardsman, General Burnett knew that there is no distinction between the abilities and professionalism of guard and active duty troops. And he always made sure that our nation's military leadership knew that and respected the special skills of our Citizen Soldiers.

Throughout his life in uniform, General Burnett served side by side with his wife Judy who shared his commitment to taking care of the needs of his soldiers and particularly their families. She understood the stress of long deployments on spouses and children. This included financial and emotional strains.

Madam Speaker, Major General Douglas Burnett has raised the bar to a new level when it comes to leadership. He has devoted his life to securing our state and securing our nation. He has helped shepherd us through some of our most difficult and dangerous times and done it with great skill. He has also trained his replacement, Major General Emmett R. Titshaw, Jr., well as this Air Guardsmen will step right in prepared to lead Florida's troops wherever their mission takes them.

Our nation owes a tremendous debt of gratitude to Major General Douglas Burnett for his lifetime of service to our state and our nation and to the cause of freedom and liberty. He has followed in the greatest tradition of all those who have worn our nation's uniform from the Minutemen, our nation's earliest citizen soldiers, to the heroes who continue to carryout the international war on terrorism.

In behalf of the people of Florida and the United States of America, and all those General Burnett has served with and led these past 47 years, thank you for a job well done.

[From The Eagle's Eye]

A LEADER'S LEGACY: MAJOR GENERAL DOUGLAS BURNETT, ADJUTANT GENERAL OF FLORIDA, REFLECTS ON 47 YEARS OF SERVICE

(By Master Sgt. Thomas Kielbasa)

ST. AUGUSTINE, FL (June 17, 2010).—It's been a long, fast flight for Douglas Burnett. His career took off on a sunny morning nearly 50 years ago when he was a young Airman climbing into the cockpit of an F–102 fighter jet to repair a pilot's radio.

In what felt like just a few heartbeats to the Florida Guardsman and aspiring jet pilot, his career sped by like a supersonic fighter.

Now the 65-year-old major general and current Adjutant General of Florida knows his 47 years of military service are nearly over.

On June 26 Maj. Gen. Burnett will retire from the Florida National Guard, but he clearly remembers that day he first sat in a fighter jet and decided to make a lifetime commitment to the National Guard.

''It seems like yesterday,'' the general said during a recent interview at his home in St. Augustine. ''I came back from tech school as an electronics specialist and I went out onto the flight line to repair a radio. I had to get into the cockpit to make sure it worked, and there was something about it that was bigger than anything I had seen in my life. Just sitting in that airplane . . . that was just a really big deal.''

That moment in 1963 jumpstarted the young Burnett's career as an Air Force officer and fighter pilot, and when that career ends after 47 years, four months and 12 days, it will set a record making him the longest serving Air Force officer.

A CAREER TAKES OFF

A native of Jacksonville, Fla., Burnett grew up interested in electronics and developed a strong respect for the military that led him to enlist in the Florida Air National Guard. Shortly after high school he attended basic training at Lackland Air Force Base, Texas, and then the U.S. Air Force Electronics School at Keesler Air Force Base, Miss. For the next six years he served at the 125th Fighter Group in Jacksonville as an aircraft radio repairman.

''Being around folks in the Air Guard was just a joy to me,'' he recollected. ''I was into drag racing at the time; the guys that had the best looking cars and the fastest cars were in the Air Guard as well.''

With his sights set on being a fighter pilot and an officer, he earned a degree in Business Administration from the University of Southern Mississippi and received a direct commission in 1969. After fighter pilot training he was no longer just dreaming of flying the F–102 Delta Dagger, but was actually a full-time alert pilot and later a commercial pilot for Pan American World Airways and United Airlines.

After holding several key positions in the Florida Air National Guard and accumulating more than 20,000 flying hours in everything from the F–102 Delta Dagger to the C–130 Hercules, Burnett was selected as the Adjutant General of Florida in late 2001.

ENGAGED LEADERSHIP

For the first time in the history of the Florida National Guard an Air Guard officer had been chosen to lead the more than 12,000 Soldiers and Airmen in the state. This broke the tradition of only Army general officers serving as The Adjutant General (TAG) of Florida.

''I had spent many years in the Florida Air National Guard and I knew my service—the 'blue suit' side—pretty well,'' the general explained. ''As the new TAG I knew I had to get knee-deep into Soldier things—right down to the equipment our Soldiers used—everything.''

Burnett admitted he had a learning curve to familiarize himself with every aspect of the Army National Guard; he studied everything from basic Infantry tactics to even learning the proper usage of the word ''Hooah.''

''I learned the Army language,'' he said. ''It's almost like being bilingual . . . you come to appreciate the Army's culture, which is the rugged business of 'fieldcraft.' ''

Throughout the next nine years Maj. Gen. Burnett would be seen jumping into a foxhole next to a young private to test a .50-calibre machine gun, looking under the hood of a mud-speckled Humvee, and even donning a Kevlar helmet to watch engineers rig explosives. Soldiers throughout the state would stare wide-eyed as the two-star general approached them, asked about their jobs or families, and discussed the similarities between the Army and the Air Force.

''There are a lot of similarities,'' Burnett said. ''That crew chief on the flight line is just as committed to working in tough conditions as that Army Infantry Soldier who is out there in the foxhole and crawling through the mud.''

He admitted that some people might call his leadership style ''micromanagement,'' but he calls it ''engaged leadership.''

''I felt that when you get to know the people and you get to know their mission and you get to know their needs, you can lead them better,'' he explained. ''I really dug in to know the culture, the needs.''

WARTIME TAG

When he assumed the role of Adjutant General in November 2001, Maj. Gen. Burnett knew he was taking charge during an unprecedented time in the Florida National Guard. The Sept. 11 terrorist attacks were fresh wounds on the American psyche, and no one could exactly predict how that would affect those serving in uniform; during the next nine years the ''Global War on Terrorism'' would draw the talents of more than 11,000 Florida Army National Guard Soldiers and Airmen to locations and combat zones around the world.

''Not only were we engaged in combat operations in two wars in Afghanistan and Iraq and other places in harm's way, but we responded to 14 hurricanes, five firefighting seasons, major tornadoes, and we've done it all at the same time,'' the general noted. ''And while we were doing this we also sent Florida Guardsmen to the U.S.-Mexico border security mission called 'Operation Jump Start.' ''

Burnett said this showed the Department of Defense, the Departments of the Army and Air Force, and the National Guard Bureau, that ''Florida can fight major wars, respond to natural disasters and still perform domestic security operations at the same time. The nation has a right to expect us to step up in all three venues.''

But as the Florida National Guard moved into the uncharted territory of a 21st century battlefield, the general met the challenges and pressures of being a ''wartime TAG.''

''I can think of many occasions that kept me up at night,'' Burnett admitted. ''The rapid deployment of the 53rd Brigade to Iraq in 2002 was one of the roughest periods, because we literally called Soldiers the day after Christmas and in five or six days we were moving them to Fort Stewart.''

He said the biggest question he kept asking himself was whether the more than 1,500 Florida National Guard Soldiers were trained enough for combat operations against Saddam Hussein's forces.

''I was concerned if we had the right weapons,'' he explained. ''For example, body armor: we did not start with the Interceptor body armor that the Active Duty had. And we didn't know if we were going to have it until right before we went through that berm between Jordan and Iraq. I was very concerned we weren't going to have it.''

Thanks to support by congressional leaders, National Guard Soldiers and Airmen throughout Florida were equipped and ready, Burnett noted.

''Our congressional delegation has been magnificent in our support of the Florida National Guard, particularly in the funding of new equipment,'' he said. ''The Constitution says that the Congress will equip the Guard, and they've done that. Congressman C.W. Bill Young has been an absolute hero in leading the charge for the modernization of equipment and facilities for the Florida National Guard. Our senators and the rest of the delegation have been superb as well.''

Later in 2003 uncertainty about the redeployment dates of the Florida Infantry units serving in Iraq brought a storm of media coverage and outcry from concerned family members. The general's answer was to address the concerns of the families and the public directly during a series of unprecedented and personal ''town hall meetings.''

''Initially our Soldiers believed they would only be gone for six months,'' Maj. Gen. Burnett recollected. ''As it became obvious they would spend a year of 'boots on the ground' our families were frightened and they were frustrated. I felt the only way to get the message to them was to do it personally.''

In a little over a week he participated in ten meetings from South Florida to the Panhandle, meeting with family groups and letting them know why the Soldiers would continue to serve in the combat zone.

''It was a pick-up game at that point; things were changing daily,'' he said. ''I was working on behalf of the governor to carry facts to these families. And it was a very difficult mission because the senior leaders in Iraq were telling Guardsmen that they were going to be going home at the six-month point. And the information I was getting from the Pentagon was that we were going to be there for a year. I had to go out and deliver that news, and it was very difficult to look these families in the eyes and tell them their Soldiers would be gone another six months.''

''NOT YOUR GRANDFATHER'S NATIONAL GUARD''

The extensive deployments for the Soldiers and Airmen of the Florida National Guard after 2001 demanded a commitment to a tenet that the Adjutant General addressed throughout his career: Readiness.

''Readiness and high states of readiness are confidence builders,'' he explained. ''These successes ensure (Department of Defense) support and Congressional funding. You just can't operate a National Guard with anything less than the highest standards.''

Burnett's mantra of the Guard moving from ''a force in reserve to a force in being'' was echoed throughout the Florida National Guard during his tenure and evidenced each time an Army or Air unit left for deployment. He said Active Duty counterparts and Florida citizens deserved to know how ready and reliable the Florida National Guard actually was, especially during high-profile missions like Operations Noble Eagle, Iraqi Freedom, or Enduring Freedom.

''I think we've been able to transcend a lot of concerns about Guard readiness in the past, because over seven years of combat operations in Afghanistan and Iraq they have found the Guard highly capable,'' he said.

The general pointed to high ratings by the Florida Air National Guard on Operational Readiness Inspections, and by the Florida Army National Guard on Command Logistics Review inspections, as proof of this.

''That's the way to send the signal that we 'get it','' he said. ''This is not your grandfather's National Guard.

''I really hope the commitment to excellence that I've tried to instill, has become a mindset in our Soldiers and Airmen,'' Burnett added. ''If you don't want to be part of the best National Guard state in America, you probably don't want to serve here. And I can assure you that almost all of our people feel that way. We have fighter pilots wanting to join the 125th Fighter Wing because of its high standards of excellence. We have young people that stay with us on the Army side because they want to be on a winning team. And we are a winning team.''

LEGACY OF PEOPLE

When he entered the military during the heyday of the Cold War, Airman Burnett was

working with equipment and aircraft that now can probably only be seen in military museums. Almost half a century later the Guard's equipment has changed, but the high level of commitment and service found in its people has remained.

According to the Adjutant General, he believes his own commitment to those members of the Florida National Guard's enlisted and officer corps will serve as his lasting legacy.

''I would hope that my biggest legacy is that I was a leader who was engaged in the full spectrum of our missions, but was mostly concerned about people,'' he said. ''Because, it is the people that make the National Guard what it is. We've always done the missions even though we haven't always had the best equipment. We've got good equipment now, but it's the same great people we've always had.''

Burnett lauded the non-commissioned officers (NCOs) he has served with during his long career, noting that while their professionalism has remained high, they have become increasingly ''technically and professionally proficient'' over the years.

''I still hold in awe the NCOs that led us during the 60s, the 70s and the 80s; they were absolutely astounding,'' he explained. ''We've always had strong NCOs, but they've stepped up, they're taking on more responsibility earlier, they're exerting strong leadership skills earlier.''

He noted that as a senior leader he always tried to focus his own energy on meeting the needs of the junior enlisted and junior officers.

''I've been concerned with making sure our leaders understand how important it is to reach out to every individual Guardsman so that they know how important we think they are,'' he said. ''And they are very important to us.''

The general and his wife Judy were also ever-present supporters of the Guard's expanding Family Readiness initiatives; whether it was at a unit deployment or a welcome-home ceremony, the Burnetts could be found meeting with Soldiers, Airmen, and their Families.

''I've been honored to serve alongside some unbelievable people, both Army and Air,'' he said. ''I've tried to shift our focus from simply taking care of Soldiers and Airmen to actually meeting our service members' expectations. Let me tell you, there's a big difference between taking care of Guardsmen and meeting their expectations. You have to think a little more and you certainly have to work a lot harder.''

FINAL APPROACH

Each generation of Guardsmen has a leader that represents its period of service, and those Florida Soldiers and Airmen who served during the first decade of the 21st Century will see Burnett as this generation's leader. After Maj. Gen. Burnett hangs up his uniform for the final time, he will stand among those leaders who helped carry on a tradition of military service in Florida that stretches back to 1565.

''I'm going to miss the people,'' Burnett said. ''That is what this business is all about; being around Guardsmen has been my life.''

He said he won't miss the status or the rank that went with being the Adjutant General, but rather will miss wearing his military uniform and interacting with his fellow Guard members.

''I'll miss wearing the uniform because it identifies you with people who have a similar commitment to something bigger than yourself,'' he added. ''For me the National Guard has been my passion. I loved to fly, but being able to make a difference and make the lives of our people better is a passion that has consumed me. That is what I'll miss.''

As his 47-year-long sortie comes to an end, and he pushes back the cockpit canopy of an historic career one last time, Douglas Burnett will know the flight lasted just a few seconds—nearly 1.5 billion seconds.

And the Florida National Guard is grateful for every second he has given to our state and nation. Well done, sir . . . well done!

CONGRATULATING KELLER INDEPENDENT SCHOOL DISTRICT FOR WINNING THE 2010 TEXAS SAFE SCHOOLS AWARD

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. BURGESS. Madam Speaker, I rise today to recognize the Keller Independent School District in Keller, Texas. Keller ISD is the winner of the 2010 Texas Safe School Award, which is given to the school district with the most comprehensive security plan in the State.

Keller ISD has implemented a system where campus doors are locked and visitors are buzzed in at one or two locations. At most schools, visitors are routed directly to the office where drivers' licenses are scanned through the Raptor System. The program compares the identification with sex offender databases and issues an alert if necessary. The system also prints out a sticker with the person's name and driver's license photo.

Districts were judged on their collaborative efforts with local law enforcement and emergency personnel, the number of student resource officers, staff development and student training for emergencies, violence and drug abuse prevention, anti-bullying and safe dating initiatives, mentoring and community participation and innovations.

Madam Speaker, I would like to submit for the Record the names of the Keller ISD staff that were instrumental in achieving this honor:

Jeff Baker—Director of Planning and Development

Cliff Jaynes—Coordinator of Emergency Management and Security

Danny Mitchell—Security Specialist

Scott Kessel—Director of Guidance and Counseling

Marcene Weatherall—Coordinator of Drug and Alcohol Prevention

The Texas School Safety Center solicits nominations each year for districts that demonstrate a multi-layered approach to security. The award will be presented at the annual Texas Safe Schools Conference.

Madam Speaker, I proudly rise today to recognize Keller ISD, winner of the 2010 Texas Safe School Award. Keller ISD is to be highly commended for their ongoing efforts to ensure the safety of its students, faculty and staff. It is an honor to represent Keller ISD in the U.S. House of Representatives.

IN HONOR OF STATE REPRESENTATIVE WILLIAM A. OBERLE, JR.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. CASTLE. Madam Speaker, it is with great honor that I recognize today the career of the Honorable State Representative William A. Oberle, Jr. A member of Delaware's General Assembly for over 34 years, Representative Oberle has served his constituents, his community and his state with genuine devotion, and his presence will be greatly missed.

For over three decades Bill has worked diligently as a representative of the 24th Representative District, ensuring that his constituents have had a strong voice in the General Assembly. I worked with Bill for eight years at Legislative Hall in Dover, Delaware and was able to witness first hand his steadfastness and spirit. Bill will leave behind an indelible legacy in the General Assembly—for his countless years of dedicated service and, most of all, for his outstanding commitment to the constituents whom he represented. His history of determination and resolve serves as a template for all public servants.

Bill holds the distinct title of the General Assembly's longest serving Republican ever, which he achieved through years of hard work, putting aside party differences and reaching across the aisle to arrive at policies which were most beneficial to his constituents and the state of Delaware. Over his career, Bill has been the champion of imperative legislation which brought much needed change to our state. A strong labor supporter, his work on the issues of neighborhood schooling, workers compensation, and the support he lent to various police forces have been efficacious in elevating Delaware's communities.

I am proud to have served with Bill for the eight years that I did, and pleased to have this opportunity to honor him on the occasion of his retirement from the Delaware House of Representatives. He has been unwavering in his mission to represent the 24th Representative District, and will be remembered for his countless contributions to his constituents, and the state of Delaware. Bill has had a terrific career of public service and I wish both him and his wife, Sally, the best on this momentous occasion.

SUPPORTING NATIONAL HURRICANE PREPAREDNESS WEEK

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2010

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in support of H. Res. 1330, a resolution that supports the goals and ideals of National Hurricane Preparedness Week. I also want to thank my colleague, the honorable MARIO DIAZ-BALART, for introducing this important resolution.

My district is in the wake of many hurricanes that make their way into the Gulf of Mexico. Hurricane season has a profound impact on our way of life in the gulf. Hurricane season is upon us, and with it comes the distinct possibility of Mother Nature wreaking more havoc on our gulf coast. Our oceans are in peril. Reams of film from the field reach all of our doorsteps, pictures of oil covered birds, ailing mammals, and other creatures that couldn't possibly survive the copious amounts of oil. The harm done to our gulf is already at an unprecedented level.

Unfortunately, as long as oil plumes continue to form nebulous clouds of black a mile

beneath the deep blue sea, we will continue to push that unprecedented level of destruction even further, continue to see our gulf shores littered with amorphous lumps of oil, continue to see the gulf coast crowded with sick animals, continue to see the gulf fishing industry suffer.

Lost in the discussion of Sunday's World Refugee Day was the group of internally displaced individuals from Ike, Rita, and especially Katrina.

For example, our latest hurricane, Hurricane Ike, wreaked havoc on Texas, particularly in Galveston and Houston. As we moved forward with recovery efforts, it was clear that the impact of this storm had been widespread and many people were still in need of assistance.

Hurricane Ike pummeled the Texas Gulf Coast, resulting in at least 38 deaths in Texas, evacuation of over 1 million residents, hundreds more are either missing or remain unaccounted for, over 2,000 residents were rescued from harrowing conditions, and more than $11 billion worth of damage according to preliminary estimates, making this the most costly storm in Texas history.

In the weeks that followed Hurricane Ike, over 2.5 million families struggled to survive with no electricity, including no air conditioning in the sweltering heat, which had a particularly severe impact on the elderly, disabled, impoverished and other vulnerable populations. Clearly, we need to invest substantial funds to improve our electric grids to ensure that the disparate impact on vulnerable populations is corrected and never allowed to reoccur.

Just as we saw in the Ninth Ward of New Orleans, Louisiana Post-Hurricane Katrina, internally displaced individuals from hurricanes do not receive the proper access to government aid to rebuild and recover. In fact, there is still a desperate need of housing and much more rebuilding that needs to be done to restore previous hurricane disaster victims and assist the residents who remain there.

We cannot allow the hurricane victims to be forgotten. Throughout our Post-Hurricane recovery efforts, many individuals have had difficulties and challenges getting the government aid that they need to rebuild after the storm. Many lost their jobs or are at risk of losing their employment due to damages incurred by the hurricane.

There are men, women, and children who have lost so much due to flood waters and storm winds. I have been proud to stand up repeatedly in Congress to fight on their behalf by securing the necessary federal funds. We must work together to ensure that our nation does its part to help hurricane victims fully recover by ensuring the delivery of funds that we worked so hard to appropriate. As a senior Member of the House Homeland Security Committee, which has oversight over the Federal Emergency Management Administration, FEMA, I am working to ensure that our communities respond expeditiously to natural disasters. The protection of our homeland and the security of our neighborhoods are at the forefront of my agenda.

While Hurricane Ike has left an enormous amount of devastation, it has demonstrated yet again the amazing unity, strength and resilience that Texans possess. Whether rich or poor, black or white, young or old, Democrat or Republican, everyone has been working together to respond, recover, rebuild and move forward.

We must work together to improve access to housing and the critical infrastructure necessary to ensure that the residents of North Galveston and their communities are safe. Where unacceptable vulnerabilities remain, swift action must be taken to eliminate them. I am committed to ensuring the implementation of such action.

My friends, this oil spill in the Gulf of Mexico threatens the livelihood of the citizens of the south central region of these United States, and deprives all Americans of the beauty and reasonable use of the seas and its inhabitants.

I urge my colleagues to support this bill.

IN RECOGNITION OF MS. BECKY PISCITELLA

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. CRITZ. Madam Speaker, I rise today to recognize Ms. Becky Piscitella, an outstanding teacher who was awarded the Presidential Award for Excellence in Mathematics and Science Teaching (PAEMST) by President Barack Obama earlier this month

Ms. Piscitella teaches eleventh grade mathematics at Richland High School, located in Johnstown, Pennsylvania. She is the only teacher in Pennsylvania to receive this prestigious award this year.

The PAEMST award is given annually to the country's top pre-college level science and mathematics teachers. Ms. Piscitella's award is well deserved as her work promotes science, technology, engineering and math (STEM) education. The opportunity for students to receive STEM education is crucial for our nation's competitiveness and future economic welfare. I am delighted that students in the 12th Congressional District of Pennsylvania are able to become the next generation of innovators and leaders because of educators like Ms. Piscitella.

Madam Speaker, I conclude my remarks by congratulating her on this exceptional recognition of her talents, her dedication, and her passion for helping our students succeed. I wish her well as she continues to inspire our young scholars.

PERSONAL EXPLANATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. WILSON of South Carolina. Madam Speaker, I submit the following remarks regarding my absence from votes which occurred on June 22, 2010. Listed below is how I would have voted if I had been present.

Roll No. 376—H. Con. Res. 288—supporting National Men's Health Week—"aye"; Roll No. 377—H. Res. 546—recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of the House of Representatives that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future—"aye"; Roll No. 378—H. Res. 1407—supporting the goals and ideals of High-Performance Building Week—"aye."

RECOGNITION OF CONNOR ELLISON

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to recognize and honor Connor Ellison.

This past Saturday, June 19, 2010, Connor's Hope-Team Donate Life successfully completed a 3,005 mile-long bike ride across the United States in 6 days, 20 hours, and 39 minutes in the Race Across America. The team started their journey in Oceanside, California and completed the crossing in Annapolis, Maryland. Team Donate Life is a nonprofit organization dedicated to promoting organ donation and transplantation.

Connor Ellison, a 12-year-old Folsom, California resident, became the youngest rider to ever compete and finish the Race Across America—the world's toughest bicycle race. Connor is an inspiration to all of us, as he accomplished this great feat while battling a serious liver disease called Congenital Hepatic Fibrosis.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Connor Ellison and Connor's Hope-Team Donate Life.

IN HONOR OF REPRESENTATIVE PAMELA THORNBURG

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. CASTLE. Madam Speaker, it is with great honor that I recognize today the career and accomplishments of The Honorable State Representative Pamela Thornburg. As a member of Delaware's General Assembly for 10 years, Representative Thornburg has given much to her community and state while faithfully serving her constituents of the 29th District. Representative Thornburg is retiring after an admirable career in the General Assembly, and her presence in the State House will be greatly missed.

First elected to the State Legislature in 2000, Pam has successfully sponsored a number of high-profile laws and initiatives. A cornerstone of her legislative career was a 2007 law to reduce the number of false alarms from automated alarm systems. This visionary legislation sought to streamline emergency response by cutting down on the 99-percent false alarm rate which diverted and distracted essential emergency personnel.

As a State Representative for the 29th District and a member of the House's Agriculture Committee, Pam has worked tirelessly to defend Delaware's environmental interests. She is an agricultural advocate and a champion of preservation; she has ensured that countless acres of forestland have been protected, and, as further testament to her commitment, she also assisted in a separate initiative that secured permanent funding to preserve Delaware farmland from development.

Over her career, Pam has resolutely served the constituents of the 29th District, fighting for

their interests while ensuring their voices were heard in the State House. Pam has had an excellent career in public service, and I wish her the best of luck in her new position as Executive Director of the Delaware Farm Bureau.

RECOGNIZING NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2010

Mr. CONYERS. Mr. Speaker, I rise in support of House Resolution 1369, which recognizes the significance of National Caribbean-American Heritage Month. Since June of 2006, the White House has issued an annual proclamation recognizing June as the national Caribbean-American Heritage Month. Caribbean's have made important contributions in all facets of American life from the arts to athletics, science and service.

Actors Sidney Poitier and Harry Belafonte and Journalist Malcolm Gladwell are Caribbean-Americans who have achieved greatness in their careers as well as in their communities as humanitarians and activists.

Mr. Poitier, Mr. Belafonte, and Mr. Gladwell have not only paved the way for their fellow Caribbean-Americans, but also for many other Americans who aspire to be musicians, journalists, actors and agents of change. For the past 50 years, Poitier has been an example to all Americans because of the work he did to help break down barriers in film and cinema. Poitier was recently awarded the 2009 Presidential Medal of Freedom because of his post-Hollywood activities. Belafonte has earned the title ''King of Calypso'' for popularizing Caribbean style music. Belafonte was also recently awarded the Hubert H. Humphrey Civil and Human Rights Award for his lifelong efforts for equality and justice. Malcolm Gladwell is a best-selling author who TIME magazine recognized in 2005 as one of the 100 most influential people in the world. His works have shown us the importance of looking at life with a critical eye and finding the small factors that have large consequences in our lives.

Because of their fame, Mr. Poitier, Mr. Belafonte and Mr. Gladwell have been properly recognized on multiple occasions; but it is imperative that we recognize the Caribbean-American Community as a whole because the diversity and talent they bring to the United States enriches and strengthens our country.

HONORING EDNA V. BAEHRE, PH.D., COLLEGE PRESIDENT OF HACC, CENTRAL PENNSYLVANIA'S COMMUNITY COLLEGE

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. HOLDEN. Madam Speaker, I wish to honor Dr. Edna Victoria Baehre for service as College President for HACC, Central Pennsylvania's Community College. Dr. Baehre has been the longest serving President of HACC, having held the position for 13 years.

Dr. Baehre is a 1971 graduate of Paedagogishce Hochschule in Heidelburg, Germany and holds M.A. and Ph.D. degrees from the State University of New York at Buffalo. Her dedication to education has been displayed throughout her life, having held executive positions at community colleges in Illinois and New York before accepting the position of President of HACC in 1997.

During her time at HACC, Dr. Baehre has led the institution through four successive strategic plans, and has laid the groundwork for a fifth. Her vision and leadership have aided the college in meeting the ever-changing and increasing demands for a trained and educated workforce within South-Central Pennsylvania. Dr. Baehre's contribution to the college is also displayed in the undergraduate student enrollment increase from 10,250 in 1997 to nearly 25,000 today. Additionally, 50,000 citizens are currently enrolled in non-credit programs, workforce training, and public safety training.

I congratulate Dr. Baehre on her achievements as President of HACC and for her contribution in aiding the college to expand both in numbers and in status. Her dedication and leadership are to be admired and celebrated, and I wish her the best of luck as she takes her new post as President of Napa Valley Community College.

HONORING ABIGAIL FRONICK AND NATASHA SANFORD

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. CARNAHAN. Madam Speaker, I rise to honor and acknowledge Abigail Fronick and Natasha Sanford, two young people from the Third Congressional District who are truly a credit to both the State of Missouri and the nation as a whole.

Abigail and Natasha have been selected to receive the Congressional Award for their outstanding efforts in community service and personal development. Each devoted over four hundred hours of voluntary public service to St. Louis Irish Arts, where they taught and performed traditional Irish dance for the benefit of people of all ages.

As is required for the Congressional Award, each of these young women also completed an expedition of personal discovery, traveling to Ireland to become immersed in a different culture and study Irish music.

Natasha and Abigail have both demonstrated a passion for self-discovery through the examination of traditional Irish culture, and extended that passion to the education and betterment of others within their community.

Young people such as these show a promising future for the United States, and I am proud and honored to have such individuals in the Third Congressional District of the great state of Missouri. I find it fitting that we should recognize their achievements here today, and I look forward to how they will continue to apply themselves in the future.

CONGRATULATING CHELSEY HOFER AND ANGEL MILLENDER, WINNERS OF THE 2010 CONGRESSIONAL AWARD GOLD MEDAL

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to congratulate two of my constituents, Chelsey Marie Hofer and Angel Millender, the recipients of the 2010 Congressional Award Gold Medal, the United States Congress' only award for American youth. Earning this award requires at least 400 hours of community service, including 200 hours of both personal development and physical fitness activities, and a four-night expedition or exploration. Since 1979, the Congressional Award has inspired our Nation's youth to set and achieve personally challenging goals that build character and foster community service, personal development, and citizenship.

I have done a lot during my lifetime, yet I was amazed to see how much these two have accomplished at such a young age. Having volunteered at organizations like the American Red Cross, Girl Scouts of the USA, and People to People International, Ms. Chelsie Marie Hofer has shown great humility and perseverance. As Ms. Hofer said: ''I learned that by setting goals and working hard, I can achieve anything.'' Mr. Angel Millender is passionate and determined. He took the initiative to be of service at his local hospital's Intensive Care Unit to assist individuals dealing with traumatic experiences. Mr. Millender also surrounded himself with positive young men by joining the ''Men of Tomorrow'' youth group. Both award winners traveled internationally for their ''Expedition Experience''—Ms. Hofer to Japan and Mr. Millender to Panama, where they embraced the local culture and history.

Madam Speaker, Martin Luther King, Jr., said: ''Life's most persistent and urgent question is, 'What are you doing for others?' '' The recipients of the Gold Medal are shining examples of a sense of civic duty at an early age. I congratulate both Ms. Chelsey Hofer and Mr. Angel Millender of West Palm Beach, Florida, on this incredible achievement. I am inspired by their energy, passion and commitment to service their community.

Madam Speaker, it is my pleasure to recognize the 23rd Congressional District of Florida's recipients of the 2010 Congressional Award Gold Medal for all they have done to serve the Palm Beach County community and I wish them much success in their future endeavors.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mrs. McCARTHY of New York. Madam Speaker, yesterday, I missed 3 votes. Had I been present, I would have voted as follows.

Rollcall No. 376, on the Motion to Suspend the Rules and Agree to H. Con. Res. 288, I would have voted ''yea.''

Rollcall No. 377, on the Motion to Suspend the Rules and Agree to H. Res. 546, I would have voted ''yea.''

Rollcall No. 378, on the Motion to Suspend the Rules and Agree to H. Res. 1407, I would have voted "yea."

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Ms. WOOLSEY. Madam Speaker, on June 17, 2010, I was unavoidably detained and was unable to record my vote for Rollcall No. 372. Had I been present I would have voted: Rollcall No. 372: "yes"—Cao of Louisiana Amendment.

RECOGNIZING NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2010

Mr. RANGEL. Mr. Speaker, I rise today to recognize Caribbean-American Heritage Month and the contributions of Caribbean-Americans to this Nation. Since 2006, the United States has celebrated the rich and diverse history of Caribbean-American peoples and the many successes of Caribbean-Americans during the month of June.

Parallels have often been drawn between the history of the United States and that of Caribbean nations. Like America, Caribbean nations saw the need to resist tyrannical European leadership and create new democracies.

The first Caribbean immigrants came to America in 1619 as indentured servants in Jamestown, and since then have played an increasingly large role in American society and in the lives of Americans. Since 1820, millions of people have immigrated to the United States from the Caribbean region, and now Americans of Caribbean descent reside in all fifty states of the Union.

Since our Nation's inception, Caribbean-Americans have played important roles in every aspect of American life. Alexander Hamilton, a founding father and the first Secretary of the Treasury, was a Caribbean immigrant. Other notable Caribbean-Americans include Colin Powell, a former four-star general and Secretary of State, Shirley Chisholm, the first black candidate for president and the first woman to run for the Democratic nomination, Eric Holder, the current Attorney General, Sydney Poitier, the first African-American to win the Academy Award for best actor, and Stokely Carmichael, a black power activist.

Throughout the years, Caribbean-American culture has become engrained in American society, but has managed to remain distinct and unique. Caribbean-American music, language, literature, film, food, festivals, and culture are enjoyed by all Americans.

Without a doubt, the influence of Caribbean-Americans on American culture has been great.

I respect and admire all that Caribbean-Americans have done for the United States in the past and in the present, and I look forward to the continued flourishing of Caribbean-American culture.

IN HONOR OF JEFFREY POTTER

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. McCOTTER. Madam Speaker, today I rise to honor the extraordinary life of Jeffrey Potter and to mourn him upon his passing at the age of 58.

Born on June 15, 1952, Jeff Potter dedicated his life to serving his community and his country. A graduate of Eastern Michigan University, Jeff retired from Ford Motor Company after 30 years of employment. Jeff loved his community and his community loved him.

Jeff was elected to the South Lyon City Council in November 1987 serving until November 1989 when he was elected mayor of South Lyon, serving 13 years until being elected to serve on the Oakland County Board of Commissioners. During his tenure on the Oakland County Commission, Mr. Potter chaired the public services committee and served on the general government and finance committees. He hoped to continue to represent the constituents of Oakland County's 8th district by retaining his seat this fall. Jeff also served as a Member/Delegate to SEMCOG and was a member of the Oakland County Library Board.

Jeffrey Potter was an active proponent of community partnerships, hoping to reduce the cost of government while adding to Oakland County's quality of life. He was an organizer and founding community sponsor of the Huron Valley Trail System, which connects many Oakland communities and area parks. Jeff Potter authored a Strategic Land Acquisition project in an effort to preserve land for "green space" and future parks. As then-Mayor Potter, Jeff was honored with the Distinguished Leadership in Joint Public Services Award, 1998, and Outstanding Project Award, 1998, for southeastern Michigan.

Regrettably, on June 21, 2010, Jeffrey Potter passed from this earthly world to his eternal reward. He is survived by his beloved wife, Andra, his sons, Michael and Daniel and his daughter, Jessica. A courageous and honorable man, Jeff will be sorely missed.

Madam Speaker, Jeff will be long remembered as a compassionate father, a dedicated husband, a leader, and a friend. Jeff was a man who deeply treasured his family, friends, community and his country. Today, as we bid Jeff farewell, I ask my colleagues to join me in mourning his passing and honoring his unwavering patriotism and legendary service to our country and our community.

CONGRATULATIONS TO THE WELLINGTON-NAPOLEON BOYS TRACK AND FIELD TEAM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. SKELTON. Madam Speaker, it is my honor to inform the House that on Saturday, May 22, 2010, the Wellington-Napoleon High School Tigers boys track and field team became the 2010 Missouri Class 1 High School State Champions.

The Tigers competed in a field of more than 120 teams throughout the state of Missouri. The hard work and dedication that these young men displayed throughout the season was rewarded with their high school's first track and field championship in 19 years. This is a truly remarkable achievement, and I am so very proud of these young men and their selfless coaches.

Members of the team include: Ethan Arndt, Nathan Ardnt, Cody Banner, Blaine Beissenherz, Christian Bryant, Taylor Bryant, Johnny Good, Brandon Niendick, Dylon Register, Blake Seitz, Dustin Seitz, Michael Strickler, Brian Wallman, Cody Willard, and Michael Woodall. The team was coached by Quenton Bainbridge, Michelle McKown, and Tristan Layman.

Madam Speaker, the members of the Wellington-Napoleon High School Tigers track and field team have distinguished themselves as the 2010 Missouri Class 1 High School Track and Field State Champions. I am sure that my colleagues will join me in wishing Coaches Bainbridge, McKown, and Layman and this remarkable team all the best.

IN HONOR OF CHIEF CLERK JOANN HEDRICK

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. CASTLE. Madam Speaker, it is with great honor that I take the opportunity today to recognize the career and accomplishments of the retiring Chief Clerk of the Delaware House of Representatives, JoAnn Hedrick. Ms. Hedrick has provided three decades of invaluable service to Delaware's General Assembly and her presence will be greatly missed.

JoAnn has served my home state of Delaware with dedication and grace. Since starting in the House Republican Caucus in 1979, she has shown the utmost devotion to the General Assembly. JoAnn has held the position of Chief Clerk for more than 25 years and has always put the needs of the Legislature first. She is known for going above and beyond the call of duty, willing to work late hours and lend a hand when necessary.

In 2005, in recognition of her commitment to and outstanding efforts in the General Assembly, JoAnn was honored with the National Conference of State Legislature's prestigious Legislative Staff Achievement Award. She has held positions in various professional organizations including a leadership role in the American Society of Legislative Clerks and Secretary.

It was my great pleasure to have been able to work with JoAnn during my eight years as Governor and I am honored to be able to recognize her today. JoAnn will be remembered for her loyalty and dedication to her profession over the years, which has brought inspiration to the staff and the members of Delaware's Legislature. Her service to the state of Delaware is commendable, and I wish her a safe and happy retirement.

DONNA JEVENS TRIBUTE

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. MCCLINTOCK. Madam Speaker, I rise today to join Congressman Gallegly in mourning the loss of Donna Jevens, a dedicated and devoted servant of our state of California and of our nation.

I had the honor to work with Donna for a decade while I served in the California State Assembly. As my field representative, she attended to the needs of every constituent who sought our assistance and threw her heart and soul into the personal crises that they brought her. In a business where the standard advice is not to get emotionally involved, she cared deeply about everyone she dealt with and it showed.

In the highly pressurized atmosphere of a district office, she was always the positive, sunny and cheerful personality that kept everyone else in the office motivated and upbeat.

My heart goes out to her family. They do not mourn alone—the loss of Donna is keenly felt by all of us who knew her, who worked with her, or who number among the countless legion whom she helped during more than two decades of selfless public service.

HONORING THE SERVICE AND SACRIFICE OF UNITED STATES ARMY SPECIALIST CHRISTIAN M. ADAMS

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Ms. GIFFORDS. Madam Speaker, I rise today to honor U.S. Army SPC Christian M. Adams, who passed away on June 11, 2010.

Christian was born at Fort Bragg in North Carolina, and spent his childhood growing up in Sierra Vista, Arizona where he attended Carmichael and Bella Vista elementary schools, then Sierra Vista Middle School before graduating from Buena High School in 2003. Well known in the community, Christian enlisted in the Army soon after high school.

Assigned to the 20th Engineer Battalion, 36th Engineer Brigade at Fort Hood, Texas, Christian was a tracked vehicle mechanic on his second combat deployment when he passed away on June 11, 2010 in Kandahar, Afghanistan.

We remember Christian and offer our deepest condolences and sincerest prayers to his family. My words cannot effectively convey the feeling of great loss nor can they offer adequate consolation. However, it is my hope that in future days, his family may take some comfort in knowing that Christian made a difference in the lives of many others and serves as an example of a competent and caring leader and friend that will live on in the hearts and minds of all those he touched.

SPC Christian Adams leaves behind his beloved wife Amanda, daughter Faith, mother Donna, stepfather John and father Anthony.

This body and this country owe Christian and his family our deepest gratitude, and we will today and forevermore honor and remember him and his service to our country.

RECOGNITION OF STANLEY MARKS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. PALLONE. Madam Speaker, I rise today to recognize the lifetime achievements of Stanley Marks, an outstanding member of his community in Manalapan, New Jersey, and a devoted family man. He continues to epitomize the concept of responsible citizenship by giving back to society in many ways, making him worthy of this body's recognition. Mr. Marks' commendable achievements make him a deserving recipient of the 2010 Homeowners of Covered Bridge Person of the Year Award.

Stanley Marks was born in 1939 in Brooklyn, New York, where he spent his entire youth and much of his adult life. After graduating from the Boys High School, he joined the RCA Institute and studied electronics. In his professional life, Mr. Marks has worked for the Avion Corp. as well as a prominent Long Island City electronics distributor. In 1998, he moved to New Jersey and joined the Covered Bridge community in Manalapan. Mr. Marks has lived there ever since. A committed family man, he has been married for over 50 years to his wife, Jackie. They have two children and four grandchildren.

Mr. Marks has dedicated much of his life to serving each community of which he has been a part, both in New York and New Jersey. He has been committed to a variety of important causes through his support of various community organizations. Mr. Marks was a member of the Mill Basin, New York Civic Association and the chancellor commander of Harmony Lodge #709 of the Knights of Pythias Domain of New York. Currently, he is the vice chancellor of the Covered Bridge Lodge #536 of the Domain of New Jersey. Mr. Marks has also served as the president of the Covered Bridge Homeowners Association. He is presently a member of the association's board of directors. In his work with the Covered Bridge Homeowners Association, Mr. Marks has actively worked to improve the quality of life of his fellow residents. He has also been involved with Meals on Wheels and has helped organize transportation for the handicapped.

Madam Speaker, I would once more like to thank Mr. Stanley Marks for his contributions to the community and congratulate him again on his 2010 Person of the Year Award from the Homeowners of Covered Bridge. Mr. Marks' professional accomplishments, work for the betterment of society, and dedication to family should be an inspiration to us all.

INTRODUCTION OF THE DOMESTIC MINOR SEX TRAFFICKING DETERRENCE AND VICTIM SUPPORT ACT OF 2010

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mrs. MALONEY. Madam Speaker, today I am pleased to introduce the Domestic Minor Sex Trafficking Deterrence and Victim Support Act of 2010, bipartisan legislation that would take a multi-disciplinary, cooperative approach to shutting down human sex trafficking of children in the United States. I am pleased to be joined by original cosponsor Mr. CHRIS SMITH, who along with me co-chairs the Human Trafficking Caucus. Representatives BLUMENAUER, STEVEN COHEN, TED POE, LAURA RICHARDSON, and DAVID WU also join me as original cosponsors. The legislation is the House companion to S. 2925, introduced by Senators RON WYDEN and JOHN CORNYN in the Senate.

While many think that child sex trafficking is a problem only in foreign countries, experts estimate that over 100,000 children in the United States are currently exploited through commercial sex. Although it is hard to believe, the average age of first exploitation is 12–13. We can no longer ignore that children in our country are being so horrifically exploited for economic gain.

The legislation takes a comprehensive approach to reducing trafficking of minors. It would create block grants to provide shelter and care for the victims, ensure adequate resources for law enforcement and prosecutors to rescue victims and put pimps behind bars, strengthen deterrence and prevention programs aimed at buyers, and require timely and accurate reporting of missing children.

We have a moral obligation to help the neglected victims of sex trafficking and to crack down on their abusers.

IN HONOR OF THE RETIREMENT OF DAVID C. SAVIANO OF BILLERICA, MASSACHUSETTS AND PIPEFITTERS LOCAL 537

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. LYNCH. Madam Speaker, I rise today in honor of David C. Saviano, born December 21, 1950, to Anthony and Bernadina Saviano, in South Medford, Massachusetts.

Dave's family moved to Billerica when he was 13 years old. He graduated from Billerica Memorial High School in 1970, where his athletic abilities as a wrestler, baseball player, and football captain earned him Athlete of the Year honors his senior year.

Dave's father, Tony, a retired member of Pipefitters Local 537's refrigeration division, inspired Dave to follow in his footsteps. Dave became a pipefitter apprentice in September 1971 and was initiated into Pipefitters Local 537 in March 1975. After working his way through the ranks, Dave ran for, and was elected in 1989, to the executive board of Pipefitters Local 537. Three years later, he was elected vice president of Pipefitters Local 537 and re-elected to that position again in 1995. Dave's leadership and experience earned him a hiatus from serving his Local 537 brothers and sisters in an elected capacity, as Dave ran one of the largest co-generation power plant construction jobs in the country from 1999 to 2002 in Everett, Massachusetts. But he came back to Local 537 politics, was elected and re-elected as business agent in 2002 and 2004; and in 2007 was elected assistant business manager. During his career with Pipefitters Local 537 Dave also served as

an educational board trustee, attended United Association national conventions and New England Pipe Trade conventions.

Dave is also dedicated to his community and for many years, has served on the Democratic Town Committee, attended the Democratic State Convention and has been an elected town meeting member. Most recently Dave won a seat on the Town Planning Board.

Dave and his wife of more than 25 years, Rosemary, continue to live in Billerica. Their sons, David and Jeff, are now married, David to Gail and Jeff to Deb, and Dave and Rose are the proud new grandparents of David Philip Saviano, born to David and his wife, Gail, on May 21, 2010. An active member and leader of Pipefitters Local 537 for 39 years and a dedicated father and husband, Dave's commitment and hard work to his members and family earned him a new title at this stage in his life, retired grandfather.

Madam Speaker, it is my distinct honor to take the Floor of the House today, to join with Dave's family, friends and contemporaries to recognize and thank him for a career dedicated to the men, women and families of Pipefitters Local 537. I urge my colleagues to join me in celebrating David C. Saviano's distinguished career and wish him a happy and full retirement.

COMMEMORATING THE LIFE OF DR. EDNA SAFFY

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to honor the memory of my dear, lifelong. friend, Dr. Edna Saffy. We were students at the University of Florida in the 1970s and we worked together for 16 years at Florida Community College of Jacksonville. Everyone knew her as one of the great women leaders of our generation and she often led merely by example. For instance, she was one of the first women I know who did not take her husband's last name.

Dr. Saffy was a human rights activist, college professor and founder of NOW chapters in Jacksonville and Gainesville. Her public service to the Third District included mayoral appointments to the Duval County Hospital Authority, Jacksonville Human Rights Commission, advisory committee on LaVilla Cultural Heritage District and the Jacksonville Area Planning Board. She was active with numerous groups including Planned Parenthood, Marjorie Kinnan Rawlings Society, Hubbard House, Karpeles Manuscript Museum and the American Association of University Women.

Dr. Saffy's influence spread far beyond Jacksonville, however. She was appointed by President Clinton to the Advisory Committee on the Arts of the John F. Kennedy Center for Performing Arts from 1995–2001, and by President Gerald Ford in 1976 as a delegate to the International Women's Conference. Active in Mideast peace groups and a member of the American Arab Institute, President Clinton invited her to witness the signing of the Mid-East Peace Accord in 1993.

Finally, she worked hard for the Democratic Party. Dr. Saffy was a member of the Duval County Democratic Executive Committee for 35 years, was a Florida State delegate to all the Democratic National Conventions from 2000 and served as president of the Florida Women's Political Caucus.

Like the Apostle Paul, she fought the good fight, she finished the course, and she kept the faith. Now, it us up to us to carry on her work.

My thoughts and prayers are with her husband of 41 years, Grady E. Johnson Jr.. God has blessed us by allowing us to have Dr. Saffy in our lives.

TRIBUTE TO CHAMPLAIN VALLEY PHYSICIANS HOSPITAL

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. OWENS. Madam Speaker, I rise today to congratulate the Champlain Valley Physicians Hospital of Plattsburgh, New York in the wake of the 100th anniversary of the admission of the facility's first patient on June 22, 1910.

CVPH was created in 1972 by the merger of Physicians Hospital with Champlain Valley Hospital. This association of private and charitable hospitals increased the level of access to quality health care for our community, and the CVPH Medical Center has remained the foundation of Plattsburgh's health for decades.

CVPH, through its board, management and employees, has proved their dedication to our community's health by instituting ambitious programs to expand their services. In their relentless mission to provide our region with education, awareness, and strength—in addition to the gold standard of health care for which they are known—the Champlain Valley Physicians Hospital is a vital part of our community that cannot be replaced.

CVPH has always endeavored to find new ways to increase and expand the level of care it offers. From advanced cardiology services and mental health care to its community outreach efforts, our facility knows that the best approach to the overall health of an area involves every part of every individual.

Madam Speaker, I would like to offer my sincere congratulations to the Champlain Valley Physicians Hospital on their 100th anniversary, as well as my undying appreciation for the consistent level of service they provide our region.

A SALUTE TO DR. JAMES F. ''JEFF'' KIMPEL

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. COLE. Madam Speaker, I rise today to honor an outstanding Oklahoman devoted to being the best public servant ever for the people of the United States, working tirelessly to help save lives and protect property, Dr. James ''Jeff' Kimpel, director NOAA National Severe Storms Laboratory in Norman, Oklahoma. He is a close friend who will be retiring in Norman, Oklahoma this week. After 13 years of federal service Dr. Kimpel served the Nation and the people of our State and city and is recognized internationally as one of the worlds leading experts on weather and meteorology, having served as the past president of the American Meteorological Society in 2000. Jeff Kimpel will be sorely missed in NOAA and I know that I will miss his active participation day by day in all matters relating to meteorology.

Madam Speaker, Jeff Kimpel's impact in Norman, Oklahoma which is in the fourth Congressional District has been ongoing and direct on all matters relating to severe weather and weather related research and development. We have been considerably blessed with the location of the National Severe Storms Laboratory in Norman as well as the University of Oklahoma, and The Weather Center including many major weather private sector companies who advance the future of weather research in the United States. Dr. Kimpel has made a mark on weather forecasting that will be felt for decades to come.

Dr. Kimpel has been one of the main proponents of improving the connection of Doppler-radar systems, or NEXRAD, which would advance and improve radar resolution and increase the accuracy of rain, snow and other weather predictions. This program, which was created under Dr. Kimpel, has also generated forecast models and has largely improved the ability to predict tornados, windstorms, lighting, and other types of severe precipitation. These programs are extremely vital and important to Oklahoma in particular, but Dr. Kimpel has brought them into other regions that also deal with inclement weather and specific weather storms.

Madam Speaker, currently the upgrade of the current NEXRAD system for advanced notice of severe weather and tornados embodied in the Multi-purpose Phased Array Radar will ultimately improve the effectiveness and will also cut costs. Dr. Kimpel's tireless and diligent efforts to develop the Multi-purpose Phased-Array Radar technology have paid off and are being rewarded with amplified financial support for the upcoming 2011 Fiscal Year. Dr. Kimpel's successor will surely continue to work hard on this project and continue to work to create even more developments for this form of radar technology.

Madam Speaker, throughout his career, Dr. Kimpel has held important positions in several different organizations in the field of weather including a member of the National Research Council's Board on Natural Disasters of the National Academy of Sciences, an active official of the National Science Foundation including past chair of the Advisory Committee for Atmospheric Sciences, the University Corporation for Atmospheric Research, the American Meteorological Society, and NOAA's U.S. Weather Research Program development team.

Dr. Kimpel's dedication goes above and beyond the field of meteorology and weather. He has epitomized and displayed leadership qualities that are very often hard to come by. He has been awarded the Bronze Star Medal while serving under the United States Air Force in Vietnam, has received the University of Oklahoma Student Association Faculty Award for Outstanding Teaching and Service to Students, and among many other awards and honors has been given the Oklahoma University Regents' Award for Superior University and Professional Service.

Madam Speaker, I applaud and congratulate Dr. Kimpel on the many accomplishments that he has achieved throughout his lifetime and I thank him for his life's commitment to weather, science, and severe-storm prediction. Additionally, I would like to thank Dr. Kimpel for the example he has set for future meteorologists and researchers to follow, and for the fine career in which he has dedicated his life's work to. Madam Speaker, I am genuinely pleased to be able to say that I represent Dr. Kimpel and his family, and the laboratory that he created and worked so diligently for. I wish him luck in his future endeavors.

TRIBUTE TO SPECIALIST JOSEPH JOHNSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. KILDEE. Madam Speaker, it is with great sadness that I rise today to pay tribute to Army SPC Joseph Dennis Johnson. Specialist Johnson was killed on June 16, 2010 in Kunduz, Afghanistan by a roadside bomb. Funeral services will be held on June 26 at Flint Central Nazarene Church.

After graduating from Carmen-Ainsworth High School in 2004, Specialist Johnson enlisted in the U.S. Army in 2006 and served as an Airborne Engineer disarming improvised devices. He had been stationed in Afghanistan since December 2009. Specialist Johnson considered it a privilege and honor to serve his country. I had the opportunity to meet and talk to Specialist Johnson when we flew from Washington, DC to Michigan together several years ago. I was attending the funeral of a friend, Jack Maxwell, and Jack was Specialist Johnson's great-grandfather. As I sat next to him on the airplane and again at the funeral, I was impressed by his deep love for our country, his passion for his work and his devotion to his family.

Specialist Johnson will be deeply missed by his parents, Dennis and Teri Johnson, his sister Jennifer Pollak, grandparents Eugene and Lois Johnson and Glenna Maxwell; his special friend Amanda Gauthier, many nieces, nephews and close friends.

Madam Speaker, I ask the House of Representatives to stand and take a moment of silence to remember SPC Joseph Johnson. He has made the ultimate sacrifice for the country he loved deeply and our nation is grateful for his steadfast duty. His enthusiasm for life is an inspiration to all that knew him and his integrity is a credit to his parents and family. I extend my condolences to his parents, family and friends and I mourn his passing.

CONGRATULATING GASTONIA, NORTH CAROLINA

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mrs. MYRICK. Madam Speaker, I would like to congratulate Gastonia, NC—one of the recipients of the 2010 All-America City Award from the National Civic League. Gastonia, for the third time, has achieved this honor, which highlights the innovation, inclusiveness, civic engagement, and cross sector collaboration of this unique town.

This year, representatives to the competition highlighted two of Gastonia's most important civic programs. The first is The Shelter of Gaston County, a transitional home for battered women. The second is ''Run for the Money,'' an annual fundraiser that has raised more than $9 million for non-profits in our area.

It was clear that Gastonia made quite an impression—they were one of only two in the entire competition to receive unanimous support from this year's judges.

Not only was Gastonia recognized with this honor, but Gastonia team member Luis Rios, president of the Mayor's Youth Leadership Council, won the inaugural All-America City Teen of the Year Award.

In addition to the hard work of the people of Gastonia, I would also like to extend special congratulations to Mayor Jennie Stultz. A native of Gastonia, Mayor Stultz provides the leadership necessary for the City of Gastonia and its citizens to live up to their fullest potential—with great gusto.

It is truly a privilege to represent Gastonia in Congress. Gastonia is well-deserving of being named an All-America City, and I commend the city for the commitment it shows to its citizens and the dedication it has to the traditions and values that make Gastonia so special.

RECOGNIZING RICHARD HUNSUCKER AND THE WALK ACROSS AMERICA TEAM

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. ISSA. Madam Speaker, I rise today to honor Richard ''Ric'' Hunsucker, a United States Marine Corps veteran, and the Walk Across America Team for their selfless efforts to bring awareness to disabled veterans across the country.

Mr. Hunsucker, an ironworker from Green Bay, Wisconsin, has completed a challenging yet worthy undertaking that has achieved great success—all in the name of disabled veterans. On Veterans Day, November 11, 2009, Mr. Hunsucker set out to begin his 202 day walk across America to raise donations and awareness for the struggles faced by disabled veterans.

Starting at the Duval County War Memorial in Jacksonville, Florida, Mr. Hunsucker and his support teammate, Jack Dixon, visited countless veterans medical centers and outpatient clinics to meet with disabled veterans, doctors, nurses, family members and the public.

This 2,600-mile journey took them through four time zones and eight states, ending proudly at the Balboa Park War Memorial in San Diego, California on Memorial Day, May 31, 2010. He carried a 5-foot by 3-foot navy blue Disabled American Veterans flag the entire route. All donations raised went to the Disabled American Veterans organization, a nonprofit that advocates and assists those injured while serving their country.

Mr. Hunsucker trained for six months for his 202-day walk and has since gone through three pairs of sneakers and countless aches and pains. Walking an average of 17 miles a day, meeting the families of those killed in action in Iraq and Afghanistan were among the most memorable moments.

Mr. Hunsucker's patriotism and desire to raise awareness for veterans was best explained when he recently stated, ''You can build a memorial for those who have been killed, but how can you remember those who are disabled? You take care of them.''

Madam Speaker, I would like to extend my personal accolades to the Walk Across America Team for such a remarkable and dedicated journey.

TRIBUTE TO STEVE ZATKIN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. STARK. Madam Speaker, my colleague HENRY WAXMAN and I join together to mark an important occasion for California's and the nation's health care policy community. After leading the public policy and government relations team at Kaiser Permanente for the past 20 years, Steve Zatkin has announced that he will retire at the end of this month. He reached this conclusion after having seen a long-awaited event—the enactment of comprehensive health care reform—finally come to pass.

Following his graduation from the University of California at Berkeley in 1969, Steve began his career in health policy, like many other national experts, as a staff person in the California legislature. After starting out as an Intern and Analyst in the California Assembly, Steve served throughout the middle and late 1970s as Senior Consultant to the Assembly Health Subcommittee on Health Personnel, the Joint Committee on Health Sciences Education and the Joint Committee on the Siting of Teaching Hospitals. During his senior staff tenure in Sacramento, he developed major legislation and budget policy on health care workforce and training issues, an area of abiding and continuing interest for him.

While working in the legislature, Steve earned his degree at the McGeorge School of Law and was admitted to the California Bar. In 1978, he joined Kaiser Permanente as a staff counsel focusing on government relations. In addition to leading Kaiser Permanente's government relations function since 1990, he has chaired its Health Policy Committee since its inception in 1996. Since 2004, he has also served as Senior Vice President and General Counsel of Kaiser Foundation Health Plan and Kaiser Foundation Hospitals.

Steve has long been recognized as a leader in the health plan and integrated care delivery sector. He served on the Boards of Directors of the Alliance of Community Health Plans, the California Association of Health Plans and the American Association of Health Plans. In the late 1990s, Steve served on the California Governor's Managed Care Improvement Task Force. He has also served as a member of the National Association of Insurance Commissioners' Health Care Insurance Access Advisory Committee.

In his role as a health plan leader, Steve has ably represented Kaiser Permanente as it has grown to serve over 8.6 million people, including over 6 million individuals in our home

state of California. Throughout his time as a senior leader at Kaiser Permanente, Steve has been a strong and consistent public voice within the industry for comprehensive health reform. An article he co-authored in the journal Health Affairs in 2006 with Kaiser Permanente leaders George Halvorson and Dr. Jay Crosson served as a model for the exciting, if ultimately unsuccessful effort to enact health reform in California during the legislative session in 2008. The efforts in California demonstrated the potential to bring together health care providers, health plans, businesses, labor unions and consumers in support of comprehensive health reform legislation that could improve both the functioning of health markets and the quality of care, and at the same time help subsidize coverage for those who cannot afford it. The progress made in California, along with the success of reform in Massachusetts and strong efforts in other states, no doubt contributed important momentum necessary to achieve health care reform in this Congress.

As the critical effort to implement national health reform moves forward, we will need industry leaders like Steve to help their organizations and policymakers focus on the tasks at hand—to continuously improve quality and to successfully extend affordable coverage to the millions who currently don't have access to it.

Madam Speaker, we would like to offer the heartfelt thanks of the health policy community for Steve Zatkin's key leadership over many years, and our warmest congratulations on his well-deserved retirement.

100TH ANNIVERSARY OF LAREDO COCA-COLA BOTTLING COMPANY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. CUELLAR. Madam Speaker, I rise today to honor the Laredo Coca-Cola Bottling Company's 100th year in operation. The Coca-Cola Bottling Company has provided Coca-Cola bottled products to the Rio Grande Valley of South Texas and the Laredo community for 100 years. This bottling company has accomplished a century of service to our community throughout the years.

In 1899, Joseph B. Whitehead and Benjamin F. Thomas convinced The Coca-Cola Company that Coke should be sold in bottles, not just as a fountain drink. A few years later, in 1910, the Laredo Coca-Cola Bottling Company was established by Samuel N. ''Silas'' Johnson with an initial purchase of 51 gallons of syrup from The Coca-Cola Company in Atlanta, Georgia. The first address for the company was 2202 Montezuma Street. In the early years, bottling equipment was hand and foot-operated, and one hard-working employee could bottle 200 cases in 10 hours of work.

In 1930, Samuel N. Johnson Jr. assumed ownership of the family bottling company and beer distributorship following the death of his father. Following the civic lead of his father, Samuel N. Johnson Jr. believed in the city of Laredo's potential to grow and prosper through innovation and team work.

Samuel N. Johnson Jr. ran the Laredo Coca-Cola Bottling Company until his death in 1962. Under the terms of his will, the Company was held in a trust for two years and subsequently purchased by siblings Betsy Johnson Gill and Samuel N. Johnson, III, in 1964. Lamar Gill, Betsy Johnson Gill's husband, who was from a Coca-Bottling family in Beeville, Texas, took charge of the Company as president and manager; Betsy Johnson Gill served as vice-president; and Sam Johnson III served as president and sole owner of the S.N. Johnson Distributor and secretary-treasurer of the Laredo Coca-Cola Bottling Company.

In 1973, plans were made to relocate the plant to North Laredo, moving the production end of the company in 1974 and the office in 1975 to the Del Mar Industrial Park—where the company still resides at 1402 Industrial Boulevard. On December 15, 1992, the company was sold to Coca-Cola Enterprises, and Tino Villarreal was appointed general manager, a position he still holds today.

Laredo Coca-Cola Bottling Company has a long history of giving back to the community by supporting a variety of organizations and events throughout the area. The Laredo Coca-Cola Bottling Company currently has 98 employees and delivers beverages to more than 2,700 customers in four counties, covering 5,206 square miles. Many of the details of how the bottling business is run have changed greatly over the last century. From one package and one brand to more than 200 brands and 500 packages, the company now offers a portfolio of products that promotes total hydration and an active lifestyle.

Madam Speaker, I am honored to have the time to recognize the 100th anniversary of the Laredo Coca-Cola Bottling Company. The Laredo Coca-Cola Bottling Company is celebrating 100 years of service for our community and continuing its mission for South Texas.

PERSONAL EXPLANATION

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. GOODLATTE. Madam Speaker, on rollcall No. 376 on H. Con. Res. 288, rollcall No. 377 on H. Res. 546, and rollcall No. 378 on H. Res. 1407, I am not recorded because I was attending the funeral service of a fallen soldier in my district, Army SPC Brian M. Anderson, who was killed in action while serving his country in Afghanistan. Had I been present, I would have voted ''aye'' on all three resolutions.

ROBERT A. TAFT MIDDLE SCHOOL NAMED SCHOOL TO WATCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. VISCLOSKY. Madam Speaker, it gives me great pleasure to pay tribute to the outstanding achievements of Robert A. Taft Middle School, located in Indiana's First Congressional District. After undergoing a very selective application and interview process, Robert A. Taft Middle School received the distinct honor of being named one of the ''Schools to Watch'' by the National Forum to Accelerate Middle-Grades Reform. For accomplishing an extraordinary feat and exerting remarkable efforts, Robert A. Taft Middle School will receive recognition at a gala dinner during the Schools to Watch Annual Conference. This prestigious event will take place in Washington, D.C. on Thursday, June 24, 2010.

The ''Schools to Watch'' program honors middle schools that exemplify exceptional performance in education. This rigorous program was developed in 1999 by the National Forum to Accelerate Middle-Grades Reform. To date, there are eighteen States that participate in this national initiative. Candidates for the ''Schools to Watch'' program must demonstrate four main criteria: academic excellence, developmental responsiveness, social equity, and organizational structure. The middle schools that are chosen for the ''Schools to Watch'' program exceed these standards.

Robert A. Taft Middle School provides education to 6th, 7th, and 8th grade students in the Crown Point, Cedar Lake, and Winfield communities in Indiana. In recent years, Robert A. Taft Middle School implemented a program involving innovative educational techniques which made significant contributions to the school's success. Important factors of the new program include interdisciplinary teams that allow staff to create personalized environments, flexible schedules to ensure comprehension, and team planning and preparation periods that provide students with high-quality teachers and learning opportunities. Additionally, the implementation of the ''Creating a Safe School'' anti-bullying effort made Robert A. Taft Middle School an even stronger candidate for this prestigious honor.

Madam Speaker, I would like to once again extend my most heartfelt congratulations to Robert A. Taft Middle School faculty, staff, and students, as well as Principal Michael Hazen, on being named one of the ''Schools to Watch'' for 2010. The dedication exhibited by the school and the community serves to inspire us and to encourage other schools across the Nation. It is my honor to have been given this opportunity to recognize such a supreme middle school, and I am honored to have Robert A. Taft Middle School in my district.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. FORTENBERRY. Madam Speaker, on Tuesday, June 22, 2010, I was absent and thus I missed rollcall votes Nos. 376–378. Had I been present, I would have voted ''aye'' on all three votes.

PERSONAL EXPLANATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. JORDAN of Ohio. Madam Speaker, I was absent from the House Floor during yesterday's three rollcall votes.

Had I been present, I would have voted in favor of H. Con. Res. 288, H. Res. 546, and H. Res. 1407.

A TRIBUTE TO MICHAEL F. ESCALANTE, ED.D.

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor Dr. Michael Escalante, whose tenure as Superintendent of the Glendale Unified School District has contributed substantially to its increases in student achievement. This feat is especially commendable considering the significant fiscal challenges the district has been and is currently facing.

The Glendale Unified School District is an impressive school system in its own right, encompassing 27,000 students and 2,500 employees at 31 schools—twenty-three of which have been recognized as California Distinguished Schools, nine as National Blue Ribbon schools, and 11 as Title 1 Achieving Schools.

As its Superintendent, Dr. Escalante has guided GUSD towards many more distinctions and accomplishments. Under his leadership, the district has garnered many state and national awards for student achievement, helped establish and expand programs such as the Foreign Language Academies of Glendale, and created Focus on Results, a district-wide professional development plan.

Even more impressively, Dr. Escalante's accomplishments stretch back before his role as superintendent. Prior to joining GUSD, Dr. Escalante began his teaching career at the elementary and high school levels and served for seven years in this capacity. He subsequently rose through the ranks to enter other administrative assignments, including Assistant Superintendent of Business Services, administrative assistant, elementary principal, intermediate principal, and two separate tenures as a high school principal. Dr. Escalante's experience is extensive and he has worked in several school districts, including Hawthorne, Centinela Valley, Santa Monica, Malibu, Palos Verdes Peninsula, and Long Beach Unified. As evidenced by the GUSD's successes, his wide breadth and sheer depth of experience has clearly been invaluable to its development.

Dr. Michael Escalante has been a tremendous asset to the Glendale Unified School District and to the City of Glendale, and I ask all members to join me in thanking him for his dedicated service to education.

HONORING JOSE TAMAYO

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to honor Jose Tamayo, who passed away on June 10, 2010, in Santa Rosa, California. His legacy as a philanthropist and entrepreneur has enriched Sonoma County and the entire San Francisco Bay Area.

As a young immigrant from Mexico, Mr. Tamayo moved to this country with a bright vision for his family's future. He quickly recognized Sonoma County as uniquely endowed with a rich agricultural, culinary, and environmental tradition that lent itself well to the production of wholesome, handcrafted foods. After settling in Santa Rosa, Mr. Tamayo and his wife Mary opened their first ''Mexicantessen,'' bringing a taste of their heritage to Sonoma County customers.

The Tamayos built on their success, founding La Tortilla Factory in 1977 and branching out into new products and new ventures. From a tiny family business run entirely on Jose and Mary Tamayo's hard work and dedication, La Tortilla Factory grew into a nationally recognized leader with hundreds of local employees. It also continues to be an industry innovator. Over the several decades that La Tortilla Factory has been in operation, it has consistently been at the forefront of new, health-conscious, high-quality wraps, breads, and tortillas.

In spite of the demands of a growing business, Jose and Mary Tamayo remained committed to their family and community. They worked tirelessly to give their children the education and grounding they would need to succeed in their own right, and to create a family centered on the principles of hard work and service. In 1986, Jose and Mary Tamayo passed La Tortilla Factory on to their sons and rededicated themselves to contributing to the people of Sonoma County.

The Tamayos were particularly active in a number of community organizations, from food banks to local schools and youth-support organizations. The Mary and Jose Tamayo House, a residence for former foster children at Sonoma County's Social Advocates for Youth, is just one example of their efforts to provide all children the same opportunities they provided their own. This is a legacy of compassion and civic-mindedness that will live on in our region.

Jose Tamayo was predeceased by his wife Mary and his son Bernie Tamayo. He is survived by his sons Carlos, Jose, Mike, and Willie Tamayo, and by his eleven grandchildren and six great-grandchildren.

Madam Speaker, I ask you to join in me in celebrating the life of a man who gave back more than he received, who measured his success in his service to others. Jose Tamayo's story reminds us of how much we can all achieve when we pursue our goals with passion and integrity.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $13,046,652,647,591.81.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,408,226,901,298.01 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

GRADUATES OF CRISTO REY NEW YORK HIGH SCHOOL BEAT THE ODDS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. RANGEL. Madam Speaker, I am honored to commend the fifty graduates from Cristo Rey New York High School in East Harlem, who have beaten the odds to achieve this success. Every student in this class has been accepted to college in the fall.

Cristo Rey students dream big. Many aspire to become lawyers, forensic pathologists, journalists, psychologists and a wide variety of professions. The students will attend prestigious universities and colleges, in and out of New York, including Fordham University, Brooklyn College, John Jay College, New York University, Pace University, Georgetown University, Lehigh University, and Boston College.

The school is part of a network of twenty-four Cristo Rey schools throughout the country—Catholic, co-ed, college prep schools, where students of all faiths are welcomed.

Cristo Rey has played a special role in helping these students overcome obstacles they have faced in their young lives. Some have had financial difficulties, and others have faced the dangers and temptations of the streets.

In addition to academics, the students received hands-on experience in the workplace, even before being handed their diplomas. One day a week, they worked in some very high powered firms such as JPMorgan, Chase and Citigroup. The students performed office work and received guidance from mentors who helped them identify desired career paths.

Many of these firms pay sixty-percent of the school's expense.

Cristo Rey's motto is, ''transforming Urban America, One Student at a Time''. The transformation of these fifty students shows what hard work and dedication can achieve. Cristo Rey has laid the educational foundation for these students. The sky is the limit for them in what they can achieve, in their working careers.

Here are the names of the students whose achievements we celebrate: Lucio Reynoso, Steven Gonzalez, David Luna, Andrew Sanabria, Andy Paulino, Jonathan Balbuena, Aleksander Perpalaj, Daniel Estevez, Joel Frias, Bryan Santos, Charles Perez, Randy Nunez, Melany Rodriguez, Sade Gonzalez, Michelizabeth Sainvill, Nyesha Johnson, Tiffany Tejeda, Steven Saverino, Amaury de Dios, Stanley Majors, Jr., Christian Guzman, Angel-Alvarez, Laury Veudna; Devany Baez, Celia Martinez, Lizbel Escamilla, Sheniqua Green, Katherine Santiago, Olivia McBride, Vitoria Velazquez, Marisol Almonte, Ashley Garcia, Asia Davis, Angelique Agudo, Stephanie Ortiz, Amanda Rodriguez, Lidibeth Iona, Ashley Saucedo, Genesis Cedeno, Vanessa Ruiz, Noelia Taveras, Raquel Salgado, Cailyn Asturias, Jessica Vargas, Patricia Diaz, Stephanie Medaivilla, Tamika Flores, Paola Peguero.

THE NATIONAL MONUMENT DESIGNATION TRANSPARENCY AND ACCOUNTABILITY ACT OF 2010 (H.R. 5580)

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. NUNES. Madam Speaker, I rise today upon the introduction of the National Monument Designation Transparency and Accountability Act of 2010 which will ensure that any national monument designation is done on an informed basis and is accomplished through a transparent process fully involving Congress.

Pursuant to the ''Property Clause'', Article IV, Section 3, Clause 2, of the United States Constitution, Congress has the expressed power to ''make needful Rules and Regulations respecting the Territory and other Property belonging to the United States.'' Through the Antiquities Act of 1906 and other acts, Congress has delegated considerable land management authority to the President. For example, the Antiquities Act, which was enacted in response to thefts from and the destruction of archeological sites, allows the President to proclaim national monuments on Federal lands that ''contain historic landmarks, historic and prehistoric structures, and other objects of historic and scientific interest.''

President Theodore Roosevelt first used the authority to create Devil's Tower in Wyoming. Today, there are 71 monuments covering approximately 136 million acres. While the Act has been used appropriately in some instances, it also has been abused.

For example, President Clinton, asserting that Congress had not acted quickly enough, used his authority 22 times to proclaim 19 new monuments and to expand three others; with one exception, the monuments were designated in his last year of office. They also totaled 5.9 million acres. Moreover, in the instance of the Giant Sequoia National Monument, they devastated the timber industry in Tulare County, California, and left an enduring legacy of double-digit unemployment and diminished communities.

As a life-long resident of Tulare County, I saw, and in fact still see, the devastation caused by that stroke of the President's pen. I well understand the anger and frustration that many of my constituents felt when, with no meaningful opportunity to provide input on this momentous decision, their lives and communities were changed forever.

Congress must not allow such abuses of the Antiquities Act to be repeated. Rather, if the Antiquities Act is going to remain law, it must be improved, particularly in the revelation that the current Administration might use the Act to designate monuments totaling as many as 13 million acres.

The National Monument Designation Transparency and Accountability Act of 2010 would provide the necessary improvements. It would also provide much-needed transparency to what is currently an opaque process.

It is important to point out that the bill preserve the right of the President to act quickly to protect national treasures that are under threat, but it ensures his or her actions are confirmed by Congress. Specifically, Congress would have two years to affirm the President's decision to protect the national treasure in perpetuity. This will restore the balance between executive decisions and public input.

The bill would also require the President to provide notice and the actual language of the proposed designation to Congress, Governors, local governments, and tribes within the boundaries of the proposed monument. Additionally, it would require the Administration to provide notice of public hearings and allow opportunity for public comments. The President would then have to report to Congress on how the designation would impact local tax revenues, national energy security, land interests, rights, and uses.

These reforms would ensure the Antiquities Act is used appropriately and in accordance with its original intent. Any monument decisions would be made with all the pertinent information available, with full public participation, and Congressional approval rather than in the dark of the night and at the behest of radical environmentalists.

HONORING THE GAY, LESBIAN, BISEXUAL, AND TRANSGENDERED ROUND TABLE OF THE AMERICAN LIBRARY ASSOCIATION

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the Gay, Lesbian, Bisexual, and Transgendered Round Table, GLBTRT, of the American Library Association, the first professional gay organization in the United States, which celebrates its 40th anniversary this year.

Throughout its 40 years, the GLBTRT has worked to ensure information and access needs for gay, lesbian, bisexual, and transgendered individuals. In this welcoming and inclusive forum, they have worked to improve the lives of librarians, archivists, other information specialists, and library users who are part of the GLBT community.

The GLBTRT acts on many different levels to advocate for their community. Through their work in revising classification schemes, subject heading lists, and indices, the GLBTRT removes derogatory and hurtful terms. They also strive to eliminate job discrimination based on sexual orientation. Additionally, they promote education awareness of all library patrons by ensuring unrestricted access to information by or about the GLBT community. They also support other minority groups advocating for better representation and equal opportunity in the Association.

Madam Speaker, I ask my colleagues to join me in celebrating the anniversary of the Gay, Lesbian, Bisexual, and Transgendered Round Table and congratulating them on their successes and further efforts to reach equality in the library and information communities.

GOVERNMENT EFFICIENCY, EFFECTIVENESS, AND PERFORMANCE IMPROVEMENT ACT OF 2010

SPEECH OF

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2010

Mr. WELCH. Madam Speaker, I rise in support of a practical, common sense bill: The Efficiency, Effectiveness and Performance Improvement Act.

This legislation will cut government waste by forcing every Federal agency to create a rigorous performance evaluation plan—and live by it.

Under this legislation agency heads will conduct evaluations of every program within their purview and report on goals to increase performance objectives.

The OMB Director will report to Congress on agency goals and suggested methods to improve program performance.

By forcing our agencies to create and adhere to strategic planning we will increase government efficiency and effectiveness.

As our deficit continues to grow, we must constantly strive to find ways—small and large—to get rid of government waste and inefficiency.

This bill does just that. I thank my colleague from Texas for introducing it, and I encourage my colleagues to support it.

RECOGNIZING MASTER SERGEANT VANDIVER K. HOOD ON THE OCCASION OF RECEIVING A THIRD BRONZE STAR MEDAL

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. BUTTERFIELD. Madam Speaker, I rise to congratulate MSgt Vandiver ''Van'' Hood of the 4th Civil Engineer Squadron, 4th Explosive Ordnance Disposal Flight at Seymour Johnson Air Force Base in Goldsboro, North Carolina, on receiving his third Bronze Star. Master Sergeant Hood's actions while serving in Operation Iraqi Freedom saved the lives of his fellow servicemen and provided invaluable intelligence toward ending the ongoing global war on terror.

Master Sergeant Van Hood was born in Winston Salem, North Carolina on November 19, 1973. He was an extremely active young man. He participated competitively in soccer and swimming, leading him to varsity letters all 4 years of high school. Master Sergeant Hood graduated from Page High School in Greensboro in 1992 and joined the United States Air Force less than 2 years later on April 26, 1994.

Master Sergeant Hood was first stationed at Cannon Air Force Base in New Mexico. While there, he excelled, and won the First Sergeants Association's Diamond Sharp Award, was named the Master Blaster of the Year, and in 1997, was selected as Cannon Air Force Base's Airman of the Year. Master Sergeant Hood served at Cannon Air Force Base for over 4 years before being assigned to Ramstein Air Base in Germany.

After arriving at Ramstein Air Base in June 1999, then-Sergeant Hood was promoted to staff sergeant. He conducted explosive ordnance disposal testing on large caliber munitions as part of the U.S. Air Forces in Europe's, USAFE's, Projectile Attack Trials, yielding beneficial data for U.S. military efforts. While at Ramstein Air Base, Master Sergeant Hood won the USAFE Major General Eugene A. Lupia Military Technician of the Year award. Further, the unit he led received three ''excellent'' ratings on nuclear surety inspections. Following his 4 years at Ramstein Air Base, Master Sergeant Hood was stationed to Fort Dix, New Jersey, to work at the Air Mobility Warfare Center.

After arriving at Fort Dix, Master Sergeant Hood completed degrees in Explosive Ordnance Disposal and in Technology and Military Science. The latter afforded Master Sergeant Hood the opportunity to teach new airmen and prepare them for the rigors of the military.

Twice deployed to Iraq in support of Operation Iraqi Freedom, during his first tour, Master Sergeant Hood safely destroyed and recovered 164 improvised explosive devices, IEDs, unexploded ordnances, and weapons caches. Master Sergeant Hood led five separate missions where his team encountered enemy fire. On one such mission, he and his team were targeted with a rocket-propelled grenade, RPG. The RPG missed Master Sergeant Hood by less than 5 feet, but unfortunately struck a vehicle and injured a member of the Army's Quick Reaction Force. Master Sergeant Hood administered immediate medical care to the injured soldier and after support arrived, Master Sergeant Hood completed his initial mission. For this and other heroic efforts, Master Sergeant Hood received his first Bronze Star Medal.

Master Sergeant Hood was redeployed to Iraq as a Weapons Intelligence Team Leader in 2007. While there, he and his team successfully completed over 90 combat missions including 80 IED responses, recovery of several weapons caches, and serving in four named missions. One of those missions found Master Sergeant Hood and his team in danger of a radio-controlled IED. Through his quick thinking, Master Sergeant Hood immediately cleared the engagement zone from first responders and local citizens. He and his team were successful at rendering the IED safe, protecting local residents, first responders, and American warfighters. Master Sergeant Hood also designed a comprehensive curriculum on proper sensitive sight exploitation and conducted over 10 hours of training for the Iraqi Army Bomb Disposal Unit. His actions during his second deployment earned him his second Bronze Star Medal.

When Master Sergeant Hood returned to the United States, he received a promotion to the rank of Technical Sergeant. After nearly five years at Fort Dix, Master Sergeant Hood was stationed at Seymour Johnson Air Force Base in Goldsboro, North Carolina.

Master Sergeant Hood was at Seymour Johnson for less than a year when he deployed to Wardak Province, Afghanistan, to serve as leader for an Explosive Ordnance Disposal team. His third deployment to the region, Master Sergeant Hood again put himself in harm's way, saving the lives of his team and others. While on counter-IED operations, Master Sergeant Hood identified a hidden IED in rough terrain. Unable to remotely inspect the IED, he approached the device in a bomb suit and successfully disabled the hazard. Master Sergeant Hood and his team were responsible for an area over 6,000 square miles. He was instrumental in safely resolving over 150 emergency response missions including 75 IED incidents as well as 16 weapons caches. For his outstanding and distinguished service, Master Sergeant Hood received his third Bronze Star Medal. When he returned from Afghanistan, then-Technical Sergeant Hood was promoted into the senior noncommissioned officer ranks as a master sergeant.

Madam Speaker, I am honored to share MSgt Vandiver Hood's story. He has bravely and selflessly served the United States for over 16 years. I ask my colleagues to join me in congratulating Master Sergeant Hood for having received three Bronze Star Medals. I also ask my colleagues to join me in thanking Master Sergeant Hood for his meritorious service to the United States.

PERSONAL EXPLANATION

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. YARMUTH. Madam Speaker, I was unable to cast the recorded votes for Rollcall 355, 356, and 357, Had I been present I would have voted yes for these measures.

BILL: H. RES. 1368—On Motion to Suspend the Rules and Agree, Rollcall No. 355—Vote ''yes,'' H. RES. 1409—On Motion to Suspend the Rules and Agree, Rollcall No. 356—Vote ''yes,'' H.R. 5502—On Motion to Suspend the Rules and Pass, Rollcall No. 357—Vote ''yes.''

THE PRIVATE PROPERTY RIGHTS PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. SULLIVAN. Madam Speaker, I rise today to introduce H.R. 5582, the Private Property Rights Protection and Government Accountability Act of 2010.

Previously, the U.S. Constitution specifically limited government taking of private property through a relatively narrow exception for ''public use.'' Public use has historically referred to roads, schools, firehouses, etc. You may remember the infamous 2005 Supreme Court decision, Kelo v. City of New London, where the court broadened the government's ability to take your home, farm, business or place of worship. The negative effects of this far-reaching Supreme Court decision place millions of private property owners nationwide at risk.

Some states are trying to correct this injustice and have enacted restrictions on the use of eminent domain, in this case, when the government seizes private property, with varied effectiveness. However, Congress has not taken action to restore private property rights and the abusive use of eminent domain has continued.

That is why I am introducing the Private Property Rights Protection and Government Accountability Act of 2010. This legislation will restrict certain federal economic development funds for 10 years to any state or locality in which eminent domain is used to take private property for a private purpose. It will also allow private property owners the legal recourse they deserve to fight baseless private property takings by state and local governments.

Examples of eminent domain abuse can be seen across Oklahoma, from Oklahoma City to Muskogee, and throughout this country.

No family, business operator or place of worship is safe if the government decides that their property does not measure up, and that ''public purpose'' would be better served if it were torn down and replaced by something bigger, glitzier and more taxable. I encourage all my colleagues to support this important legislation.

RECOGNIZING TINA WALTER

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. SHUSTER. Madam Speaker, I rise today to recognize Tina Walter, who has been selected as the Bedford Rotary Club's 2010 Citizen of the Year.

Tina Walter is an exemplary citizen of New Enterprise, Pennsylvania, where she has worked as an Emergency Medical Technician for 26 years. Mrs. Walter is a founding member and manager of the Southern Cove Ambulance Service where she presently serves as an EMT, CPR, and First Responder Instructor. She is also a highly regarded firefighter who serves as the President of the Board of Directors of the Southern Cove Fire Company. Mrs. Walter has helped secure over $200,000 in state and federal grant funds by serving as the grant writer for the Southern Cove Ambulance and Fire Company.

Mrs. Walter has been married for 29 years to the Chief of the Southern Cove Fire Company, Brian Walter. She has two children, one of whom has a severe handicap and requires twenty-four hour care. Because of her schedule as an EMT and Fire Fighter, Mrs. Walter relies on friends and family to help care for her son.

In her spare time, Tina Walter volunteers in nursing homes, schools, service clubs and churches. She also helped form and is the current director of the Southern Cove Fireman's Choir, which is scheduled to sing the National Anthem during a Pittsburgh Pirates game in August. Furthermore, Mrs. Walter is currently spearheading a Rotary committee to bring the first annual ''Bluegrass Festival'' to New Enterprise in July of this year to benefit the Fire Company.

Tina's efforts and accomplishments serve to exemplify great service of self, service to family, and service to community. I commend those who have seen fit to honor Tina Walter as this year's Bedford Rotary Club's 2010 Citizen of the Year, and I too recognize and congratulate Tina Walter for all she has done.

HONORING THE NEW JERSEY CONSERVATIVE FOUNDATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the New Jersey Conservation Foundation, headquartered in Far Hills, New Jersey, which is celebrating fifty years of successful land preservation.

The New Jersey Conservation Foundation, NJCF, began in 1960 with a small group of concerned citizens determined to fight a plan by the Port Authority of New York to build the region's fourth major airport in the middle of the Great Swamp near Morristown, New Jersey. With great determination and perseverance, the group succeeded. In 1964, they turned over 1,400 acres to the Federal government and on May 29th of that same year, the Great Swamp National Wildlife Refuge was officially dedicated. It became New Jersey's first National Wildlife Refuge and the first federally designated wilderness area east of the Mississippi.

After this triumphant battle, the committee members made the decision to take the environmental health of the entire state as its responsibility. In 1975, the group officially organized as the New Jersey Conservation Foundation.

NJCF has grown from its roots in the Great Swamp to become one of the Nation's foremost land conservation organizations. Through the support of its staff and trustees, they have helped protect over 100,000 acres of New Jersey farmland, forest and natural areas. From the cedar swamps of the Pine Barrens to the urban parks of Newark and Camden, from the forests of the Highlands to the marshland of the Delaware Bay, NJCF has provided New Jersey land with the protection it deserves.

In addition, NJCF has been at the forefront of every key legislative initiative to protect farmland, forests, and water quality throughout the State. The foundation has been a leader in the passage of historic legislation to protect the Pine Barrens and the Highlands—respectively the Pinelands Protection Act and the New Jersey Highlands Water Protection and Planning Act—as well as every Green Acre bond initiative.

Today, NJCF continues their good work across the State: from Cape May to the Highlands, from the Hudson to the Delaware.

Madam Speaker, I ask you and my colleagues to join me in congratulating the New Jersey Conservation Foundation for its 50 years of dedicated work on behalf of the great State of New Jersey.

HONORING LEE'S SUMMIT, MISSOURI, MAYOR KAREN MESSERLI

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. CLEAVER. Madam Speaker, I proudly rise today to pay tribute to Mayor Karen Messerli, who has graciously served the City of Lee's Summit, Missouri, for twenty-one years as an elected official.

Karen Rose Messerli was elected Mayor on April 4, 1994, becoming the first woman to hold that office in the history of Lee's Summit, a fast-growing community of over 93,000 residents, in the Metropolitan Kansas City Area. This year, Mayor Messerli completed sixteen years of dedicated service as Mayor, a tenure which has been prolific for Lee's Summit as well as Missouri's Fifth Congressional District.

Mayor Messerli is widely recognized as an active leader in the metropolitan area on a variety of regional issues. She was a founding member of the Tri City Mayors Coalition, a coalition of mayors from three major cities in Eastern Jackson County. She also served as a member of the Eastern Jackson County Betterment Council, and worked on the successful campaign for the Bi-State Cultural Tax to renovate Kansas City's Union Station. In October 2000, Mayor Messerli was elected as President of the Missouri Municipal League, an organization of over 610 municipalities in Missouri. Prior to this, she served as Vice President and on the Board of Directors. She has also been extremely active in her support of Hope House, an organization serving battered women, as a member of the Board of Directors and serving as co-chair for the Capital Campaign to build a domestic violence shelter in Lee's Summit.

Mayor Messerli has received numerous awards, including being named the Woman of the Year by the State of Missouri Business and Professional Women Organization in 1998. In 2002, she was one of sixty women featured in the book, "A Power of Her Own" by Kathryn Sommer, a collection of stories about women from the Kansas City area who were the first to make significant strides for women. She was also the recipient of the 2004 Missouri Parks and Recreation Association Public Official Achievement Award. In 2009, she received the Dick King Award from the Missouri Economic Development Financing Association to honor her commitment to economic development and community betterment.

The citizens of Lee's Summit know Mayor Messerli as a respected leader whose integrity has brought trust to the city government. To her family, she is a loving wife, a caring mother of two, and an adoring grandmother of three. In addition to her achievements as a public official, Mayor Messerli is also an accomplished equestrian and has won many awards showing Arabian and national show horses in local, regional, and national circuits.

I first met Karen when I was serving as Mayor of Kansas City, Missouri, and we developed a friendship that has lasted long past my mayoral terms. One of my greatest memories is attending a concert that featured musical legends such as Smokey Robinson and Stevie Wonder with Mayor Messerli while she was visiting Washington, D.C.

Madam Speaker, I ask that you and our colleagues in the House join me in saluting the former Mayor of Lee's Summit, Karen Messerli, for her leadership and many accomplishments for the City of Lee's Summit, Missouri. We wish her the very best as she leaves public office and pursues other endeavors. Thank you to Karen Messerli for choosing to serve. Her time as Mayor not only enriched the community and residents of Lee's Summit, Missouri, but also the entire Fifth Congressional District.

HONORING THE CONTRIBUTIONS OF THE NATIONAL NEWSPAPER PUBLISHERS ASSOCIATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. RANGEL. Madam Speaker, I rise today to honor the monumental contributions of the National Newspaper Publishers Association (NNPA) on its 70th anniversary. Founded in 1940 by John H. Sengstacke, the NNPA has served as the voice and advocate of African-Americans, highlighting the historical challenges facing their communities. For several decades, the NNPA has been on the frontlines of the struggle for justice and defense of the rights of African Americans. Its impact has extended beyond publishing to affect the lives and livelihoods of African Americans and the history of the nation.

On June 18th, I was humbled to be honored by the National Newspaper Publishers Association (NNPA) at its 70th Annual Convention in New York City. Alongside Berry Gordy, the iconic founder of Motown Records and a longtime leader in the entertainment industry, I was presented with the Legacy of Excellence Award.

I would like to thank Danny Bakewell, Sr., Chairman of the NNPA and publisher of the Los Angeles Sentinel, the oldest and largest African American newspaper on the West Coast. Under Mr. Bakewell's leadership, the NNPA has thrived as an organization, which he has headed since July of 2009.

I also wish to recognize two stalwart publishers in the New York City NNPA family: Walter Smith, president of the Northeast Publishers Association and publisher of the New York Beacon; and Elinor Tatum, publisher of The New York Amsterdam News, who took over for her father, the great Wilbert A. Tatum, who passed away in February of 2009.

The history of the Black press in the United States dates back to the early 19th century. The first African-American newspaper, Freedom's Journal, was founded in March of 1827 in New York City. Two of its founders, Reverend Samuel Cornish and John B. Russwurm, proclaimed in the very first issue, "Too long have others spoken for us . . . We wish to plead our own cause." The goals of the Black press were to create their own channels of communication for African Americans, expressing their views on social, political, and economic issues of their time.

The existential mission of the Black press was to fiercely oppose, condemn and agitate against the institution of slavery, the atrocities of lynching, the insults of racial segregation and the brutal injustices against African Americans that denied them their civil and political rights, not to mention their humanity. Freedom's Journal and the African American newspapers that followed laid the foundation for Black publishers, editors, journalists, columnists and cartoonists.

Years later, in March of 1940, John H. Sengstacke of the Chicago Defender organized many of this nation's Black publishers at the first annual convention of what was then the National Negro Publishers Association in Chicago. The objective was to provide a venue for Black publishers to acquaint themselves with each other and to jointly address

the problems ailing their industry. A total of 22 Black publications from 16 cities, including Detroit, Philadelphia and Chicago, were represented. This gathering was the birth of what is now known as the National Newspaper Publishers Association, which even today is widely considered as the most powerful and influential Black organization in the United States.

For seven decades, the NNPA has succeeded in championing the concerns, dreams, and triumphs of African Americans in this country. While there have been many successes, there is much work to be done. We need the Black press today as much as ever. They remain our champions in the fight for economic opportunity, affordable health care, quality education, and political representation.

Madam Speaker, I recognize the contributions of the NNPA, which represents over 200 publishers in the United States and the U.S. Virgin Islands. The NNPA has made an important contribution to democracy by ensuring that the voices of African Americans are heard. I invite my colleagues to honor the legacy of the National Newspaper Publishers Association and their enduring contributions to this country's publishing industry, the African American community, and to the nation.

HONORING STEVE SCHMIDT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in congratulating Steve Schmidt for being a 2010 inductee into the National Junior College Athletic Association Hall of Fame. Coach Schmidt serves as the Head Men's Basketball Coach at Mott Community College in Flint, Michigan. There will be a salute to his achievements at the college tomorrow.

Steve Schmidt became the Men's Head Basketball Coach at Mott Community College in 1991 and over the past 19 years he has led his team to 3 national championships in 2003, 2007, and 2008. During this time they have never posted a losing record and have won 25 or more games in the last 15 seasons. Under Coach Schmidt's leadership his teams have won 12 conference titles, 7 state championships, and 6 regional championships. At the end of the 2009–2010 season Coach Schmidt's career record is 504–119. He has been named the National Junior College Athletic Association Coach of the Year 3 times, has coached 3 NJCAA Players of the Year and 15 All-Americans.

Coach Schmidt began his coaching career at Lansing Waverly High School and Lansing Community College working without pay. At the age of 28 he was given the job as Men's Head Basketball Coach at Mott Community College and his success with the team has been recognized throughout the community. Three years ago he was inducted into the Greater Flint Sports Hall of Fame and a year ago the gymnasium at Ballenger Fieldhouse was named in his honor.

He credits teamwork as an integral part of his success and has said, "The fact of the matter is I've not won a single game by myself. I've been part of a team. All of this is possible because of the efforts of all these players. That's a perspective I've never lost."

Madam Speaker, please join me in applauding the work of Coach Steve Schmidt's work and dedication to his players. I commend him for his skill, his enthusiasm, and his respect for the players. I wish him continued success in his career coaching men's basketball.

TRIBUTE TO THE ELM SPRING BAPTIST CHURCH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. SKELTON. Madam Speaker, let me take this means to congratulate the Elm Spring Baptist Church of Holden, Missouri, on the occasion of its 150th anniversary.

The Elm Spring Baptist Church has undergone many changes since the church's first pastor, George Minton, led the 15 founding members in worship for the first time in July of 1860. Pastor Minton led the congregation until the Civil War disrupted their worship services for six years. After this brief disruption, the church resumed services and constructed the first building on land graciously donated by the Jonathan Newman family. As the congregation has grown, so too has the church's campus; today, the original building is joined by an educational building, a baptistery, and a parsonage. The newest structure is a Fellowship Hall built in 2000.

In recent years, members of the church have focused on serving communities across the United States and the world. To this end, the congregation has led mission trips to Pittsburgh, Orlando, Greenville, and Palissa, Uganda. For 150 years, the Elm Spring Baptist Church has been "Growing the Family of God," and they show no sign of stopping.

Madam Speaker, I trust my fellow Members of the House will join me in congratulating the Elm Spring Baptist Church on the occasion of its 150th anniversary and in wishing its members the best of luck in all future endeavors.

RECOGNIZING 235TH BIRTHDAY OF U.S. ARMY

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2010

Mr. ETHERIDGE. Mr. Speaker, I rise today in support of H. Con. Res. 286, recognizing the 235th birthday of the United States Army. I rise today to commemorate the birthday of the Army, and the service of every man and woman who has served our country and kept its citizens safe. From the twenty-thousand-man Army first authorized in June of 1775 to the more than half a million in the Army today, millions of soldiers have sacrificed for our Nation. In addition to recognizing this birthday of the Army, I rise to thank and salute all of those in uniform, whether in the active forces, the Reserves, or the National Guard, and the civilian support staff that makes their missions possible. I thank their families as well for the sacrifices they have made.

For more than two centuries, the U.S. Army has protected our borders, responded to threats to our homeland, and helped the people of America in times of need. I am honored to have served in the U.S. Army, and I am proud to represent Fort Bragg, Pope Air Force Base and their surrounding communities.

Born fully twelve years before the Constitution was written, the Army has proven to be our Nation's most enduring institution. North Carolina's tradition of military service, patriotism, and respect for the military goes back to those earliest days. In fact, the Second District's first Representative was an Army veteran, Hugh Williamson. I am honored to continue that tradition.

Even better than "Happy Birthday" is "Welcome Home". We rejoice every time our soldiers return home from their service safely. This fall, we anticipate that the entire 82nd Airborne will be home in North Carolina for the first time in many years. I ask my colleagues to join me in celebrating these daily individual returns while we celebrate the institution and its history as a whole.

As we honor this U.S. Army at this significant milestone, we cannot forget that there is a greater need for commitments than for congratulations. I call on my colleagues who join me today in support of this Joint Resolution to also commit to continued support for the funding the Army needs for its ongoing missions, and to support for TRICARE, mental health care, higher education, and military family needs as these heroes return home.

Mr. Speaker, I rise in strong support of this resolution, and in celebration of the continued success of America's Army.

THE FEDERAL HOUSING ADMINISTRATION REFORM ACT OF 2010

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Ms. McCOLLUM. Madam Speaker, I rise in strong support of the Federal Housing Administration Reform Act of 2010 (H.R. 5072). This legislation will help ensure the availability of affordable home loans while safeguarding the interests of the American taxpayer.

The Federal Housing Administration (FHA) has played a crucial role in stabilizing the nation's housing market during the current recession. Since the financial crisis and credit crisis that followed, nearly 40 million qualified Americans became homeowners and arne insurance through the FHA. The FHA was critical to keeping mortgage loans flowing to creditworthy home buyers during the foreclosure crisis. As private lenders fled the housing market, the insurance provided by the FHA helped prevent the housing decline from becoming even more severe.

The FHA Reform Act of 2010 will strengthen the FHA loan insurance program and help keep credit available and affordable to responsible homebuyers. Over the last year, the FHA implemented a number of policy changes aimed at curbing risk and increasing its capital reserves. This legislation builds on these reforms and helps reduce risk by increasing net worth requirements for FHA loan originators

and providing the FHA with authority to prevent fraudulent lending. In addition, this bill increases accountability by requiring the FHA to modernize its reporting systems to better manage risk and to provide transparent data to the public and Congress.

This legislation helps restore fiscal accountability by reducing our deficit by $2.5 billion over five years.

The Federal Housing Administration Reform Act of 2010 makes essential reforms to strengthen the financial footing of the Federal Housing Administration and stabilize the mortgage market. I urge my colleagues to support this bill.

HONORING THE NAACP ON ITS 101ST ANNIVERSARY

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2010

Ms. McCOLLUM. Mr. Speaker, I rise today in honor of the 101st anniversary of the National Association for the Advancement of Colored People, NAACP, which was founded on February 12, 1909. Throughout its existence, the NAACP has faithfully promoted equality in all areas of American society, from suffrage and public accommodation to justice in our Nation's courts and equality in employment.

For nearly a century, the NAACP has pressed for an inclusive American society, one that would grant all people the equality they deserve, regardless of the shade or color of their skin. The NAACP's principled efforts towards the advancement of people who were long denied their rightful place at work, school, and the ballot box have continued to come to fruition with the Civil Rights Acts, the Fair Housing Act, and other breakthroughs in the establishment of justice and quality in this country.

A key component of the success of the NAACP has been the implementation of a nonviolent approach to achieve equality and justice. Its efforts include the promotion of understanding and education, to the eradication of race and other problems that have long plagued our society. The NAACP has helped put students through college, give the vote back to the voiceless, and ensure that the American people will not continue to be divided by differences, but rather be brought together by mutual compassion and kinship.

The mission of the NAACP continues today and the Saint Paul Branch of the NAACP continues to work towards equality, education and justice for all. My local NAACP chapter is well known for its tireless work addressing the injustices affecting individuals and the diverse communities of Minnesota.

It is with great admiration that I commend the NAACP on this occasion of their 101st anniversary. The necessity of the continued push for equality and justice for all citizens presents a great burden that we bear collectively, but the work of groups such as the NAACP gives our society the necessary guidance and reminder of our responsibilities towards one another.

Mr. Speaker, please join me in paying tribute to the courageous and guiding history of the National Association for the Advancement of Colored People on this day of their 101st anniversary.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 24, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 28

12:30 p.m.
Judiciary
To hold hearings to examine the nomination of Elena Kagan, of Massachusetts, to be an Associate Justice of the Supreme Court of the United States.
SD–216

JUNE 29

10 a.m.
Joint Economic Committee
To hold hearings to examine fueling local economies, focusing on research, innovation and jobs.
SD–106

2:30 p.m.
Foreign Relations
To hold hearings to examine the nominations of Rose M. Likins, of Virginia, to be Ambassador to the Republic of Peru, and Peter Michael McKinley, of Virginia, to be Ambassador to the Republic of Colombia, both of the Department of State, Mark Feierstein, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, and Mimi E. Alemayehou, of the District of Columbia, to be Executive Vice President of the Overseas Private Investment Corporation.
SD–419

Health, Education, Labor, and Pensions
To hold hearings to examine the continuing needs of workers and communities affected by 9/11.
SD–430

Intelligence
To hold closed hearings to consider certain intelligence matters.
SH–219

JUNE 30

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine farm bill reauthorization, focusing on maintaining our domestic food supply through a strong United States farm policy.
SR–328A

Indian Affairs
Business meeting to consider pending calendar business; to be immediately followed by an oversight hearing to examine diabetes in Indian country and beyond.
SD–628

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the Deepwater Horizon tragedy, focusing on holding industry accountable.
SR–253

Homeland Security and Governmental Affairs
To hold hearings to examine nuclear terrorism, focusing on strengthening our domestic defenses, part 1.
SD–342

2 p.m.
Aging
To hold hearings to examine drug waste and disposal, focusing on when prescriptions become poison.
SD–106

2:30 p.m.
Homeland Security and Governmental Affairs
Contracting Oversight Subcommittee
To hold hearings to examine interagency contracts (part II).
SD–342

JULY 1

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine S. 3452, to designate the Valles Caldera National Preserve as a unit of the National Park System.
SD–366

Veterans' Affairs
To hold hearings to examine veterans' claims processing, focusing on if current efforts are working.
SR–418

10 a.m.
Health, Education, Labor, and Pensions
Employment and Workplace Safety Subcommittee
To hold hearings to examine workplace safety and worker protections at BP.
SD–430

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine preventing and recovering government payment errors.
SD–342

Intelligence
To hold closed hearings to consider certain intelligence matters.
SH–219

JULY 21

9:30 a.m.
Veterans' Affairs
To hold hearings to examine improvements to the post-9/11 Government Issue (GI) Bill.
SR–418

AUGUST 5

9:30 a.m.
Veterans' Affairs
Business meeting to consider pending calendar business.
SR–418

SEPTEMBER 22

9:30 a.m.
Veterans' Affairs
To hold hearings to examine a legislative presentation focusing on the American Legion.
345, Cannon Building

SEPTEMBER 23

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decision-making.
SR–418

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5283–S5380

Measures Introduced: Four bills and three resolutions were introduced, as follows: S. 3523–3526, and S. Res. 562–564. **Page S5319**

Measures Reported:

S. 3249, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program and for other purposes, with an amendment. (S. Rept. No. 111–215) **Page S5319**

Measures Passed:

Indian Arts and Crafts Amendments Act: Senate passed H.R. 725, to protect Indian arts and crafts through the improvement of applicable criminal proceedings, after agreeing to the following amendment proposed thereto: **Page S5306**

Durbin (for Dorgan) Amendment No. 4391, to improve the prosecution of, and response to, crimes in Indian country. **Page S5306**

Improper Payments Elimination and Recovery Act: Senate passed S. 1508, to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars, after withdrawing the committee amendment, and agreeing to the following amendment proposed thereto: **Pages S5306–09**

Durbin (for Carper) Amendment No. 4392, in the nature of a substitute. **Page S5309**

National Post-Traumatic Stress Disorder Awareness Day: Committee on the Judiciary was discharged from further consideration of S. Res. 541, designating June 27, 2010, as ''National Post-Traumatic Stress Disorder Awareness Day'', and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Pages S5309–10**

Durbin (for Conrad) Amendment No. 4393, to improve the preamble. **Pages S5309–10**

Olympic Day: Committee on the Judiciary was discharged from further consideration of S. Res. 552, designating June 23, 2010, as ''Olympic Day'', and the resolution was then agreed to. **Page S5310**

House Messages:

American Jobs and Closing Tax Loopholes Act—Agreement: Senate resumed consideration of the amendment of the House of Representatives to the amendment of the Senate to H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, taking action on the following amendments proposed thereto: **Pages S5305–07, S5310–11**

Rejected:

DeMint motion to refer the House Message to accompany H.R. 4213, to the Committee on Finance with instructions. (By 57 yeas to 40 nays (Vote No. 197), Senate tabled the motion.) **Pages S5305–06**

Baucus motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus Amendment No. 4369 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute. (By 56 yeas to 40 nays (Vote No. 198), Senate tabled the motion.) **Pages S5305, S5306**

Pending:

Reid (for Baucus) motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus Amendment No. 4386 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute. **Page S5310**

Reid (for Baucus) Amendment No. 4387 (to Amendment No. 4386), to change the enactment date. **Page S5310**

Reid motion to refer in the amendment of the House to the amendment of the Senate to the bill to the Committee on Finance, with instructions, Reid Amendment No. 4388, to provide for a study. **Pages S5310–11**

Reid Amendment No. 4389 (to the instructions (Amendment No. 4388) of the motion to refer), of a perfecting nature. **Page S5311**

Reid Amendment No. 4390 (to Amendment No. 4389), of a perfecting nature. **Page S5311**

A motion was entered to close further debate on the Reid (for Baucus) motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus Amendment No.

4386 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, June 25, 2010. Page S5310

During consideration of this measure, Senate also took the following action:

Coburn Amendment No. 4331 (to Amendment No. 4369), to pay for the cost of this act by reducing wasteful, inefficient, excessive and duplicative government spending, fell when the Baucus motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus Amendment No. 4369 (to the amendment of the House to the amendment of the Senate to the bill) was tabled. Page S5305

Casey/Brown (OH) Amendment No. 4371 (to Amendment No. 4369), to provide for the extension of premium assistance for COBRA benefits, fell when the Baucus motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus Amendment No. 4369 (to the amendment of the House to the amendment of the Senate to the bill) was tabled. Page S5305

LeMieux Amendment No. 4300 (to Amendment No. 4369), to establish an expedited procedure for consideration of a bill returning spending levels to 2007 levels, fell when the Baucus motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus Amendment No. 4369 (to the amendment of the House to the amendment of the Senate to the bill) was tabled. Page S5305

A unanimous-consent agreement was reached providing for further consideration of the amendment of the House of Representatives to the amendment of the Senate to the bill, at approximately 10:30 a.m., on Thursday, June 24, 2010. Page S5380

Nominations Confirmed: Senate confirmed the following nominations:

Michael Peter Huerta, of the District of Columbia, to be Deputy Administrator of the Federal Aviation Administration.

Rafael Moure-Eraso, of Massachusetts, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years.

Rafael Moure-Eraso, of Massachusetts, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

Mark A. Griffon, of New Hampshire, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

Christopher A. Masingill, of Arkansas, to be Federal Cochairperson, Delta Regional Authority.

Malcolm D. Jackson, of Illinois, to be an Assistant Administrator of the Environmental Protection Agency. Pages S5311, S5380

Messages from the House: Page S5317

Measures Referred: Page S5317

Executive Communications: Pages S5317–19

Additional Cosponsors: Pages S5319–20

Statements on Introduced Bills/Resolutions: Page S5320

Additional Statements: Pages S5316–24

Amendments Submitted: Pages S5324–79

Notices of Hearings/Meetings: Page S5379

Authorities for Committees to Meet: Page S5379

Privileges of the Floor: Page S5380

Record Votes: Two record votes were taken today. (Total—198) Page S5306

Adjournment: Senate convened at 9:30 a.m. and adjourned at 9:15 p.m., until 9:30 a.m. on Thursday, June 24, 2010. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S5380.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF DEFENSE

Committee on Appropriations: Subcommittee on Defense received testimony from sundry public witnesses requesting funding for programs in the Department of Defense appropriations bill for fiscal year 2011.

MINERALS MANAGEMENT SERVICE

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies concluded a hearing to examine Minerals Management Service reorganization, after receiving testimony from Ken Salazar, Secretary, and Michael Browich, Director, Bureau of Ocean Energy Management, Regulation, and Enforcement, both of the Department of the Interior.

FOOD AND DRUG ADMINISTRATION'S PRODUCT REVIEW PROCESS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies concluded a hearing to examine the Food and Drug Administration's review process for products to treat rare diseases and neglected tropical diseases, after receiving testimony

from Gloria Steele, Senior Deputy Assistant Administrator for Global Health, U.S. Agency for International Development; Jesse L. Goodman, Chief Scientist and Deputy Commissioner for Science and Public Health, Office of the Chief Scientist, Office of the Commissioner, Food and Drug Administration, Christopher P. Austin, Director, National Institutes of Health Chemical Genomics Center, Senior Advisor to the Director for Translational Research, Office of the Director, National Human Genome Research Institute, National Institutes of Health; and Emil Kakkis, Kakkis EveryLife Foundation, Diane Edquist Dorman, National Organization for Rare Disorders, and Thomas J. Bollyky, Center for Global Development, all of Washington, D.C.

UNITED STATES–CHINA TRADE RELATIONSHIP

Committee on Finance: Committee concluded a hearing to examine the United States-China trade relationship, focusing on finding a new path forward, after receiving testimony from Gary Locke, Secretary of Commerce; and Ron Kirk, United States Trade Representative, Executive Office of the President.

RISING CHINA

Committee on Foreign Relations: Committee concluded a hearing to examine finding common ground with a rising China, after receiving testimony from Laura Tyson, University of California Haas School of Business, Berkeley; and Carla A. Hills, Hills & Company, International Consultants, Washington, D.C.

UNITED STATES POSTAL SERVICE

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, concluded a joint hearing with the House Oversight and Government Reform Subcommittee on Federal Workforce, Postal Service, and the District of Columbia to examine customer and employee views on the future of the United States Postal Service, after receiving testimony from H. James Gooden, American Lung Association, Philadelphia, Pennsylvania; Don Hall, Jr., Hallmark Cards, Inc., Kansas City, Missouri; Allen Abbott, Paul Frederick Menstyle, Inc., Pittsburgh, Pennsylvania; Keith McFalls, Prime Therapeutics, Dallas, Texas; Paul Misener, Amazon.com, San Francisco, California; Andrew Rendich, Netflix, Inc., Los Gatos, California; Don Cantriel, National Rural Letter Carriers' Association, St. Louis, Missouri; Fredric V. Rolando, National Association of Letter Carriers, AFL–CIO, and William Burrus, American Postal Workers Union, AFL–CIO, both of Washington, D.C.; Richard Collins, National Postal Mail Handlers Union, Rochester, Virginia; Louis Atkins, National Association of Postal Supervisors, Arlington, Virginia; and Charles Mapa, National League of Postmasters, and Robert Rapoza, National Association of Postmasters of the United States, both of Alexandria, Virginia.

OFFICE OF THE INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR

Committee on the Judiciary: Committee concluded an oversight hearing to examine the Office of the Intellectual Property Enforcement Coordinator, after receiving testimony from Victoria Espinel, Intellectual Property Enforcement Coordinator, Office of Management and Budget; Barry M. Meyer, Warner Bros. Entertainment Inc., Burbank, California; Paul E. Almeida, The American Federation of Labor and Congress of Industrial Organizations (AFL–CIO), and David Hirschmann and Mark T. Esper, both of the U.S. Chamber of Commerce, all of Washington, D.C.; and Caroline Bienstock, Carlin America, Inc., New York, New York.

SENATE FILIBUSTER

Committee on Rules and Administration: Committee concluded a hearing to examine the filibuster, focusing on silent filibusters, holds and the Senate confirmation process, after receiving testimony from Senators Wyden, McCaskill and Grassley; G. Calvin Mackenzie, Colby College, Waterville, Maine; Lee Rawls, National War College, Kensington, Maryland; and Thomas E. Mann, The Brookings Institution, Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 5575–5589; and 5 resolutions, H.J. Res. 93; and H. Res. 1467, 1469–1471, were introduced. **Pages H4778–79**

Additional Cosponsors: **Pages H4779–80**

Reports Filed: Reports were filed today as follows:

H. Res. 1406, directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the potential designation of National Monuments (H. Rept. 111–510);

H. Res. 1468, providing for consideration of the bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes (H. Rept. 111–511); and

Conference Report to accompany the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran (H. Rept. 111–512). **Pages H4751–70, H4778**

Speaker: Read a letter from the Speaker wherein she appointed Representative Pastor to act as Speaker pro tempore for today. **Page H4679**

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Steven Boes, National Executive Director, Boys Town, Nebraska. **Page H4679**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Requiring the Secretary of the Treasury to make a certification under the Small Business Lending Fund Program: H.R. 5551, amended, to require the Secretary of the Treasury to make a certification when making purchases under the Small Business Lending Fund Program, by a ⅔ yea-and-nay vote of 411 yeas with none voting "nay", Roll No. 379;

Pages H4682–85, H4696

Recognizing National Homeownership Month: H. Res. 1434, to recognize National Homeownership Month and the importance of homeownership in the United States, by a ⅔ yea-and-nay vote of 405 yeas to 6 nays, Roll No. 380;

Pages H4685–87, H4696–97

National Flood Insurance Program Extension Act of 2010: H.R. 5569, to extend the National Flood Insurance Program until September 30, 2010;

Pages H4687–90

Congressional Award Program Reauthorization Act: S. 2865, to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.); **Pages H4690–92**

Expressing support for designation of July 2010 as "Braille Literacy Month": H. Res. 1034, amended, to express support for designation of July 2010 as "Braille Literacy Month"; **Pages H4693–94**

Agreed to amend the title so as to read: "Expressing support for the importance of Braille in the lives of blind people.". **Page H4694**

Calling Card Consumer Protection Act: H.R. 3993, amended, to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, by a ⅔ yea-and-nay vote of 381 yeas to 41 nays, Roll No. 383;

Pages H4698–H4701, H4731–32

Formaldehyde Standards for Composite Wood Products Act: S. 1660, to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products;

Pages H4701–05

Recognizing June 20, 2010, as World Refugee Day: H. Res. 1350, amended, to recognize June 20, 2010, as World Refugee Day; **Pages H4705–07**

Recognizing the 60th anniversary of the outbreak of the Korean War: S.J. Res. 32, to recognize the 60th anniversary of the outbreak of the Korean War and to reaffirm the United States-Korea alliance; **Pages H4707–09**

Reaffirming the longstanding friendship and alliance between the United States and Colombia: H. Res. 1465, to reaffirm the longstanding friendship and alliance between the United States and Colombia; and **Pages H4711–13**

Giving subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling: H.R. 5481, amended, to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, by a ⅔ yea-and-nay vote of 420 yeas to 1 nay with 2 voting "present", Roll No. 382.

Pages H4721–27, H4727–28

Recess: The House recessed at 3:25 p.m. and reconvened at 4:17 p.m. **Page H4727**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Tuesday, June 22nd:

Recognizing the significance of National Caribbean-American Heritage Month: H. Res. 1369, to recognize the significance of National Caribbean-American Heritage Month, by a ⅔ yea-and-nay vote of 410 yeas with none voting "nay", Roll No. 381 and **Pages H4697–98**

Supporting the goals and ideals of National Hurricane Preparedness Week: H. Res. 1388, to support the goals and ideals of National Hurricane Preparedness Week, by a ⅔ recorded vote of 419 ayes with none voting "no", Roll No. 384.

Page H4732

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Recognizing the important role that fathers play in the lives of their children and families: H. Con. Res. 285, to recognize the important role that fathers play in the lives of their children and families and to support the goals and ideals of designating 2010 as the Year of the Father; **Pages H4692–93**

Expressing support for designation of the week beginning May 2, 2010, as "National Physical Education and Sport Week": H. Res. 1373, to express support for designation of the week beginning May 2, 2010, as "National Physical Education and Sport Week"; **Pages H4694–96**

Recognizing the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security: H. Res. 1464, to recognize the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security and to express appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region; **Pages H4709–11**

Calling for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas: H. Res. 1359, amended, to call for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas; and **Pages H4713–16**

Expressing the sense of the House of Representatives on the one-year anniversary of the Government of Iran's fraudulent manipulation of Iranian elections: H. Res. 1457, to express the sense of the House of Representatives on the one-year anniversary of the Government of Iran's fraudulent manipulation of Iranian elections, the Government of Iran's continued denial of human rights and democracy to the people of Iran, and the Government of Iran's continued pursuit of a nuclear weapons capability. **Pages H4716–21**

Moment of Silence: The House observed a moment of silence in memory of Thomas Ludlow Ashley, former Member of Congress. **Pages H4728–31**

Requesting return of official papers on H.R. 5136: The House agreed to H. Res. 1467, requesting return of official papers on H.R. 5136. **Page H4733**

Commission on International Religious Freedom—Appointment: The Chair announced the Speaker's appointment of the following members on the part of the House to the Commission on International Religious Freedom: Ms. Elizabeth W. Prodromou of Boston, MA, for a two-year term ending May 14, 2012, to succeed herself. Upon the recommendation of the Minority Leader: Mr. Ted Van Der Meid of Rochester, NY, for a two-year term ending May 14, 2012, to succeed Ms. Nina Shea. **Page H4736**

Quorum Calls—Votes: Five yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H4696, H4697, H4697–98, H4728, H4731–32, and H4732. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:25 p.m.

Committee Meetings

INDIAN RESERVATIONS—FOOD DISTRIBUTION PROGRAM

Committee on Agriculture: Subcommittee on Department Operations, Oversight, Nutrition and Forestry held a hearing to review the Food Distribution Program on Indian Reservations. Testimony was heard from Kevin Concannon, Under Secretary, Food, Nutrition and Consumer Services, USDA; and public witnesses.

OIL RIG/CLEANUP—WORKER HEALTH AND SAFETY

Committee on Education and Labor: Held a hearing on Worker Health and Safety from the Oil Rig to the Shoreline. Testimony was heard from RADM Kevin Cook, USCG, Director, Prevention Policy, Marine Safety, Security, and Stewardship, U.S. Coast Guard, Department, of Homeland Security; John Howard, M.D., Director, National Institute, Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services; David Michaels, Assistant Secretary, Occupational Safety and Health, Department of Labor; and Doug Slitor, Acting Chief, Office of Offshore Regulatory Programs, Offshore Energy and Minerals Management, Minerals Management Service, Department of the Interior.

MEDPAC'S REPORT TO CONGRESS: ALIGNING INCENTIVES IN MEDICARE

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "MedPAC's June 2010 Report to Congress: Aligning Incentives in Medicare." Testimony was heard from. Glenn Hackbarth, Chairman, Medicare Payment and Advisory Commission.

MISCELLANEOUS MEASURES

Committee on Homeland Security: Ordered reported the following bills: H.R. 5498, as amended, WMD Prevention and Preparedness Act of 2010; H.R. 5562, Homeland Security Grant Management Improvement Act; and H.R. 5105, as amended, To establish a Chief Veterinary Officer in the Department Homeland Security.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following: H.R. 5503, as amended, Securing Protections for the Injured from Limitations on Liability Act; H. Res. 1455, adversely, Directing the Attorney General to transmit to the House of Representatives copies of certain communications relating to certain recommendations regarding administration appointments; and H.R. 5566, Prevention of Interstate Commerce in Crush Videos Act of 2010.

The Committee also approved a motion to authorize issuance of subpoenas to BP America for documents regarding its clams process relating to the Gulf oil spill.

COAL ACCOUNTABILITY AND RETIRED EMPLOYEE ACT OF 2010

Committee on Natural Resources: Held a hearing on H.R. 5479, Coal Accountability and Retired Employee Act of 2010. Testimony was heard from Alfred Whitehouse, Chief, Division of Reclamation Support, Office of Surface Mining Reclamation and Enforcement, Department of the Interior; and public witnesses.

MEDICATION ASSISTED DRUG ADDICTION TREATMENT

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing entitled ''Treating Addiction as a Disease: The Promise of Medication Assisted Recovery.'' Testimony was heard from Thomas McLellan, Deputy Director, Office of National Drug Control Policy; Nora D. Volkow, M.D., Director, National Institute on Drug Abuse, Department of Health and Human Services; and public witnesses.

DEMOCRACY IS STRENGTHENED BY CASTING LIGHT ON SPENDING IN ELECTIONS ACT

Committee on Rules: Granted, by a non-record vote, a structured rule providing for consideration of H.R. 5175, the ''Democracy is Strengthened by Casting Light on Spending in Elections Act.'' The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on House Administration. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on House Administration, modified by the amendment printed in part A of the report of the Committee on Rules, shall be considered as adopted and considered as read. The rule waives all points of order against the bill, as amended. The rule further makes in order only those amendments printed in part B of the report. The amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides that for those amendments reported from the Committee of the Whole, the question of their adoption shall be put to the House en gros and without demand for division of the question. The rule provides one motion to recommit with or without instructions. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the Chair of the Committee on House Administration or his designee. The rule provides that the Chair may not entertain a motion to strike out the enacting words of the bill. The rule authorizes the Speaker to entertain motions that the House suspend the rules at any time through the legislative day of Friday, June 25, 2010. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this rule. The rule waives clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain rules reported from the Rules Committee. The rule applies the waiver to any rule reported through the legislative day of Friday, June 25, 2010, providing for consideration or disposition of a measure that includes a subject matter addressed by H.R. 4213. Testimony was heard from Chairman Brady (PA) and Representatives Van Hollen, Capuano, Daniel Lungren (CA), Harper, Kaptur, Price (NC), Kucinich, Edwards (MD), and Grayson.

DEEPWATER DRILLING TECH-RESEARCH-DEVELOPMENT

Committee on Science and Technology: Subcommittee on Energy and Environment held a hearing on Deepwater Drilling Technology, Research and Development. Testimony was heard from public witnesses.

MOTOR CARRIER SAFETY OVERSIGHT

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Comprehensive Safety Analysis 2010: Understanding FMCSA's New System of Motor Carrier Oversight. Testimony was heard from Anne S. Ferro, Administrator, Federal Motor Carrier Safety Administration, Department of Transportation; and public witnesses.

VA EMERGENCY PREPAREDNESS

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on Emergency Preparedness: Evaluating the U.S. Department of Veterans Affairs' Fourth Mission. Testimony was heard from CPT D.W. Chen, M.D., USN, Director, Civil-Military Medicine, Force Health Protection and Readiness Policy and Programs, Department of Defense; Kevin Yeskey, M.D., Deputy Assistant Secretary and Director, Office of Preparedness and Emergency Operations, Department of Health and Human Services; Steve Woodard, Director, Response Operations, Response Directorate, Office of Response and Recovery, FEMA, Department of Homeland Security; Jose D. Riojas, Assistant Secretary, Operations, Security and Preparedness, Department of Veterans Affairs; and public witnesses.

BRIEFING—CYBERSECURITY

Permanent Select Committee on Intelligence: Subcommittee on Technical and Tactical Intelligence met in executive session to receive a briefing on Cybersecurity. The Subcommittee was briefed by departmental witnesses.

BRIEFING—HOT SPOTS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Hot Spots. The Subcommittee was briefed by departmental witnesses.

Joint Meetings

RESTORING AMERICAN FINANCIAL STABILITY ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 4173, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, but did not complete action thereon, and will meet again on Thursday, June 24th.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 24, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the nominations of General Raymond T. Odierno, USA, for reappointment to the grade of general and Commander, United States Joint Forces Command, and Lieutenant General Lloyd J. Austin III, USA, to be general and Commander, United States Forces-Iraq, 9:30 a.m., SD–G50.

Committee on Commerce, Science, and Transportation: to hold hearings to examine universal service, focusing on transforming the high-cost fund for the broadband era, 10 a.m., SR–253.

Subcommittee on Surface Transportation and Merchant Marine, to hold hearings to examine ensuring the safety of our nation's pipelines, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine S. 3497, to amend the Outer Continental Shelf Lands Act to require leases entered into under that Act to include a plan that describes the means and timeline for containment and termination of an ongoing discharge of oil, S. 3431, to improve the administration of the Minerals Management Service, S. 3509, to amend the Energy Policy Act of 2005 to promote the research and development of technologies and best practices for the safe development and extraction of natural gas and other petroleum resources, and S. 3516, to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, 9:30 a.m., SD–366.

Committee on Foreign Relations: to resume hearings to examine Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc. 111–05), focusing on implementation-inspections and assistance, 10 a.m., SD–419.

Full Committee, to continue hearings to examine Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc. 111–05), focusing on benefits and risks, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine an overview of the Federal investment in for-profit education, 10 a.m., SD–124.

Committee on Homeland Security and Governmental Affairs: business meeting to consider S. 3480, to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States, S. 3335, to require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress, S. 674, to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees, H.R.

4861, to designate the facility of the United States Postal Service located at 1343 West Irving Park Road in Chicago, Illinois, as the ''Steve Goodman Post Office Building'', H.R. 5051, to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the ''Zachary Smith Post Office Building'', H.R. 5099 and S. 3465, bills to designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the ''Michael C. Rothberg Post Office'', and the nominations of John S. Pistole, of Virginia, to be an Assistant Secretary of Homeland Security, and Dennis J. Toner, of Delaware, to be a Governor of the United States Postal Service, 2:30 p.m., SD–342.

Committee on the Judiciary: business meeting to consider S. 3466, to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, H.R. 1933, to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, H.R. 908, to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program, H.R. 2765, to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services, and the nominations of Edward L. Stanton III, to be United States Attorney for the Western District of Tennessee, Stephen R. Wigginton, to be United States Attorney for the Southern District of Illinois, Cathy Jo Jones, to be United States Marshal for the Southern District of Ohio, and Timothy Q. Purdon, to be United States Attorney for the District of North Dakota, all of the Department of Justice, 10 a.m., SD–226.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, to review U.S. farm safety net programs in advance of the 2012 Farm Bill, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Defense, executive, hearing on United States Special Operations Command, 2 p.m., H–405 Capitol.

Subcommittee on Homeland Security, to mark up the FY 2011 Homeland Security Appropriations bill, 4 p.m., B–308 Rayburn.

Committee on Education and Labor, Subcommittee on Healthy Families and Communities, hearing on Ensuring Student Cyber Safety, 10 a.m., 2175 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on the Civil Division of the United Sates Department of Justice, 11 a.m., 2141 Rayburn.

Subcommittee on the Constitution, Civil Rights, and Civil Liberties, hearing on ECPA Reform and the Revolution in Location-Based Technology and Services, 10 a.m., 2237 Rayburn.

Committee on Natural Resources, Subcommittee on Insular Affairs, Oceans, and Wildlife, hearing on State Planning for Offshore Energy Development: Standards for Preparedness, 10 a.m., 1324 Longworth.

Subcommittee on National Parks, Forests and Public Lands, hearing on the following bills: H.R. 4195, To authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs; H.R. 5192, Forest Ecosystem Recovery and Protection Act; H.R. 5388, To expand the boundaries of the Cibola National Forest in the State of New Mexico; and H.R. 5494, To direct the Director of the National Park Service and the Secretary of the Interior to transfer certain Properties to the District of Columbia, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, hearing entitled ''Foreclosure Prevention Part II: Are Loan Servicers Honoring Their Commitments to Help Preserve Homeownership?'' 10 a.m., 2154 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, to mark up the following measures: H.R. 929, To amend title 38, United States Code, to require the Secretary of Veterans Affairs to carry out a program of training to provide eligible veterans with skills relevant to the job market; H.R. 3685, To require the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website; H.R. 4359, WARMER Act; H.R. 4469, To amend the Servicemembers Civil Relief Act to provide for protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation; H.R. 4664, To amend the Servicemembers Civil Relief Act to provide for a one-year moratorium on the sale of foreclosure of property owned by surviving spouses or servicemembers killed in Operation Iraqi Freedom or Operation Enduring Freedom; H.R. 4765, To amend title 38, United States Code, to authorize those persons who are pursuing programs of rehabilitation, education, or training under laws administered by the Secretary of Veterans Affairs to receive work-study allowances for certain outreach services provided through congressional offices; H.R. 5360, Blinded Veterans Adaptive Housing Improvement Act of 2010; and H.R. 5484, VetStar Veterans-Friendly Business Act of 2010, 1 p.m., 334 Cannon.

Subcommittee on Health, hearing on Overcoming Rural Health Care Barriers: Use of Innovative Wireless Health Technology Solutions, 10 a.m., 334 Cannon.

Joint Meetings

Conference: meeting of conferees on H.R. 4173, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, 9:30 a.m., SD–106.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, June 24

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of the House Message to accompany H.R. 4213, American Jobs and Closing Tax Loopholes Act, with roll call votes expected to occur throughout the day.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, June 24

House Chamber

Program for Thursday: Consideration of H.R. 5175—DISCLOSE Act (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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